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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

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

KJANA LOCKE - DIRECT

1 Breezo?

2 A No, ma'am.

3 Q And I'm going to ask you just one thing. If you can
4 stand up and maybe step to the side of that witness box and
5 look around the courtroom. Do you see the person you know
6 as Breezo anywhere in this courtroom today? I know it's
7 hard with all the plexiglass and everything.

8 A Yeah.

9 Q What is he wearing?

10 A A gray suit and purple.

11 Q Gray suit and purple tie, or shirt?

12 A Yes.

13 MS. MCGINNIS: If the record could reflect she
14 identified the defendant.

15 THE COURT: All right, so noted. Ma'am, just have a
16 seat back here. Thank you.

17 MS. MCGINNIS: Thank you, Ms. Locke. If you'll answer
18 anything the defense attorneys have for you.

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

20 MR. BELTON: Thank you, Your Honor. Beg the Courts's
21 indulgence.

22 (Break in proceedings.)

23 THE COURT: Yes. Ma'am, you're doing a great job
24 speaking loudly, keep doing it.

25 CROSS EXAMINATION

KJANA LOCKE - CROSS

- 1 BY MR. BELTON:
- 2 Q Ms. Locke, you are actually from Rock Hill, aren't you?
- 3 A Uh-huh.
- 4 Q And you and Mr. Colvin were good friends?
- 5 A We was friends.
- 6 Q Got together from time to time?
- 7 A On occasions.
- 8 Q Okay. That particular night, though, you all were in
- 9 the club and you all were in close proximity to each other,
- 10 correct?
- 11 A Correct.
- 12 Q I think you've testified that you saw the initial
- 13 incident between Mr. Stevens and Mr. Colvin?
- 14 A Uh-huh.
- 15 Q You indicated that you saw Mr. Stevens -- you saw them
- 16 arguing, but could you hear what was being said?
- 17 A No, I couldn't hear.
- 18 Q Where were they -- they were on the stage or off the
- 19 stage?
- 20 A When they first got in --
- 21 Q Yes, ma'am.
- 22 A When they first got started they was on the stage.
- 23 Q And at that point Mr. Stevens, I think you testified,
- 24 went out of the club, or left the stage?
- 25 A Out of the club.

KJANA LOCKE - CROSS

1 Q He went out of the club? Okay. And at that point were
2 you still within eyeshot of Mr. Colvin?

3 A Yes, sir.

4 Q You were in eyeshot of Mr. Colvin the entire time, from
5 the time Mr. Stevens leaves the club until the time he comes
6 back in the club?

7 A If I was standing beside him.

8 Q Okay. Standing right beside him. Did you at anytime
9 during that time see Mr. Colvin with a gun in his hand,
10 waving a gun in the air, or putting a gun back in his pants,
11 or handling a gun at all?

12 A No.

13 Q Never saw Mr. Colvin with a gun.

14 A No, sir.

15 Q That night you were standing right beside him the
16 entire time, never saw him with a gun.

17 A So I was supposed to watch his waist?

18 Q No, ma'am. I'm just asking -- I'm talking about -- how
19 long was Mr. Stevens gone out of the club?

20 A A few minutes.

21 Q Few minutes? So let's talk about the few minutes that
22 Mr. Stevens was gone outside of the club, you never saw Mr.
23 Colvin with a gun.

24 A No.

25 Q All right. When Mister -- and you also testified that

KJANA LOCKE - CROSS

1 you saw Mr. Stevens shooting. Which hand was the gun in
2 that you saw him shooting out of?

3 A Right if I'm not mistaken.

4 Q Right hand? Okay.

5 MR. BELTON: Thank you. I have no further questions,
6 thank you for being here.

7 THE COURT: All right. Mr. Sheldon?

8 MR. SHELDON: May it please the Court, Judge?

9 THE COURT: Yeah.

10 CROSS EXAMINATION

11 BY MR. SHELDON:

12 Q Thank you, Ms. Locke. Thank you for being here helping
13 us try to put together this puzzle today. So you indicated
14 that you were by Mr. Colvin the entire time that y'all were
15 there; is that right?

16 A Yes.

17 Q And that -- I think what you had testified to was at
18 the time that the shooting occurred you were standing -- was
19 it right next to him or one person over?

20 A It was one person over but we was close range.

21 Q If this gentleman right here is sort of the end of the
22 platform, the stage area, where were y'all sort of standing
23 in relation if this is that corner -- so if I'm looking at
24 the stage, this would be the front left corner of the stage,
25 where were you when Mr. Colvin standing?

KJANA LOCKE - CROSS

1 A There was a person that was kind of behind us and
2 beside us, I was right here to this right-hand side.

3 Q On this side -- what would be this side of the stage.
4 If I'm looking at the platform it would be on the -- so it
5 would be on the left side; is that right?

6 A It was (inaudible.)

7 Q Say that again.

8 A It was Mr. Colvin and it was me -- I mean, it was a
9 person and it was me. But the person wasn't directly
10 standing beside us, he was back a little bit.

11 Q So I mean, but was this on this side -- like the ramp
12 side of the stage or the DJ side?

13 A I don't remember, it was just in a corner.

14 Q Just in a corner.

15 A Uh-huh.

16 Q And did -- were you able to give a statement to law
17 enforcement after this incident?

18 A I just remember that he asked me did I know who shot
19 me.

20 Q Okay. But -- so you did speak with somebody from law
21 enforcement; is that right?

22 A Yes, sir.

23 Q And but -- is it fair to say that -- to law enforcement
24 you said there was actually three people in between? Like
25 you were three people over?

KJANA LOCKE - CROSS

1 A No.

2 Q Okay. So you didn't say that.

3 A I don't recall.

4 Q And at any point in time the next day, or the day of, I
5 guess, if the shooting happens in the morning, at any point
6 the next day when you're interviewed by law enforcement
7 that's not the statement you give them.

8 A It was two years ago, I don't remember.

9 Q Okay. And that's fair enough. So if you don't
10 remember you don't remember. But you do remember that you
11 gave a statement that day, right?

12 A Uh-huh.

13 Q And you do -- now, you're testifying that you do
14 remember the actual incident here two years later that it
15 was one person.

16 A So if you got shot you can remember what happened that
17 night either?

18 Q And I can appreciate that, but I'm going to ask the
19 questions and I'm just asking you to answer them.

20 THE COURT: Yeah. Just answer the questions asked.

21 Thank you.

22 Q Today you do remember what happened, right?

23 A Yes.

24 Q There's no I don't remember. You remember, you're
25 describing it, right?

KJANA LOCKE - CROSS/REDIRECT

1 A Yes.

2 Q But you're saying so the day of the shooting you don't
3 remember -- you didn't remember at that time.

4 A I remember what happened that night. I don't remember
5 talking to no police. I mean, I remember talking to the
6 police but I don't remember giving a full statement. He
7 asked me a little bit about the shooting but he didn't ask
8 me any questions. He asked me who shot me and something
9 else. I don't remember exactly the words that come out of
10 his mouth.

11 Q Okay. And you said that Mr. Stevens was shooting his
12 right hand; is that right?

13 A Yes.

14 MR. SHELDON: I don't have anymore questions, Judge.
15 Thank you.

16 THE COURT: All right. Any redirect?

17 REDIRECT EXAMINATION

18 BY MS. MCGINNIS:

19 Q Ms. Locke, you do remember who shot you, right?

20 A Yes, ma'am.

21 Q And who was that?

22 A Breezo. Breante Stevens.

23 MS. MCGINNIS: Nothing further.

24 THE COURT: All right. Thank you, ma'am, you can step
25 down, you're free to leave.

MARQUITTA FORD - DIRECT

1 MS. MCGINNIS: May she be excused from her subpoena,
2 Your Honor?

3 THE COURT: Yeah. Call your next witness, please.

4 The witness, MARQUITTA FORD, was first duly sworn and
5 Testified as follows:

6 THE COURT: Thank you. Ma'am, you can take your mask
7 off since you're behind the plexiglass. All right. Yes,
8 ma'am?

9 DIRECT EXAMINATION

10 BY MS. CAMPBELL:

11 Q Ms. Floyd, how old are you?

12 A Forty-two.

13 Q And what city do you live in?

14 A Lancaster.

15 Q And how long have you been living in Lancaster?

16 A All my life.

17 Q And do you know a man named Breante Stevens?

18 A Yes, I do.

19 Q And can you tell the jury how you know him?

20 A Breante is a friend of mine. We lived across the
21 street from each other for several years.

22 Q For several years? And how long have you been friends?
23 Do you know?

24 A About ten years now.

25 Q Okay. And what do you do for a living?

MARQUITTA FORD - DIRECT

1 A I'm a training specialist.

2 Q And as a training specialist, what do your duties
3 include?

4 A I host new orientation classes. I train on new data
5 bases at the job. I travel to other facilities to train new
6 hires on programs.

7 Q Sometimes do you help out friends and kind of
8 moonlight? I don't know how to put it. Do you know the
9 McGriffs?

10 A I do. They're associates of mine. We ride bikes
11 together. We're in the same circle.

12 Q You're in the same circle? Y'all ride bikes together?

13 A Yes.

14 Q And is it unusual for you to help them out sometimes in
15 their club?

16 A It's not.

17 Q And what would you do for the club and them if they
18 needed you to come in and help out?

19 A Bartend.

20 Q And what was the name of their club?

21 A Old Skool.

22 Q And that was back in 2019, it was called Old Skool?

23 A Yes.

24 Q I want to turn your attention to the evening of
25 September 20th. Were you helping out the McGriffs that

MARQUITTA FORD - DIRECT

1 night?

2 A Yes, I was.

3 Q Do you remember about what time it was when you got to
4 the club?

5 A The party started about 9:00, I got to the club about
6 9:30, or quarter til 10:00.

7 Q And what did you do when you got there?

8 A Mingled around, cut the fruit up. Made sure that we
9 had enough chasers for the drinks. Made sure that we had
10 enough change for the bar, dollar bills.

11 Q And when you got there, were there people already
12 there?

13 A Just the local crowd and the people that are normally
14 there early; the DJ the guy, that's cleaning up the club,
15 disinfecting and wiping down tables. There wasn't too many
16 people there.

17 Q At first? And over the course of the evening after you
18 got there, was there a fairly big crowd that night?

19 A The club was extremely packed that night. Someone
20 threw a party, so it was a tricounty so you have several
21 different counties there; Rock Hill, Kershaw, Chester,
22 Lancaster.

23 Q And specifically there was a tricounty party so there
24 were people from different counties invited.

25 A Yes, there was.

MARQUITTA FORD - DIRECT

1 Q And as the evening went on at some point did you see
2 Breante Stevens?

3 A I did see Bre when he got to the club.

4 Q Do you remember about what time that was? And if you
5 don't that's fine.

6 A I don't.

7 Q Did you know a guy named Lee Colvin?

8 A I knew Lee from my early twenties. He used to throw
9 parties in Rock Hill and we would go to those events, but I
10 didn't know him personally.

11 Q Didn't know him personally but you knew him to
12 recognize him?

13 A Yeah.

14 Q And that evening did you see whether or not he was
15 there at the club?

16 A Lee came to the club. He actually approached the side
17 of the bar. He was talking to some friends at the bar.

18 Q So you saw him there?

19 A I did.

20 Q And was he there before Breezo got there, or Breante
21 Stevens? Excuse me.

22 A Yes.

23 Q Let me ask you this: Does Breante have a nickname?

24 A A couple; Breezo Dolla, Breezo Dollar Bill.

25 Q Breezo Dollar Bill?

MARQUITTA FORD - DIRECT

1 A Yes.

2 Q And do you know where Lee was when Breezo first came
3 in?

4 A Lee was in the corner of the club socializing with some
5 people from Rock Hill.

6 Q So in that corner just -- so the jury knows, when you
7 come in the club on the dance floor as you come up that ramp
8 from the foyer, what's to the right?

9 A To the right of the ramp is the bar.

10 Q Okay. And the area of the dance floor we're talking
11 about, where is that?

12 A Directly in front of the ramp.

13 Q And then over to the left?

14 A That's -- it's like a nook with the couches, and that's
15 where the people from Rock Hill were gathered.

16 Q That's where they were gathered. So it would be to the
17 left as you came off the ramp.

18 A Yes.

19 Q And when you first saw Breezo come in, or Breante
20 Stevens, where did he go the first time?

21 A Bre came behind the bar and greeted me and Lisa behind
22 the bar, and we laughed and joked. I hadn't seen him in a
23 couple of weeks and I wanted to know what was going on with
24 him. So we talked for a few minutes and took some pictures.

25 Q And took some pictures? And then where did he go?

MARQUITTA FORD - DIRECT

1 A Bre left from behind the bar, he went and mingled in
2 the crowd.

3 Q In the crowd that was where?

4 A On the general dance floor area.

5 Q The same area we referred that's in front of the ramp
6 and to the left.

7 A Yes.

8 Q And what did you see as he went on to the dance floor
9 area?

10 A He was mingling in the crowd. It was pretty packed.
11 He had some friends in the club, people that are part of the
12 label group he's a part of, they were in the club in there
13 talking. He met up with some of them, it was him and
14 someone else, and then he met up with his other associates
15 at the club.

16 Q And this someone else, do you know a guy named Too
17 Cool?

18 A I do know Cool.

19 Q Was he with him that night?

20 A Yes.

21 Q Okay. What did you observe Breante to do next?

22 A The party went on, Breante is socializing with a few
23 people in the club. I didn't see him for a few minutes.
24 There was an altercation down at the pool tables, somebody
25 was fighting so security was breaking that --

MARQUITTA FORD - DIRECT

1 Q Let me ask you about that. Did you see the actual
2 altercation that you said was at the pool table?

3 A I didn't see the -- I saw the security guards breaking
4 up the altercation at the pool table. It was down below the
5 bar.

6 Q Well, let me ask you this: Where are the security
7 guards normally stationed?

8 A Outside the foyer. So there's an opening door, there's
9 a foyer, and then there's a second door, and they're usually
10 standing at the second door.

11 Q On the outside?

12 A On the inside, outside --

13 Q Right there, though, at the first door you come.

14 A Uh-huh.

15 Q And you noticed it because they came inside?

16 A I noticed it because I was getting some paper towels
17 there. The doorway that's directly in front of the opening
18 to the club and there's a shelf is right there, I was
19 getting some paper towels, and you could see the security
20 guards taking those people out. I don't know who they were.

21 Q And then what did you observe next?

22 A I saw Breante come back in the club.

23 Q How did he get back into the club?

24 A He just went around the security guards. They were in
25 the midst of taking people out and Breante came in on the

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1 side of them.

2 Q On the side of them?

3 THE COURT: Let her answer. Go ahead, ma'am, I'm
4 sorry.

5 A Security was breaking up a fight at the pool tables,
6 and as they were literally going through the doors Breante
7 was coming back through the doors behind it -- well -- they
8 were exchanged at the doorway, that's how he came back in
9 the club.

10 Q And where did he go?

11 A Back in the crowd. I stayed at the area maybe about
12 two minutes and then I went back to the bar.

13 Q And did you observe anything when you saw Breezo go
14 back into the crowd?

15 A Breezo was standing close to the crowd of people from
16 Rock Hill.

17 Q And did you see specifically any interactions between
18 he and Lee Colvin?

19 A I did see them in front of each other, and I saw Lee
20 flash a gun to Breezo.

21 Q Do you recall giving a statement to the police --

22 A Yes, I did.

23 Q -- after this happened? And do you recall meeting with
24 Investigator Whitesides earlier last month?

25 A Yes, I do.

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1 Q And telling them what happened?

2 A Yes, I do.

3 Q And do you remember saying that you saw Lee with a gun
4 earlier in the night?

5 A I did. When Lee first got to the club, as I mentioned
6 earlier, he talked to some friends at the bar, and Lee had a
7 gun in the front of his waistband.

8 Q And do you remember talking to him and telling him that
9 you saw Breezo go over to Lee, and the last time you saw
10 Lee -- saw Breezo, excuse me, he was in front of Lee?

11 A Yes, in front of the crowd of the Rock Hill. They were
12 all in the crowd and Breezo was standing in front of this
13 crowd of people and Lee was in the front of that crowd.

14 Q And you never told him at that point that you saw him
15 flash a gun at that point.

16 A Breezo was standing in front of Lee and Lee did flash
17 the gun at that moment.

18 Q So that's your testimony here today.

19 A Yes, it is.

20 Q But you didn't tell the police that originally.

21 A Not the night in question. I told Officer Whiteside
22 (sic) that when he came to my residence at the end of last
23 month.

24 Q So when you saw them last, what's the next thing you
25 heard?

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1 A I can't remember the song that was playing, but I heard
2 three shots. And the first thing that came to my mind was I
3 didn't know that gunshots were in that song, and then Lisa
4 pulled me down behind the cooler that we keep the beer in,
5 like the metal cooler. She pulled me down to the floor.

6 Q Did you get shot that night?

7 A No, I did not.

8 Q And what happened after -- do you know how many shots
9 there were?

10 A To be honest with you maybe about seven or eight in the
11 club that I heard. Maybe it was more gunshots on the
12 outside of the club as well.

13 Q Later on?

14 A Once the crowd -- once the gunshots went off you could
15 hear the commotion in the crowd, and the crowd -- the way
16 that the club is made the crowd went into a bottleneck going
17 out of the club. Somebody was -- it was an altercation on
18 the outside of the club, so then the crowd came back in and
19 caused some of the patrons that night to get trampled
20 between the -- in the foyer.

21 Q Did you also, when you met with Investigator
22 Whitesides, did you tell him about some conversations you
23 had with Breante after he was arrested in this case?

24 A Yes. What I told Officer Whiteside (sic) was that
25 Breante was my friend and we had conversations after he got

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1 locked up in the county jail.

2 Q Specifically did you?

3 MR. BELTON: Judge, objection. Can we approach?

4 MR. SHELDON: Objection.

5 THE COURT: Yeah.

6 (A bench conference was held.)

7 THE COURT: All right. Objection withdrawn. All
8 right. Repeat your question and then you can answer it.

9 Thank you, ma'am. Go ahead.

10 Q And I'm sorry, Ms. Ford. After he was locked up, did
11 he call you from the jail?

12 A Yes, he did.

13 Q Okay. And did you ever have an occasion to talk to him
14 about what he said happened?

15 A Breante and I did discuss the events that night on the
16 phone as friends. Again, Breante is my friend. We talked
17 on the phone and he told me that he was scared. Lee had
18 flashed a gun at him in the club that night and --

19 Q Do you remember him saying anything else about who he
20 shot?

21 A We discussed the events and who all got shot. Breezo
22 said that he didn't shoot everyone in the club.

23 Q He didn't shoot everyone in the club. And he also told
24 you that Lee flashed a gun?

25 A Yes.

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1 Q And do you remember when you told Investigator
2 Whitesides that, that you said then that you didn't see
3 that? Do you remember telling Investigator Whitesides that,
4 that you didn't see that --

5 A I'm sorry. Could you recall the full conversation that
6 Detective Whiteside (sic) and I had leading up to what I
7 told him? I feel like that's a snippet and it's
8 misconstruing what I said to him.

9 Q He asked you if you had -- someone asked you if you had
10 spoken to him, and then you related a conversation you had
11 with Breante over the phone.

12 A I told officer -- Detective Whiteside (sic), yourself,
13 and Jennifer, without being asked, that I had been speaking
14 to Breante on the phone. I willingly provided that
15 information.

16 Q Yes, ma'am, you did.

17 A And I also told you that we did discuss those events.
18 But what Breezo is talking about -- what you're talking
19 about that I didn't see what Breezo was talking about. I
20 didn't see when Lee flashed the gun at him the first time,
21 no, I did not, what Breante is talking about. But when I
22 look into the crowd as I'm pouring drinks he did flash the
23 gun over in that crowd and then I got busy again, and like
24 45 seconds later that's when the altercation happened.

25 Q And that was before Breezo went back and was standing

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1 next to him again just to clarify.

2 A No, this was after the fact. This was after Breante
3 came back in the club that I saw Lee flash the gun. Lee
4 flashed -- Breante advised me on the phone that Lee flashed
5 the gun at him first and he feared for his life, that's why
6 he went outside and came back.

7 Q So just to be clear, so you deny saying to Investigator
8 Whitesides --

9 A No. I don't --

10 Q -- that you didn't see that. And the last time you saw
11 Breezo he was in front of Lee and within a few seconds you
12 heard gunshots.

13 A That's correct. Breezo told me that Lee flashed a gun
14 at him when he was in the club originally. Breezo left and
15 came back in, and that's when I saw Lee with a gun again.
16 Now, I can't tell you what took place in that crowd, but I
17 did see from the bar where I was standing at. I was working
18 that side of the bar that night.

19 Q Did you see the actual shooting?

20 A No, I did not.

21 Q Okay. And finally, Breezo just told you that he hadn't
22 shot everyone in the club.

23 A Yes. I also agreed with Breezo when he said that --

24 Q You can't talk about what you agreed with but just what
25 he told you. Okay? I'm sorry.

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1 MS. CAMPBELL: And thank you for coming here today.

2 THE COURT: All right. Stay right there. Mr. Belton,
3 your witness.

4 MR. BELTON: Thank you, Your Honor.

5 CROSS EXAMINATION

6 BY MR. BELTON:

7 Q Good morning, Ms. Ford.

8 A Good morning.

9 Q Ms. Ford, prior to this event happening, how long had
10 you worked up at Old Skool?

11 A Maybe about a year or so, a year and a half.

12 Q Did you know some of the regular patrons that came
13 there?

14 A Yes.

15 Q Okay. And you have indicated or you testified that you
16 actually knew Mr. Colvin at least by sight?

17 A Yes. He was a party promoter when we were fresh out of
18 high school.

19 Q Okay. So you had seen him before and you, in fact, saw
20 him that night in the club.

21 A I did.

22 Q Okay. And if I were to show you a photo of Mr. Colvin
23 now, would you able to recognize him being at the club that
24 night?

25 A Yes.

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1 Q Okay. I'm going to show you -- for identification
2 purposes only --

3 MR. BELTON: -- and I'm going ask the court reporter to
4 help me with what number this is. Defense 2 identification
5 purposes only.

6 THE COURT: Have you introduced 1?

7 MR. BELTON: Mr. Sheldon did, Your Honor.

8 THE COURT: All right. That's DC 1. You're going to
9 be DS 1, Defendant Stevens 1, that will be easier. Unless
10 you want to write defendant -- however you want to do it.

11 Q I've handed you what's been labeled as DS 1 for
12 identification purposes only. And I'm -- do you recognize
13 the person in that picture carrying the box?

14 A It looks like Mr. Colvin.

15 Q Okay. You recognize Mr. Colvin there. And will you
16 circle him and put your initials there?

17 A (Witness complies.)

18 MR. BELTON: Your Honor, I move to introduce this into
19 evidence.

20 THE COURT: All right. Any objection?

21 MS. CAMPBELL: No, Your Honor.

22 THE COURT: All right. Without objection admitted into
23 evidence as Defendant Stevens 1.

24 (DS 1 was received.)

25 Q All right. You also know a gentleman by the name of

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1 Tavarus Harris?

2 A I do not know a person by that name. Maybe they have a
3 nickname. I don't know that name.

4 Q Okay. Have you ever heard a person by the nickname
5 Little Boji?

6 A No.

7 Q Thank you. What time did you actually arrive at the
8 club? Do you remember?

9 A The party started -- the doors opened at 9:00, I got
10 there around 9:30ish to 10:00.

11 Q Do you remember what time security arrived?

12 A Security was there when I got there.

13 Q So you arrived at 9:30 and security was already there?

14 A Security was there, the DJ, and the local guy who
15 cleans up the club.

16 Q Okay. Do you remember who was providing security that
17 night at the club?

18 A I can't remember the company name, but they had
19 provided security for quite some time at the club already.

20 Q And so the particular gentlemen who were providing
21 security for the company, do you remember their names?

22 A To be quite honest with you I don't remember.

23 Q That's fair. If you don't remember you don't remember.
24 So let me ask the question another way. Were the same
25 people who provided security that night, were it the same

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1 two people all night long or did they change -- did one
2 shift come in and leave and another shift came in, or was it
3 the same two people all night long?

4 A The security company itself has three associates. So
5 sometimes a third person will show up, they may exchange
6 out, but I don't recall that happening that night.

7 Q That night.

8 A No.

9 Q So the two people who were there when the shooting took
10 place --

11 A Yeah. It was the younger buff guy and the older
12 gentleman that has the really close almost balled haircut,
13 he may be balled.

14 Q Thank you. And what -- last couple of questions. What
15 time did you actually leave the club that night, early the
16 next morning after the shooting?

17 A 5:30 or quarter until 6:00, almost sunrise.

18 Q So maybe three hours after the incident?

19 A I left and came back.

20 Q All right. Help me out here. So what time did you
21 leave the club the first time after the incident?

22 A I left at 4:00. I took a young lady by the name of
23 Quanishia (phonetically) to Kershaw. She was riding in the
24 car with the young ladies that had (inaudible) and they left
25 her, and then I went back to the club.

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1 Q Okay. And you got back to the club -- about what time
2 did you get back from Kershaw?

3 A Maybe about -- it took me about 45 minutes to get to
4 Kershaw and back.

5 Q Okay. So let's say you're back at 4:45, and then what
6 time did you leave the club from 4:45?

7 A I probably stayed another hour.

8 Q So 4:45 to 5:45.

9 A Yes.

10 Q All right. During the time that you were -- let's deal
11 with the time -- do you remember what time this incident
12 happened?

13 A No.

14 Q If I were to tell you about 2:30, does that sound right
15 approximately?

16 A I would have probably said it was closer to 2:00.

17 Q Okay. So let's go at what time you think it may have
18 happened. Do you remember -- were you in and out of the
19 club that night after this incident happened? Did you get
20 water for people?

21 A I went outside the club after EMS was cleared to come
22 into the building to provide medical services to Mr. Colvin.
23 I went outside and Mr. Colvin's -- I want to say that was
24 his brother or his cousin was sitting on the step holding
25 that box of items that's in that picture. He was with Mr.

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1 Colvin that night and I sat on the step and talked to him
2 until I talked to the detective. He was distraught.

3 Q All right.

4 MR. BELTON: No further questions. Thank you.

5 THE COURT: All right. Mr. Sheldon?

6 MR. SHELDON: Beg the Court's indulgence for a minute,
7 Judge.

8 (Break in proceedings.)

9 MR. SHELDON: Thank you, Judge. May it please the
10 Court?

11 CROSS EXAMINATION

12 BY MR. SHELDON:

13 Q Ma'am, you indicated that you gave a statement
14 relatively recently within the last month or so. Who all
15 was present for that interview?

16 A Detective Whiteside (sic) came to my house and said
17 that he had some follow-up questions about the incident. I
18 invited Officer Whiteside (sic) in. I was working. I went
19 to the back to get my laptop and came back. And then that's
20 when the solicitor and her associate solicitor was at the
21 door as well, and I invited all three of them in.

22 Q So you met with Detective Whitesides, and then members
23 of the solicitor's office were there as well; is that right?

24 A That's correct. It was a friendly meeting.

25 Q Okay. And in that meeting they asked you a lot about

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1 kind of what happened the night of September 21st, right?

2 Or the -- I should say the morning of September 21st, the
3 night of September 20th, when this incident happened; is
4 that right?

5 A We more or less discussed only what was in my
6 statement.

7 Q In the previous statement that you had given; is that
8 right?

9 A That's correct.

10 Q Yes, ma'am. And in that interview a member of the
11 prosecution's team, Investigator Whitesides, asked you
12 specifically whether or not you saw Mr. Champion fire a
13 weapon that night; is that right?

14 A He asked me did I know him.

15 Q I'm sorry, if you knew Mr. Champion. And you don't
16 know Mr. Champion, right?

17 A I do not. My exact words were to Detective Whiteside
18 (sic) if I was to see that man again I wouldn't know his
19 face. I never seen him before.

20 Q Did you see the altercation that occurred between Mr.
21 Stevens and Mr. Colvin, the first altercation? Or was that
22 just sort of off from where you were?

23 A I think it was more just tough guy talk and not
24 necessarily an altercation from what I saw.

25 Q Sure. So you were able to see it; is that right?

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- 1 A From where I was at the bar, yes.
- 2 Q And so you were -- were you behind the bar?
- 3 A That night I was working the left side of the bar,
4 which is closest to the ramp coming into the building.
- 5 Q So that's going to be -- I've sort of been describing
6 everything as I would be looking at it, but the left side --
7 so that would be the right side if I'm looking at the bar
8 and the ramp, but the left side if you're actually behind
9 the bar; is that right?
- 10 A That's correct.
- 11 Q If you're looking out towards this you would have been
12 closest to the dance floor.
- 13 A No. I would have been closest to the ramp coming up
14 into the dance floor.
- 15 Q I'm sorry. Closest to the ramp, which then would lead
16 to the dance floor, is that right? But the right side of
17 the bar, is it fair to say, would be further away from the
18 dance floor.
- 19 A Yes, it is.
- 20 Q Okay. And so you were able to see the additional
21 meeting between the two, whatever it was, if you don't want
22 to it call it an altercation that's fine, whatever they were
23 doing you were able to kind of see that from where you're
24 at.
- 25 A That's correct. The bar was a little bit raised so you

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1 can see over into the crowd.

2 Q And you were also able to see then at some point that
3 Mr. Colvin had pulled out his gun, is that what you said,
4 and flashed his gun?

5 A I wouldn't say he flashed it in the air. But in the
6 club the lights are sparkling, and so sometimes those
7 sparkles draw your attention to things, and so I was already
8 looking that way and I did see him flash the gun. Mr.
9 Colvin had the gun in the front of his waistband.

10 Q Okay. And was that -- that was after Mr. Stevens had
11 already come back into the club; is that right?

12 A That's correct.

13 Q Where was Mr. Colvin standing, if you remember, at that
14 time?

15 A When Breante came in the club?

16 Q That or when you saw the light flash off his gun. Try
17 to help us out with where everybody is. It's kind of a
18 crowded scene, right?

19 A It is. Okay. The area that the people from Rock
20 Hill -- because everybody was kind of split up in
21 counties -- it was an L-shape because it's in the left side
22 of the corner and they were there. So picture people
23 standing in a L-shape, and then Mr. Colvin standing in front
24 of them within this corner. And if he's here I would say
25 Bre was like right here, maybe 2 feet away. To me it looked

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1 like tough guy talk and not necessarily -- I didn't think
2 that it was going to be an altercation from what I saw, but
3 that's my opinion.

4 Q And just to help us orient a little bit better. When
5 they come back -- when Mr. Colvin comes back in the club and
6 you see this, if these two women here are sort of the -- if
7 this is the middle of the platform, like the dead middle of
8 the platform, the stage, whatever you want to call it, and
9 the DJ booth would be over here, where would you say Mr.
10 Colvin was standing at that point? If that helps you orient
11 at all, if I'm looking at that platform.

12 A Mr. Colvin was on the left side of the stage. He
13 wasn't on the stage, he was standing beside it. It was some
14 more Rock Hill standing on that stage you're speaking about,
15 but he's standing beside it, so that's still in that L-shape
16 in the club. All of that was in the area together.

17 Q The left side meaning closer to the ramp or closer to
18 the DJ booth? The left side if you're looking at it or
19 looking from it?

20 A Closer to the ramp, not the DJ booth.

21 Q Thank you.

22 MR. SHELDON: No more questions, Judge.

23 THE COURT: All right. Redirect?

24 MS. CAMPBELL: Yes, Your Honor.

25 REDIRECT EXAMINATION

MARQUITTA FORD - REDIRECT

1 BY MS. CAMPBELL:

2 Q Let me ask you this: How was Breezo -- you said -- do
3 you remember telling us that he was acting differently that
4 night?

5 A I do. I felt like Breezo wasn't himself that night. I
6 felt like he might have been on something.

7 MR. BELTON: Objection, Your Honor. It's totally
8 speculative.

9 THE COURT: Okay.

10 Q Just describe his behavior.

11 THE COURT: Objection sustained.

12 Q Can you describe his behavior? What was different
13 about Breezo that night?

14 A Overly excited.

15 Q Do you remember using the word hyped?

16 A Hyped, overly excited. He wasn't -- he was just --
17 when I say that, Breante is very laid back, he's very chill,
18 so to see him very hyped and overly excited was different
19 for me.

20 Q Okay. And the second time Breezo came in, did you see
21 him with a gun?

22 A I only saw him kind of bow-guard his way past security,
23 I didn't see a gun. But he --

24 Q At that point did Breezo go to Mr. Colvin or did Mr.
25 Colvin come to Breezo?

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1 A When Breezo walked back up the ramp I turned around, so
2 I'm not sure if they -- he -- if Breante met Lee or Lee met
3 Breante. My next look up they were in that crowd together.

4 Q Near the corner?

5 A Yes.

6 Q Near the stage.

7 A In that L-shape area, yeah, near the stage.

8 Q Where Colvin had been that night.

9 A Yes.

10 Q And finally, you deny saying that when Breezo told you
11 that Lee this flashed the gun when he came in the second
12 time telling us that you didn't see that.

13 A No, that's not what I said.

14 Q Thank you.

15 A What I said was --

16 MR. SHELDON: Judge, if she can finish her answer.

17 THE COURT: Yes, she's going to answer. Y'all quit
18 interrupting. All right. Say what you were saying. Go
19 ahead.

20 THE WITNESS: Thank you, Your Honor.

21 THE COURT: Thank you.

22 A In our conversation Breante said that Lee flashed a gun
23 before he went outside. I didn't see that. I saw a flash
24 of the gun after Breezo came back in the club. What I
25 didn't see was the first indication of Breante seeing the

MARQUITTA FORD - RECROSS

1 gun, I didn't see that, but I did see it the second time.

2 MS. CAMPBELL: Okay.

3 THE COURT: Your witness.

4 MR. BELTON: Very briefly.

5 RECROSS EXAMINATION

6 BY MR. BELTON:

7 Q So your testimony is that you absolutely saw Lee with a
8 gun that night?

9 A Yeah. I thought it was tough guy talk. I didn't think
10 it was going to be as serious as it was.

11 Q I'm going to show you this picture that I showed you
12 one more time. The person that you circled there, what does
13 he have in his hand? What's in his hand?

14 A In that box is the --

15 Q Well, I didn't ask you what was in the box. You just
16 see a box, correct?

17 A It's a box.

18 Q Okay. Did he have another role at the club?

19 A Mr. Colvin came to the club with the intention on
20 taking pictures.

21 Q Okay. All right. And so when he normally gets to the
22 club --

23 MS. CAMPBELL: Objection, Your Honor, outside the scope
24 of re --

25 MR. BELTON: Thank you, Your Honor.

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1 THE COURT: Sustained. All right. Anything else based
2 upon the State's redirect?

3 MR. SHELDON: Beg the Court's indulgence for one
4 second.

5 (Break in proceedings.)

6 MR. SHELDON: Judge, I don't have any questions.

7 THE COURT: Thank you, ma'am, you can step down.
8 Ladies and gentlemen, let's take a brief comfort recess,
9 we'll get you back out here momentarily. Don't talk about
10 the case. Thank you very much.

11 (The jury left the courtroom.)

12 THE COURT: All right. I apologize to y'all for
13 snapping at you. I was snapping at her as well about
14 interrupting the witness. Let the witness finish because
15 it's hard for Mike to keep all of the testimony going
16 because he's doing a realtime transcript and we've got to
17 have a good transcript, so y'all please let the witness
18 finish her answer to the question, or any witness, and then
19 you can always do a follow-up stuff. If I came across as
20 snapping at you I apologize, same to you, Madam Solicitor.
21 Let's take a brief recess, about ten minutes and then we'll
22 reconvene. Time-wise, are we going to be okay with about a
23 12 or 12:15 lunch for the jury? Okay, perfect. Thank you.

24 (A break was taken.)

25 THE COURT: Anything else before we bring the jury

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1 back? Okay.

2 (The jury returned to the courtroom.)

3 THE COURT: All right. The State can call your next
4 witness.

5 MR. NEWMAN: The State calls Joe McGriff.

6 The witness, JOE MCGRIFF, was first duly sworn and
7 Testified as follows:

8 THE COURT: Thanks you, sir. You can remove your mask
9 since you're behind the plexiglass. Thank you. Just talk
10 loud into that microphone. Thank you.

11 THE WITNESS: All right.

12 DIRECT EXAMINATION

13 BY MR. NEWMAN:

14 Q Good morning, Mr. McGriff.

15 A Good morning.

16 Q State your name for the record.

17 A Joe McGriff.

18 Q Mr. McGriff, what do you do for a living?

19 A I own a sports bar and grill.

20 Q What is the name of it.

21 A Old Skool Sports Bar.

22 Q What did you do before that?

23 A I worked for the City of Lancaster, worked there for 33
24 years and I retired.

25 Q Okay. Does your wife own part of that club with you or

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- 1 just you?
- 2 A Well --
- 3 Q Y'all a team?
- 4 A Yes.
- 5 Q What does she do for a living?
- 6 A She worked for social service.
- 7 Q Okay. Here in Lancaster?
- 8 A Yes, sir.
- 9 Q Okay. How long have you had that club?
- 10 A Roughly 16 years.
- 11 Q Now, you've had that club 16 years.
- 12 A Yes, sir.
- 13 Q Somebody has referred to -- when we started this thing
- 14 somebody referred to your club as the O.K. Corral. Have you
- 15 ever had a shooting inside of that night club before?
- 16 A No, sir.
- 17 Q Now, before why we're here.
- 18 A Maybe before I had it.
- 19 Q But since you've owned it, other than the night that
- 20 we're here for, you haven't had any shooting in the club.
- 21 A That's right.
- 22 MR. NEWMAN: Permission to approach, Your Honor?
- 23 THE COURT: Yes, sir.
- 24 Q I'm going to show you what's been marked as State's
- 25 Exhibit 10. Do you recognize that? If you don't that's

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1 okay.

2 A No, sir. I don't recall it.

3 Q Okay. Mr. McGriff, how do you go about hiring
4 entertainment for this nightclub?

5 A I normally have a promoter that does the entertainment
6 part.

7 Q Now, on September 20th, a Friday night of 2019, you had
8 a party and you had a promoter that night?

9 A Yes, sir.

10 Q Tell me, anything significant happen that night?

11 A The 19th?

12 Q 2019, the 20th.

13 A Oh, the shooting.

14 Q Yeah.

15 A Yes, sir.

16 Q Okay.

17 A The shooting took place.

18 Q Did you see the shooting?

19 A No, sir, I didn't.

20 Q Okay. Where were you?

21 A I was up in the -- near the bar area. I was having a
22 conversation with my wife, and all of the sudden I heard a
23 few shots and I told her to hit the floor.

24 Q Now, where are you typically when you're running the
25 club? Where are you? Where is your typical station?

JOE MCGRIFF - DIRECT

- 1 A I normally would be down near the door.
- 2 Q Down near the door?
- 3 A Yes, sir.
- 4 Q Okay. Do you know Stanley Seegars?
- 5 A Yes, sir, I do.
- 6 Q Okay. Do you remember him being down near the door
- 7 that night?
- 8 A Yes, sir. He was in and out.
- 9 Q Okay. Tell me about -- did you hire Elite Security for
- 10 this nightclub?
- 11 A Yes, sir, they was my security.
- 12 Q How often do you hire them?
- 13 A Well, pretty much -- they normally come every week
- 14 pretty much, yes, sir.
- 15 Q Biweekly?
- 16 A Yes, sir. Biweekly when I'm having -- when I'm open,
- 17 yes, sir.
- 18 Q Now, what do you do if you see somebody with a gun in
- 19 that club?
- 20 A I'm going to contact security and we're going to escort
- 21 them out.
- 22 Q That's what they're there for.
- 23 A Yes, sir, that's their job.
- 24 Q What do your employees do if they see a gun in the
- 25 nightclub?

JOE MCGRIFF - DIRECT

1 A They should contact me or notify security.

2 Q So they wouldn't just let it happen, they wouldn't just
3 see a gun and --

4 A No, sir, that's not protocol.

5 Q Okay. Now, we've had a lot of talk about after the
6 shooting and some events that occurred. What did you do
7 after the shooting?

8 A I was devastated. I was in a shock. I'm, you know,
9 just holding on to my wife pretty much, and I come out from
10 back there and went to looking around. Like I said, I just
11 couldn't believe it. About that time the law enforcement
12 came in.

13 Q Did you or your wife either one have to go to the
14 hospital?

15 A No, sir, we wasn't injured.

16 Q Okay. Did law enforcement make you leave your club?

17 A Well, yes, sir, we had to exit the premises because
18 there was a crime had tooken (sic) place.

19 Q Okay. How long after the shooting did they make you
20 leave? Do you remember?

21 A Well, sir, we actually went across the street and we
22 was there pretty much all of the rest of that night on up
23 into the day.

24 Q Outside?

25 A Yes, sir.

JOE MCGRIFF - DIRECT

- 1 Q Couldn't go inside.
- 2 A No, sir. They come in and -- of course, they presented
3 me with a search warrant and they came in.
- 4 Q How long before you could go back into your night club?
5 Or when could you go back in, do you know that?
- 6 A No, sir, I don't recall.
- 7 Q The same day?
- 8 A Yeah. Pretty much, yes, sir, the same day.
- 9 Q Several hours maybe?
- 10 A Yes.
- 11 Q Mr. McGriff, do you have cameras in that business?
- 12 A Yes, sir. I --
- 13 Q Do those cameras record?
- 14 A Yes, sir, every motion.
- 15 Q Now, how does -- is it like the old school VCR tape or
16 is it on a hard drive, or how does that work?
- 17 A Hard drive.
- 18 Q Okay. So it's stored on a hard drive.
- 19 A Yes, sir. And I did turn it all over to the sheriff's
20 department.
- 21 Q And when you say you turned it all over, how -- did
22 they take the system?
- 23 A They took the system.
- 24 Q The whole system?
- 25 A The whole system.

JOE MCGRIFF - DIRECT

1 Q So they didn't just take the hard drive, they took the
2 system.

3 A Well, they took the system.

4 Q Do you have the ability to alter any of that?

5 A No, sir, I don't.

6 Q Do you have the ability to play it back?

7 A It can be rewind but that night it wasn't.

8 Q Did you review it in this case?

9 A No, sir.

10 Q But at some point or another you have reviewed some of
11 the footage from that night; is that correct?

12 A Not from that night. The first time I saw it was when
13 I saw it here.

14 Q Okay. So you have seen it. Even if it was here you
15 have seen it.

16 A Yes, sir.

17 Q Okay.

18 A That was my first time seeing it, sir.

19 Q Okay. So at any point in time have you ever deleted or
20 altered any of that footage?

21 A No, sir. I haven't tampered with it at all.

22 Q Okay. So of what you've you seen it did show a clear
23 and accurate identification of the events in question?

24 A It was real clear, sir. I was surprised the way it
25 showed.

JOE MCGRIFF - CROSS

1 Q And your statement is is that law enforcement took that
2 whole system.

3 A Yes, sir. They got my DVR, sir.

4 MR. NEWMAN: Beg the Court's indulgence.

5 THE COURT: Yes, sir.

6 (Break in proceedings.)

7 MR. NEWMAN: Please answer anything that the defense
8 has, sir.

9 THE COURT: Mr. Belton?

10 CROSS EXAMINATION

11 BY MR. BELTON:

12 Q Mr. McGriff, that tragic night back in September of
13 2019, the young man that was killed on the inside, did you
14 know that young man?

15 A I knew him from coming in and out of my club several
16 times, but I didn't -- we wasn't no friends or nothing like
17 that.

18 Q Exactly. He was there that night. Did he have a role
19 at your club?

20 A No, sir, not to my knowledge.

21 Q Did you allow him to take pictures in your club?

22 A He have came there before and took some pictures.

23 Q All right. As the owner of the club, did you have to
24 authorize people to do work inside of your club?

25 A Well, no, sir.

JOE MCGRIFF - CROSS

1 Q So a person could show up and take pictures, is that
2 what your testimony is?

3 A Yes, sir, pretty much. It was like a camera, you know,
4 I can't control it.

5 Q Okay. I've got you.

6 A Like a phone camera I mean.

7 Q So I'm going to show you what has been marked DS 1. Do
8 you recognize that young man walking in?

9 A No, sir, not that night.

10 Q Okay. That's not the same young man that was killed in
11 your club?

12 A That look like him but I didn't see him walk in. I
13 might not have been at the door at the time.

14 Q That's fair. The person that you don't recognize,
15 though, what's in their hand?

16 A It look like a box, sir.

17 Q Okay. But you have no idea what's in that box, do you?

18 A No, sir. I never looked into the box.

19 Q Okay. Now, you mentioned when the solicitor was asking
20 you a few questions that you have protocol at your club.

21 Working for the city I assume we refer to it as like a
22 standard operating procedure?

23 A Yes, sir.

24 Q All right. Is that written down somewhere?

25 A Well, I have had -- no, sir. I had meetings with my

JOE MCGRIFF - CROSS

1 staff.

2 Q All right. So -- but it's not written down, your
3 staff, no contracts with your employees.

4 A No, sir.

5 Q All right. So there, in fact, could be some things
6 going on in your club that you are not aware of, correct?

7 A I'm not sure.

8 Q But if a person wanted to show up and take pictures or
9 do other things they could.

10 A I ain't going to say they could. But like I say, with
11 that situation I reckon I felt like they was doing
12 entertainment. They can, you know -- that's part of the
13 entertainment, I reckon.

14 Q Okay. All right. So your security officers as part of
15 the protocol that you have at this club, were they expected
16 to search everyone who came inside of the club?

17 A Yes, sir, that's their job.

18 Q Okay. This particular night, do you remember what time
19 your security arrived?

20 A They normally get there by 10:00.

21 Q Okay. On this particular night, which would have been
22 September the 20th, because obviously the incident happens
23 in the early mornings of the 21st, correct?

24 A Yes, sir.

25 Q All right. So let's deal with September the 20th and

JOE MCGRIFF - CROSS

1 let's deal with 10:00. Which company or agency did you hire
2 to do this security for you that night?

3 A It's Elite One.

4 Q Were you familiar with the two officers -- were you
5 familiar with the officers who came there that night?

6 A Yes, sir.

7 Q How many officers were on duty that night at your club?

8 A Two.

9 Q Did they switch off or were they the same two all night
10 long?

11 A Supposed to be the same two all night long.

12 Q As the owner of the club, were you there the entire
13 time?

14 A Yes, sir.

15 Q So you opened and you left your club, I think your
16 testimony was, when law enforcement asked you to leave,
17 correct?

18 A Yes, sir.

19 Q After this incident happened -- do you remember what
20 time this incident happened?

21 A It happened around 2:30 or so, 2:40.

22 Q At what time did law enforcement finally get there with
23 a search warrant and you were never allowed back in your
24 club, or weren't allowed back in your club for the
25 significant amount of time that the solicitor was asking you

JOE MCGRIFF - CROSS

1 about?

2 A It was about I recognize a little after 3:00 or so.

3 Q Okay. So maybe -- so if it happened at 2:30 and if
4 it's a little after 3:00, so at least 30 minutes you still
5 had access to your club?

6 A Yes, sir.

7 Q All right. Could it have been longer?

8 A I don't recall.

9 Q All right. Do you remember moving throughout your club
10 after the incident happened?

11 A No, sir. I didn't walk through no evidence or nothing
12 like that.

13 Q All right. Never walked through any evidence?

14 A Well, like I said, I don't recall. But I know -- like
15 I said, I was busy, nervous, don't know exactly what had
16 happened taking place. I'm trying to find out what's going
17 on.

18 Q I got you. I got you. Do you remember walking near
19 the body and kicking something?

20 A No, sir. I don't recall kicking anything.

21 Q Do you remember at one point going up to the officer
22 and saying, "I'm the owner?"

23 A I probably did. I'm not sure.

24 Q Okay. Do you remember at some point picking up a broom
25 to try to clean up things?

JOE MCGRIFF - CROSS

- 1 A I don't recall.
- 2 Q Okay. All right. And do you remember moving in and
3 out or helping people get water?
- 4 A No, sir.
- 5 Q Do you remember --
- 6 A -- I didn't do that.
- 7 Q Do you remember giving people permission to try to find
8 things prior to the search warrant?
- 9 A No, sir. Nobody but the officers that presented the
10 search warrant.
- 11 Q Were you aware of any guns inside of your club that
12 night?
- 13 A No, sir, I wasn't aware.
- 14 Q Do you allow anybody besides --
- 15 A No, sir. I have --
- 16 Q Let me finish the question.
- 17 A Okay. I'm sorry.
- 18 Q All right. So maybe I didn't let you finish your
19 answer. Are you aware of any guns inside your place that
20 night besides the security officers?
- 21 A No, sir.
- 22 Q Nobody else was authorized to have a gun.
- 23 A That's right.
- 24 Q Okay. Were you aware of a gun that was in your wife's
25 purse that night?

JOE MCGRIFF - CROSS

1 A Yes, sir.

2 Q Do you know what kind of gun that was?

3 A It was a .38 Derringer.

4 MR. BELTON: No more questions. Well, two more
5 questions.

6 Q Do you know what happened to that gun?

7 A It was confiscated by law enforcement.

8 Q Do you know when that gun was returned to your wife?

9 A Well, I had to go out and sign for it to get it back.

10 Q And when did you go out and sign for it?

11 A It was a few days. I'm not sure what day.

12 Q A few days?

13 A Yes, sir.

14 Q Where did you go and sign for it?

15 A At the sheriff's department.

16 Q And the gun was returned to you?

17 A Yes, sir.

18 Q All right.

19 MR. BELTON: Thank you. No further questions, Mr.
20 McGriff. Thank you.

21 THE COURT: Mr. Sheldon?

22 MR. SHELDON: Thank you, Your Honor. May it please the
23 Court?

24 THE COURT: Yes, sir.

25 CROSS EXAMINATION

JOE MCGRIFF - CROSS

1 BY MR. SHELDON:

2 Q Mr. McGriff, thank you for being here to help us put
3 together this puzzle today. Solicitor Newman asked you
4 about -- said that your club was described as, I don't know,
5 the O.K. Corral, or shootout at the O.K. Corral, or
6 something. And I think the question was had there been an
7 incident there before; is that right?

8 A Yes, sir. I think I recall he asked me that.

9 Q I can't remember what your answer was.

10 A I said, no, sir, not since I had it. I don't know what
11 happened before I had it.

12 Q Did you have it on September 1st of 2019?

13 A Repeat the question, please.

14 Q Did you have the club on September 1st of 2019?

15 MR. SHELDON: Judge, can we approach?

16 THE COURT: Yeah.

17 (A bench conference was held.)

18 Q All right. So on September 1st of 2019, you owned the
19 club, didn't you?

20 A Yes, sir.

21 Q And on that particular night law enforcement came out
22 to the club, didn't they?

23 A Yes, sir.

24 Q And law enforcement came out to the club on that night
25 because of a shooting.

JOE MCGRIFF - CROSS

- 1 A Probably outside?
- 2 Q I'm asking you --
- 3 A Yes. It had to be outside, not inside.
- 4 Q Well, you spoke with them, didn't you?
- 5 A Yes, sir.
- 6 Q You're the owner of the club.
- 7 A Yes, sir.
- 8 Q You spoke with the officer, didn't you?
- 9 A Yes, sir.
- 10 Q And the officer asked you about whether there was any
- 11 footage of the shooting, right?
- 12 A I don't recall.
- 13 Q Okay. Well -- and that's fine. If you don't recall
- 14 that's fine. But you don't disagree that 20 days prior to
- 15 this there was a shooting at your night club, do you?
- 16 A I'm not sure, sir.
- 17 MR. SHELDON: All right. Judge, no more questions.
- 18 THE COURT: All right. Any redirect?
- 19 REDIRECT EXAMINATION
- 20 BY MR. NEWMAN:
- 21 Q Mr. McGriff, if there was a shooting on September 1st
- 22 where you called law enforcement, was that outside the club?
- 23 A Yes, sir.
- 24 Q So just to clarify, you owned the club 16 years.
- 25 A Yes, sir.

JOE MCGRIFF - REDIRECT/RE CROSS

1 Q Never been a shooting inside the nightclub in the 16
2 years that you owned it besides the one that happened on
3 September 21.

4 A No, sir, not to my knowledge. It was outside.

5 MR. NEWMAN: Thank you, sir. No further questions.
6 Ask that he be relieved from his subpoena.

7 THE COURT: Anything else gentlemen?

8 MR. SHELDON: Yeah, I did in response to the Solicitor.

9 THE COURT: Okay. Go ahead.

10 RE CROSS EXAMINATION

11 BY MR. SHELDON:

12 Q So in 16 years how many times were there shootings on
13 the outside of your club in the parking lot? Because we've
14 got two within 20 days, right?

15 A I'm not sure. It could have been after we left and
16 closed, sir.

17 Q It could have been after you left and closed?

18 A Yes, sir.

19 Q After you --

20 A You're saying the only night --

21 MR. SHELDON: Judge, I don't have anymore questions.
22 He can be excused from his subpoena.

23 THE COURT: You're free to step down, you're free to
24 leave. The State can call its next witness.

25 MS. MCGINNIS: State would call Captain Mike Miller.

MICHAEL MILLER - DIRECT

1 THE COURT: All right.

2 The witness, MICHAEL MILLER, was first duly sworn and
3 Testified as follows:

4 THE COURT: All right. Sir, you can take your mask
5 off.

6 DIRECT EXAMINATION

7 BY MS. MCGINNIS:

8 Q Good morning, Captain Miller. Can you state your full
9 name for the record?

10 A I go by Mike. My name is Michael Miller.

11 Q And where are you employed?

12 A Lancaster County Sheriff's Office.

13 Q What is your role at the sheriff's office?

14 A I am the Captain of the Investigative Unit.

15 Q And were you employed in that capacity in September of
16 2019?

17 A Yes.

18 Q Are you familiar with the investigation at the Old --
19 into the shooting at the Old Skool Nightclub --

20 A Yes.

21 Q -- September 21, 2019? As captain, do you participate
22 in a lot of ongoing investigations or are you more of a
23 supervisory role?

24 A I'm more of a supervisory role.

25 Q But in this case this was a fairly widespread

MICHAEL MILLER - DIRECT

1 investigation?

2 A Yes. Due to the information I had received by phone,
3 yes, I did respond -- decided to respond to this incident.

4 Q Responded to the scene to the club?

5 A Yes, ma'am.

6 Q And was that after a search warrant had been obtained
7 for the business?

8 A Well, I was actually there prior to the search warrant.

9 Q And you entered the building after the search warrant
10 had been obtained and executed.

11 A Yes, ma'am.

12 Q And what was your purpose going into the club that I
13 guess day at that point?

14 A Right. I basically was made aware that there was
15 surveillance video cameras inside the establishment and so
16 we wanted to, of course, see what type of system if we could
17 seize it, and, of course, view any possible evidence that
18 would be on the device.

19 THE COURT: Speak up, sir, into that microphone. Just
20 lower the mic on the stand there. There you go.

21 Q Did you meet with Mr. McGriff, the owner of the club,
22 that day?

23 A Yes.

24 Q And did he show you where that, I guess, DVR or hard
25 drive that contained the surveillance footage was?

MICHAEL MILLER - DIRECT

1 A Yes.

2 Q Were you able to disconnect that and take that hard
3 drive?

4 A Yes, we were.

5 Q And what did you do with it once you got it into your
6 possession?

7 A I basically transported it to the office where we
8 could, again, make a copy of what was on it, to prevent any
9 loss of what was on it.

10 Q Okay. During the time you had it in your possession,
11 did you do any tampering or alternating to that hard drive?

12 A No.

13 Q And you placed it into your secure evidence building,
14 evidence facility?

15 A Yes.

16 Q Were you there when it was downloaded?

17 A Yes, I was.

18 Q Did you review any of the footage on it?

19 A Yes.

20 Q Did it appear to you to have been altered in any type
21 of way?

22 A No.

23 Q When the footage was downloaded, what did you do with
24 the actual DVR itself?

25 A It was placed into our evidence building.

MICHAEL MILLER - DIRECT

1 Q Okay. And the footage, what was that downloaded on to?

2 A An external hard drive.

3 Q And what did you do with that external hard drive?

4 A Well, we again reviewed content from it for a period of
5 time with other local law enforcement trying to identify
6 people that were observing them on the video.

7 Q Okay. And then ultimately what happened to that hard
8 drive with the actual footage on it?

9 A It also went into evidence.

10 Q And was that turned over to us, to the State, as part
11 of discovery procedures?

12 A Yes, ma'am.

13 Q I'm going to hand you State's Exhibit 13 for
14 identification only.

15 MS. MCGINNIS: May I approach, Judge?

16 THE COURT: Yes.

17 Q And Captain Miller, is this a flash drive containing
18 that content, the videos, the content from the DVR?

19 A It appears to be, yes, ma'am.

20 MS. MCGINNIS: Judge, at this time I would move State's
21 13 into evidence, the DVR footage.

22 THE COURT: All right. Without objection.

23 MR. SHELDON: No objection.

24 THE COURT: Introduced into evidence.

25 (State's 13 was received.)

MICHAEL MILLER - CROSS

1 MR. NEWMAN: Thank you, Judge. If you'll just answer
2 anything that the defense has for you, Captain Miller. All
3 right.

4 THE COURT: Mr. Belton, any questions?

5 CROSS EXAMINATION

6 BY MR. BELTON:

7 Q Captain Miller, did you have an opportunity to watch
8 any of the footage just even if briefly?

9 A Yes, sir.

10 Q All right. Based on your knowledge of the footage, did
11 you have an idea that the timestamp on the footage was
12 fairly accurate?

13 A I don't recall.

14 Q Okay. So you don't recall any of the timestamps on
15 there. Well, let me ask another question then. What time
16 did you actually go out to the scene?

17 A The best I can remember it had to be at least 3:30, or
18 it would seem to be after 3:30 before I would have arrived
19 if the incident occurred between 2:30 and 3:00. Again, I
20 can't remember right now the times, but it would have to be
21 probably roughly an hour after getting the call.

22 Q Okay. But you never indicated that you felt anything
23 was wrong with the footage, that the footage accurately
24 reflected what was going on inside of the club and what time
25 it was going on inside of the club.

MICHAEL MILLER - CROSS

1 A Other than, like I said just, you know, when we --
2 again, when we went into retrieve it, it was a small
3 monitor, and, of course, it was still live, the monitor,
4 until we disconnected. There was -- and, of course, being
5 able to look at the monitor you couldn't really see
6 anything. But other than, like I said, just a monitor issue
7 what appeared to be the drive itself, no, sir, when we
8 reviewed the video. Well, it's not the best quality in the
9 world but I could not -- again, I'm not a tech. person, I
10 couldn't sit here and tell you, you know, what happened in
11 the past, but I know we did not alter or do anything to
12 that.

13 Q And so to the best of your knowledge the timestamps in
14 those things are accurate as you pulled them off of the
15 system.

16 A Yes, sir.

17 Q Okay. All right. I'm going to hand you what's been
18 marked Defense Exhibit 1. I'll hand you what's been marked
19 for identification. What is the timestamp there on that
20 picture?

21 A 1:24:49 a.m.

22 Q 1:24:49 a.m?

23 A Yes, sir.

24 MR. BELTON: Thank you. No further questions.

25 THE COURT: All right. Mr. Sheldon?

MICHAEL MILLER - CROSS

1 MR. SHELDON: Just very briefly. May it please the
2 Court?

3 CROSS EXAMINATION

4 BY MR. SHELDON:

5 Q Captain, thank you for being here helping us today to
6 put this all together. So you -- you were present when the
7 video was taken from the DVR, is that right, when y'all --
8 or the DVR was taken -- however -- you were there when it
9 was collected; is that right?

10 A Yes, sir.

11 Q Pursuant to the execution, I think, of a search
12 warrant; is that right?

13 A Yes, sir.

14 Q It was at I believe you said sometime 30 minutes, an
15 hour maybe after the incident, does that sound about right?

16 A Well, that was what time I arrived. Again I at the
17 time was living outside of -- I recall right I was living
18 outside of the county and so it did take me a little bit to
19 get there. That's in reference to how long it took me. It
20 was quite awhile before we were able to actually remove the
21 DVR from the building.

22 Q Got you. And the DVR was removed from inside the
23 building; is that correct?

24 A Yes, that's correct.

25 Q And who called -- did you have any conversations with

MICHAEL MILLER - CROSS

1 the owner, Mr. McGriff, at this time?

2 A At the time that we took the --

3 Q When you were -- you had to know where it was located
4 and things like that, right?

5 A Yes, we did. We had a conversation about it, whether
6 it actually recorded. And again, actually talked to him
7 about consent with taking it, which him and his wife both
8 agreed that we were more than welcome to take it and view
9 the video from it.

10 Q Where did that conversation take place if you remember?

11 A The best that I can recall we were outside.

12 Q Got you.

13 MR. SHELDON: Thank you. No more questions.

14 MS. MCGINNIS: Nothing, Your Honor.

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

16 MS. MCGINNIS: Can he be excused from his subpoena,
17 Your Honor?

18 THE COURT: Free to leave. The State can call its next
19 witness.

20 The witness, CHRISTINA ERVIN, was first duly sworn and

21 Testified as follows:

22 DIRECT EXAMINATION

23 BY MR. NEWMAN:

24 Q Good morning, Ms. Ervin.

25 A Good morning.

CHRISTINA ERVIN - DIRECT

1 Q Please state your name for the record.

2 A Christina Ervin.

3 Q Ms. Ervin, where are you employed?

4 A Lancaster County EMS.

5 Q And what is your job title?

6 A Paramedic.

7 Q How long have you been a paramedic?

8 A Four or five years.

9 Q Always here in Lancaster?

10 A Yes.

11 Q Are you familiar with responding to the scene in
12 Lancaster County on September 20th of 2019?

13 A Yes.

14 Q Now, tell me about, how was that dispatched to you?

15 A It came out as a gunshot wound.

16 Q Okay. Now, are y'all -- so somebody calls the 911 and
17 y'all are where? Where are y'all waiting on a call?

18 A At our station.

19 Q Okay. Where is that?

20 A The one I was at that day was behind Pizza Hut on the
21 bypass.

22 Q Okay. So you get a call gunshot wound, lights and
23 siren to the scene?

24 A Initially, but we had to wait for scene security.

25 Q Okay. Do you have your report with you?

CHRISTINA ERVIN - DIRECT

1 A No, I don't.

2 Q Okay. So I have on your report that call came in at
3 2:43. Does that sound right?

4 A Yes.

5 Q Now, so you say you had to wait on security. Tell me,
6 how does that work?

7 A Certain types of calls you have to wait for scene
8 secure, for law enforcement to secure the scene before we
9 can go in.

10 Q Okay. So where did you go to to wait on the scene to
11 be secure? Did you wait in -- all right. Our scene is on
12 Old Charlotte Road.

13 A Uh-huh.

14 Q Did you come up Charlotte Highway or -- and just -- to
15 help get our bearings, we've got Charlotte Highway and then
16 we've got old Charlotte Road that runs down beside Grinders
17 and Aldis, and it comes out to a point right there where I
18 guess it's Adela's now; is that correct?

19 A Yeah. I can't remember the path that the driver took
20 that night.

21 Q Okay.

22 A I want to think that we were pretty close -- still
23 close to our station, because I knew that that wasn't going
24 to be far so we didn't travel very far from the station,
25 because I don't want to come back on it and waiting and

CHRISTINA ERVIN - DIRECT

1 people see us and wonder why we weren't responding.

2 Q Okay. Now -- well, that's a good question, isn't it,
3 why you're not responding? And I think you just answered
4 that, because you're waiting on security. How long do you
5 wait on security once you arrive?

6 A Until law enforcement tells us scene is secure to come
7 in.

8 Q How ever long that is you've got to wait.

9 A Uh-huh.

10 Q Because you've got to look our for you, correct?

11 A Yes.

12 Q Because if you get injured you can't help anybody,
13 right?

14 A That's true.

15 Q Okay. And once they say scene secure, you get out and
16 you head that way, what happens?

17 A On this call?

18 Q On this call.

19 A We make our way over to where we're told to go for a
20 patient.

21 Q Who tells you where to go?

22 A I want to think law enforcement. There was a lot of
23 people, you know, saying here, here, here, and I want to
24 think that we honed in on somebody waiving. So we go to the
25 -- we start heading to the one patient that I had.

CHRISTINA ERVIN - DIRECT

1 Q And when you get to him, are you able to make your
2 assessment and do your job or does something else happen?

3 A No. I begin to try to assess the patient. We hear
4 over the radio scene is not secure, to pull back, so we go
5 back to the truck and wait for scene to become secure.

6 Q Can you tell me what area of -- you're outside the
7 club; is that correct?

8 A Like in a field like. It looked like to me a field
9 because I've never been in that area, it looked like a
10 field.

11 Q So if I'm standing on Charlotte Highway facing the
12 nightclub, are you in a field to the left behind the club
13 or --

14 A To the right.

15 Q To the right?

16 A So the club was sitting here and it's off to the right.

17 Q Okay.

18 A Because we had to cross that Adela's parking lot and
19 whatever that street is to get to that area.

20 Q Old Charlotte. Okay. So you get on the radio scene is
21 not secure, pull back. What do you do?

22 A When I heard that come over the radio a firefighter
23 grabbed the stretcher and I was right behind him and we went
24 back to our truck and waited on the other side of our truck
25 away from the scene for scene security.

CHRISTINA ERVIN - DIRECT

- 1 Q Had you had anytime to assess this victim?
- 2 A Not at that point.
- 3 Q So you don't know what's going on with him at that
- 4 point.
- 5 A Not at that point. Just I know what I'd been told but
- 6 didn't know what was going on.
- 7 Q Okay. Now, how long after the scene is not secure,
- 8 pull back, how long between the pull back and you go back
- 9 in?
- 10 A I don't recollect how much time it was that had lapsed.
- 11 Q A few minutes or --
- 12 A Maybe ten or 15 minutes.
- 13 Q Okay. So you get back in and you go to the same person
- 14 you were at before?
- 15 A Yes.
- 16 Q Okay. Who is that person?
- 17 A The report states Quay Douglas.
- 18 Q Okay. And when you get to Mr. Douglas, is he alert?
- 19 A Yes.
- 20 Q Okay. Did he talk to you?
- 21 A We would ask him questions but he was very -- wouldn't
- 22 give us much information.
- 23 Q Okay.
- 24 A He gave us his name and date of birth and that was
- 25 about it.

CHRISTINA ERVIN - DIRECT

1 Q Did you ask him where he was shot, or did you ask him
2 what was wrong with you?

3 A No. Well, I did but he doesn't really respond.

4 Q Now, his injuries were pretty obvious or --

5 A Yes.

6 Q What were his injuries?

7 A He had a wound to the left flank in the abdominal area.

8 Q Is that the only injury?

9 A That I can recall from looking over my report.

10 Q Okay. Now, once you get there you do -- what do you do
11 once you get there to him to assess him? What do you do to
12 assess him?

13 A Since the scene was chaotic we get him on the stretcher
14 and get him immediately to the truck.

15 Q You just get out of there.

16 A Yeah. Because with that much chaos you don't know if
17 it's going to -- something else is going to happen. I'm
18 more secure inside of my truck than I am out in a dark
19 field.

20 Q Did you hear any gunshots outside while you were there?

21 A I did not.

22 Q Okay. Do you know why the call came out scene is not
23 secure? Do you know who made that call or why?

24 A For the initial or once we were on scene and they said
25 the scene was not secure?

CHRISTINA ERVIN - DIRECT

1 Q Once you're on scene and they say pull back.

2 A The voice on the radio sounded like Teresa saying that
3 the secure was not secure, pull back.

4 Q And that's your supervisor?

5 A No. That's another paramedic.

6 Q It's just another paramedic that happens to be on
7 scene. Okay. Now, from reading your report and it says CAO
8 times four. What does that mean?

9 A Conscience, alert and oriented.

10 Q Okay. So Mr. Douglas was conscious, alert and
11 oriented, he just wouldn't tell you anything.

12 A Yeah.

13 Q Now, you say you really didn't do an assessment, you
14 just got him out there, got him on the stretcher, get him
15 out of there. Where do you go?

16 A When we get to the truck that's when I did an
17 assessment looking for any other wounds, starting IV's.
18 hanging fluid, and then once we got all of that done we got
19 him on the monitor.

20 MR. NEWMAN: Beg the Court's indulgence.

21 THE COURT: Yes, sir.

22 (Break in proceedings.)

23 Q Now, on your report I see it may be two wounds. Do you
24 need to see your report to refresh your memory?

25 A If I could, yes.

CHRISTINA ERVIN - DIRECT

1 Q So was there more than one wound visible?

2 A I guess that would be the left flank in the lower
3 abdominal area. I'm not certified to say whether they were
4 entrance wounds, exit wounds, gunshot wounds.

5 Q But it was two.

6 A Two separate wounds.

7 Q Okay. Now, so you do an assessment in the ambulance.

8 And tell me again where you go.

9 A We left the scene and went to MUSCL's helipad.

10 Q Why do you go to the helipad?

11 A Because of his injuries it's better to go ahead and fly
12 him to a trauma center versus taking him to Lancaster and
13 then they just have to fly him out for his injuries.

14 Q And who makes that call?

15 A I make that call.

16 Q Okay. Do you recall what time you actually got to the
17 patient?

18 A From looking at my report it said 3:15.

19 Q Okay. Now, you say you made the decision to not go to
20 the emergency room here, you went straight to the helipad to
21 have him flown out because you wanted to take him to a
22 trauma center. Tell me, what's a trauma center?

23 A It's just -- they have more capabilities to treat and
24 go ahead and perform surgery if needed. It's a higher level
25 of care than what MUSC can get.

CHRISTINA ERVIN - CROSS

1 Q So MUSC is not a trauma center; is that correct?

2 A Not that I'm aware of.

3 MR. NEWMAN: All right, Ms. Ervin, that's all of the
4 questions I have. Please answer anything that the defense
5 may have.

6 THE COURT: All right. Mr. Belton?

7 CROSS EXAMINATION

8 BY MR. BELTON:

9 Q Ms. Ervin, do you still have your report there with
10 you.

11 A No, sir, I don't.

12 Q All right. Do you remember what time the call came in?

13 A The initial call came in, I want to think from looking
14 at the report it was like 2:40 something.

15 Q Okay. And so if I understand your testimony you
16 arrived and then you had to stop and leave and go to kind of
17 a holding area, correct?

18 A Yes, sir.

19 Q Do you remember where you went in that holding area? I
20 didn't catch it in your testimony.

21 A So when they stated that scene was not secure we pulled
22 back onto the other side of our ambulance to wait for scene
23 secure.

24 Q And so when you're on the -- I'm sorry. Did you get in
25 the ambulance and actually drive away, or you just get in

JOHN BEIN - DIRECT

1 your ambulance just kind of sit there?

2 A We just stayed on scene but we -- so that we would be
3 close when they resecured the scene.

4 Q So you just come and physically sit in your ambulance,
5 you don't actually drive away.

6 A Yeah. We do not drive away.

7 Q Do you still have your lights and that on? Lights,
8 sirens and those --

9 A Just the lights. Not the sirens, the lights.

10 Q Were there any other sirens around there going off that
11 you remember?

12 A I don't recall. There was a lot going on at all one
13 time.

14 MR. BELTON: Thank you, ma'am, thank you so much. No
15 more questions.

16 THE COURT: All right. Mr. Sheldon?

17 MR. SHELDON: If I don't ask any questions, can we take
18 a ten minute break?

19 THE COURT: Yeah. We're gonna take a lunch break.

20 MR. SHELDON: Then I have no questions for this
21 witness.

22 THE COURT: Thank you. Anything else.

23 MR. NEWMAN: No, Your Honor. We have one more brief
24 witness we wanted to get to before lunch.

25 THE COURT: Okay. That would be fine. Thank you,

JOHN BEIN - DIRECT

1 ma'am, you may step down. You're free to leave.

2 MR. NEWMAN: Ask that she be relieved from her subpoena.

3 (A bench conference was held.)

4 The witness, JOHN BEIN, was first duly sworn and

5 Testified as follows:

6 THE COURT: Thank you, sir. You can take your mask

7 off.

8 DIRECT EXAMINATION

9 BY MR. NEWMAN:

10 Q Mr. Bein, will you state your name for the record?

11 A John Bein.

12 Q And Mr. Bein, where are you employed?

13 A Lancaster County EMS.

14 Q And how long have you been there?

15 A Since 2018.

16 Q And what is your title?

17 A I'm a field training officer paramedic.

18 Q Okay. Now, on September 21st of 2019, what was your

19 position?

20 A Paramedic on Buford Ambulance EMS 5.

21 Q Okay. Do you recall being dispatched to the Old Skool

22 Sports Bar that night?

23 A I do.

24 Q Okay. And what were you dispatched for?

25 A We were dispatched for multiple shooting victims at the

JOHN BEIN - DIRECT

1 club.

2 Q Okay. Other EMS already there when you get there?

3 A There was three ambulances and one supervisor vehicle
4 by the time we got there.

5 Q Did you enter the scene and then get pulled back, or
6 did you get there after the final all clear was given?

7 A We got there as the other crews were pulling back, so
8 we staged on 521 by what's known as Adela's Mexican
9 Restaurant.

10 Q Okay. How long did you stage?

11 A Probably -- I would have to look at my chart of the
12 times, it was probably a good 15 minutes.

13 Q So you're sitting there 15 minutes and you're just
14 waiting on law enforcement to tell you it's clear.

15 A Correct.

16 Q Do you see a lot of chaos going on over there?

17 A Yes.

18 Q Now, do y'all get briefed as far as what you're about
19 to walk into or you just get a call you've got a gunshot
20 wound?

21 A We may get some kind of information from dispatch but
22 it's not a whole lot, no.

23 Q Okay. When you walk up -- when you actually finally
24 get the all clear, do you recall what time that was?

25 A Not offhand.

JOHN BEIN - DIRECT

1 Q Okay. Do you know what patient you saw first?

2 A I believe it would be in my charts, because I had two
3 charts done. I believe the first one I got to was the one
4 inside. The deputies did lead me to which ones they wanted
5 to go to first.

6 Q So you go first to -- would that be Mr. Colvin, is
7 that --

8 A I don't remember names offhand.

9 Q I'm going to hand up your report just to refresh your
10 memory.

11 A Okay. Yes. This was the first one I saw.

12 Q And what was his name?

13 A Henry Colvin.

14 Q Now, did you do an assessment on Mr. Colvin?

15 A We did an assessment. When we got to him he had no
16 pulse. When we looked for eye movement his eyes were fixed
17 and dilated. And he had no heart rhythm after putting the
18 cardiac monitor on him.

19 Q So you actually did put him on the monitor.

20 A Yes.

21 Q Do you declare him dead?

22 A I'm sorry?

23 Q Do you say he is dead.

24 A Yes. Because he was -- the rhythm asystole, which is
25 very hard to come back from especially with him being down

JOHN BEIN - DIRECT

1 for the amount of time that he was.

2 Q Did you make any life saving efforts whatsoever on Mr.
3 Colvin?

4 A No.

5 Q So then after you assess this person, Mr. Colvin,
6 inside the club, then where do you go?

7 A We went out to the male that was outside of the
8 doorway.

9 Q About how long are you inside the club?

10 A Maybe five minutes tops.

11 Q The gentleman outside, do you need to see your report
12 on that one as well?

13 A Yes, please.

14 Q What was the name of the gentleman outside?

15 A Aaron Harris.

16 Q Now, you do an assessment on Mr. Harris?

17 A I did the same assessment on Mr. Harris. And according
18 to my times it was four minutes after it was the gentleman
19 inside, so we were probably inside for about four minutes.
20 But I did the same assessment with no pulse, not breathing,
21 pupils, monitor.

22 Q Can you tell me what time you arrived at the scene?

23 A We arrived on scene at 3:13.

24 Q What time did you leave the scene?

25 A We cleared the scene at 4:29.

JOHN BEIN - CROSS

1 Q Do y'all transport Mr. Colvin or Mr. Harris?

2 A We did not.

3 Q Okay. Both of them declared dead on the scene.

4 A Correct.

5 MR. NEWMAN: Thank you, Mr. Bein. I've got no further
6 questions. Please answer anything that the defense may
7 have.

8 THE COURT: All right. Mr. Belton?

9 CROSS EXAMINATION

10 BY MR. BELTON:

11 Q Mr. Bein, what time were you able to assess these two
12 gentlemen and declare that no life saving measures were
13 needed?

14 A According to my reports the gentleman inside was at
15 3:30 and the one outside was at 3:34.

16 Q 3:30 inside. That would be Mr. Colvin?

17 A Yes.

18 Q And 3:34 --

19 A Outside.

20 Q -- outside would be Mr. Harris.

21 A Correct.

22 MR. BELTON: Thank you. No further questions.

23 THE COURT: Mr. Sheldon?

24 MR. SHELDON: No, sir, Your Honor.

25 THE COURT: All right. Thank you, sir, you can step

NARENDA PATEL - DIRECT

1 down, you're free to leave. All right. Ladies and
2 gentlemen of the jury, let's take a lunch recess. My plan
3 is to be down for 45 minutes or so, maybe I'll give you to
4 1:00, we'll see how it goes. I've got to talk to the State
5 about the next witnesses in order, that kind of stuff.
6 While you're going to be on extended break with each other,
7 certainly get to know each other, that's the whole purpose
8 of our jury system, that's the beautiful thing about a jury
9 system, the one thing you can't talk about is what? This
10 case. Don't talk about any evidence, any witnesses,
11 anything, because you haven't heard everything and I have
12 not given you the law. Okay? So I want you to have a good
13 enjoyable lunch together, get to know each other and then
14 hopefully you'll enjoy the meal and we'll get you back out
15 here for this afternoon session. Okay? Thank you very
16 much.

17 (The jury left the courtroom.)

18 THE COURT: All right. Anything before we take a
19 break? All right. Thank you.

20 (A lunch break was taken.)

21 THE COURT: All right. Let's bring in the jury.

22 (The jury returned to the courtroom.)

23 THE COURT: All right. Thank you, ladies and
24 gentlemen. I hope you enjoyed your lunch as much as I did.
25 Of course, I'm a big guy, I like pizza anyway. All right.

NARENDA PATEL - DIRECT

1 Call your next witness.

2 MS. MCGINNIS: State would call Dr. Narendra Patel.

3 The witness, NARENDA PATEL, M.D., was first duly sworn

4 And testified as follows:

5 THE COURT: Thank you, Doctor. All right.

6 DIRECT EXAMINATION

7 BY MS. MCGINNIS:

8 Q Good afternoon, Dr. Patel.

9 A Good afternoon everybody, and the Judge, too.

10 Q Could you state your name for the record?

11 A Patel Narendra -- first name is Narendra C. Patel.

12 Q Okay. And Dr. Patel, where are you employed?

13 A I was born in Kenya.

14 Q Okay. And where did you grow up?

15 A I grew up part in Kenya and part in India, and then
16 came to London.

17 Q Okay. When you were in India, did you have some
18 medical training?

19 A Yes.

20 Q Tell the jury about the medical school you went to in
21 India.

22 A I went to medical school, it was American Medical
23 School in Calcutta. It's on the west coast -- east coast of
24 India.

25 Q And what year did you graduate from --

NARENDA PATEL - DIRECT

1 A 1982.

2 Q And where did you go after you graduated from medical
3 school?

4 A I came to London.

5 Q Okay. And what did you do in London?

6 A I was practicing doctor therapy.

7 Q And did you have some additional training when you were
8 in England?

9 A Yes.

10 Q And then ultimately did you move here to the United
11 States?

12 A Yes, ma'am.

13 Q Where did you first move to when you came to the United
14 States?

15 A I was in New York.

16 Q Was in New York City?

17 A Yeah, New York City, Bronx.

18 Q Okay. And did you have some additional medical
19 training there?

20 A Because we have to go three years training to get a
21 license, so I had to retrain.

22 Q So you did a retraining. Did you do a residency?

23 A Yeah, three years.

24 Q And what hospital was that at?

25 A Our Lady of Mercy Medical Center.

NARENDA PATEL - DIRECT

- 1 Q And that's in New York City in the Bronx?
- 2 A New York Bronx, yeah.
- 3 Q Okay. And so you completed that residency. And did
4 you become a board certified physician here in the United
5 States?
- 6 A Yes, internal medicine.
- 7 Q Okay. And then at some point did you move down south?
- 8 A Yes.
- 9 Q What was the first job you had when you moved down here
10 to South Carolina?
- 11 A I had a prison job, a state prison job.
- 12 Q Worked in the state prisons as a physicians?
- 13 A Yes.
- 14 Q Okay. Did you do any other medicine other than that
15 while you were working at the prison?
- 16 A I practiced emergency medicine.
- 17 Q Okay. And ultimately after you were done working at
18 the prison, did you come to work here in Lancaster?
- 19 A Lancaster. The last part of my job was Lancaster
20 mainly the last three or four years. But I worked other --
21 in Camden, Hartsville, and other places.
- 22 Q Okay. Was that all emergency medicine?
- 23 A All emergency medicine.
- 24 Q Okay. And so then you said the last three to four
25 years was Lancaster?

NARENDA PATEL - DIRECT

1 A No, Lancaster is 15 years. Before I came to Lancaster
2 was.

3 Q Okay. So before you came to Lancaster you worked in
4 some other facilities and then you were here for 15 years?

5 A Yes.

6 Q And is that at what was then Springs Memorial Hospital?

7 A Yes, Springs Memorial Hospital.

8 Q And is now MUSC Lancaster.

9 A Yes.

10 Q Okay. And were you working there as an emergency room
11 physician?

12 A Yes.

13 Q And were you -- well, let me back up there?

14 MS. MCGINNIS: Judge, at this time I would offer
15 Dr. Patel as an expert in emergency medicine.

16 THE COURT: Any voir dire from the defense?

17 MR. BELTON: No, Your Honor.

18 MR. SHELDON: No, Your Honor, without objection.

19 THE COURT: All right. Thank you. This doctor is
20 qualified as an expert in the field of?

21 MS. MCGINNIS: Emergency medicine.

22 THE COURT: Emergency medicine. Ladies and gentlemen,
23 typically when a witness testifies in court that witness can
24 only testify about what they saw, heard, smelled, et cetera,
25 just like you've been hearing so far. There is an exception

NARENDA PATEL - DIRECT

1 for witnesses who have been qualified as an expert in a
2 particular field based upon their skill or their training or
3 their education, that's what we call an expert witness. An
4 expert witness can testify in the form of an opinion. Okay?
5 Now, just because an expert offers an opinion doesn't mean
6 you have to accept the opinion. It is simply something for
7 you to consider when you deliberate with all of the evidence
8 giving it the weight and the credibility you believe it
9 deserves. Okay? Thank you.

10 MS. MCGINNIS: Thank you, Judge.

11 BY MS. MCGINNIS:

12 Q So, Dr. Patel, were you working here at Springs
13 Memorial Hospital in the early morning hours of
14 September 21st of 2019?

15 A Yes.

16 Q Tell the jury what you remember about kind of before
17 this rush of patients started.

18 A It was around 2:30 or 3:00 in the morning because I do
19 night shift, and I was about take my lunch, the nurse said:
20 Don't go, a gunshot wound is coming. So I thought it might
21 be one or two you normally get when you work at the
22 emergency room. Then more people started coming in, and
23 that ended up being seven to eight patients.

24 Q Okay. So you said: I'm not going to lunch, let me go
25 and ahead and treat these people.

NARENDA PATEL - DIRECT

1 A Yes.

2 Q I'm going to bring your attention to the first -- I
3 believe one of the first patients you saw was a Ms.
4 LaShonda Barnes; is that correct?

5 A Yeah, first patient was.

6 Q Okay. And what kind of injuries did Ms. Barnes come in
7 with?

8 A Ms. Barnes came in with an injury to her left leg with
9 an open wound, the skin was broken --

10 Q Okay.

11 A -- and so they call it an open wound. She was bleeding
12 profusely at that time.

13 Q Okay. And did she also have an injury to her left foot
14 as well?

15 A Yeah.

16 Q And specifically her toe?

17 A The toe was missing, and there was a lot of blood. So
18 we tried -- and then another one came, so you had to see
19 superficial and tell the nurse what to do.

20 Q Okay. So you checked out Ms. Barnes. As part of your
21 assessment of her did you take her blood pressure, her vital
22 signs?

23 A Yes.

24 Q What was going on with her vital signs?

25 A Blood pressure was running low at that time. So we had

NARENDRA PATEL - DIRECT

1 to give her some fluid and got some blood work and x-rays to
2 see what the (inaudible) looks like.

3 Q Okay. Was she actively bleeding when you were treating
4 her?

5 A Yeah.

6 Q And is that mostly from her leg wound?

7 A Yeah. So we had to put a pressure dressing in order to
8 stop bleeding.

9 Q Okay. Did you do any x-rays or --

10 A I did x-ray of the foot and the leg.

11 Q Okay. And what did that x-ray show?

12 A It was open fracture.

13 Q And can you describe what's an open fracture?

14 A Open fracture is when the skin is broken. So the skin
15 is protecting our body, so the -- and everything doesn't
16 go -- doesn't (inaudible) so protect us with injury and bad
17 things happening to our body. So when the skin is comprised
18 the wound -- the -- can be inside and get infection to the
19 legs --

20 Q So, for example, if somebody fell out of a tree and
21 broke their leg but there was no open wound, that would not
22 be an open fracture.

23 A If the skin is intact, the skin is not opened up then
24 only small fracture of the femur or whatever.

25 Q Okay. But in this case Ms. Barnes had an open

NARENDA PATEL - DIRECT

- 1 fracture.
- 2 A Yes.
- 3 Q And on which bone is that?
- 4 A Lower left leg.
- 5 Q And what is it, a tibial fracture?
- 6 A Yes.
- 7 Q What bone is the tibia?
- 8 A Tibia is second to the femur, it's second to the femur
- 9 and the foot --
- 10 Q So it's a bone in the lower leg.
- 11 A Yeah.
- 12 Q And at MUSC based on the gunshot wound to that open
- 13 fracture, does MUSC have the capacity to treat that injury
- 14 there?
- 15 A No.
- 16 Q Okay. So what decision was made with Ms. Barnes?
- 17 A Ms. Barnes was flown out to CMC.
- 18 Q And why did you select CMC to fly her to?
- 19 A It was the nearest and they do most of our trauma from
- 20 here.
- 21 Q Okay. And what capacity do they have that MUSC does
- 22 not?
- 23 A Generally if they're running a trauma center in America
- 24 it has to be fully facility with all of the specialties, and
- 25 any doctor you need should be available there.

NARENDA PATEL - DIRECT

1 Q 24/7?

2 A 24/7. Especially in trauma 24/7, and orthopedic bone
3 doctors, surgeons, everybody is available 24/7 to treat the
4 patient.

5 Q So even though it was 2:30 or 3:00 in the morning she
6 could be flown up there and have immediate treatment for
7 that injury.

8 A Because she was bleeding so much. I give her some
9 blood, too, before she flown out so she would stay stable
10 until she reached her destination where she gets the proper
11 care.

12 Q Okay. So after you treated Ms. Barnes, I believe the
13 next one that came to your attention that was going to be
14 Charles Mobley; is that correct?

15 A Yes.

16 Q And what did Mr. Mobley present with?

17 A Presented with a gunshot wound on the left side of the
18 chest and axilla and the left arm.

19 Q Okay. How did Mr. Mobley look when he presented to
20 you?

21 A He was slightly with a short of breath a bit, but his
22 blood pressure and everything was fine. Oxygenation was
23 also fine at that time even though he was bleeding heavily.

24 Q Okay. So based on the location of the gunshot wound
25 and his breathing heavily, did you also order some x-rays

NARENDA PATEL - DIRECT

- 1 for him?
- 2 A I ordered a chest x-ray.
- 3 Q Chest x-ray? And what did those x-rays show?
- 4 A Shoulder x-ray was normal, but the lung x-ray showed --
- 5 chest x-rays showed that he got a larger left side of
- 6 pneumothorax because he was hit on the left side. And then
- 7 we called that the -- between the heart and the lung --
- 8 there's a heart and the lung on the side, so when -- so the
- 9 bullet went through and collapsed the lung.
- 10 Q So when you say pneumothorax, that means the lung has
- 11 collapsed.
- 12 A Yeah.
- 13 Q And typically the lung is almost like a -- almost like
- 14 a balloon, right? It's got walls and it's got air inside?
- 15 A Yes.
- 16 Q And when a lung has collapsed it's not that way; is
- 17 that right?
- 18 A No. Lungs collapsed -- it's like a bunch of grapes in
- 19 between and they all bust open or close down.
- 20 Q So the lung is almost flat?
- 21 A It's like a bunch of grapes to bring the air out.
- 22 Q With a collapsed lung, could Mr. Mobley breath well?
- 23 A No.
- 24 Q So what did you have to do in order to get Mr. Mobley
- 25 able to breath?

NARENDRA PATEL - DIRECT

1 A We put in a chest tube. A chest tube is a procedure,
2 we cut a hole in and then we put a tube in it to get the
3 blood and air out of it so the lung can rise up, because of
4 the pressure of the blood the collapsed lung can rise up and
5 improve his breathing.

6 Q Okay. So did you place a chest tube on Mr. Mobley?

7 A I did not. I called the doctor to come and do for me.

8 Q But when he was there in the emergency room a chest
9 tube was placed?

10 A It was placed in the emergency room.

11 Q Okay. And so without that chest tube, could that
12 collapsed lung have caused Mr. Mobley ultimately to pass
13 away if it wasn't --

14 A He could die, because if you cannot breath you cannot
15 survive.

16 Q Okay. After the chest tube was placed, what did Mr.
17 Mobley -- what did you do with Mr. Mobley?

18 A I placed a call for the helicopter at CMC and talked
19 with the doctor and said I'm sending this patient also.

20 Q Okay. And again, is that because CMC is a trauma
21 center?

22 A Yes.

23 Q And they're able to provide a level of care that MUSC
24 is not equipped with.

25 A Yes.

NARENDA PATEL - DIRECT

1 Q So after Mr. Mobley I think the next serious patient
2 you saw was Christopher Belton; is that correct?

3 A Yes.

4 Q And what did Mr. Belton present with?

5 A Presented a gunshot wound to the abdomen.

6 Q Okay. And was that one wound or two wounds?

7 A Two wounds.

8 Q Was that -- based on your experience, did you believe
9 that to be an entry and an exit wound?

10 A There were entry wound and then exit wound.

11 Q So that means essentially the bullet went in one side
12 of his abdomen and out the other?

13 A Yes.

14 Q And based on that, does that cause you some concern as
15 a doctor?

16 A Yes. Because the patient with the -- because we got
17 liver, we got stomach, there is part of the lung there and
18 bladder, and the bones also in the back of the pelvis.

19 Q So there's a lot of vital stuff in our abdomen.

20 A Yes.

21 Q Okay. Did Mr. Belton show any external signs that
22 there's damage to those organs?

23 A Yeah. His blood pressure was running low. Blood
24 pressure was low.

25 Q And what does that indicate to you?

NARENDA PATEL - DIRECT

- 1 A It indicates to me that the patient is losing some
2 blood, is not stable at the moment.
- 3 Q Okay. Was his abdomen also distended?
- 4 A Yes.
- 5 Q And what does that mean, distended?
- 6 A When you get -- simple as if you're seeing a patient
7 walking in the street is an alcoholic and it collects a lot
8 of fluid. The longer you drink the liquid dies and it
9 collects in the belly -- it's called an extension of the
10 belly.
- 11 Q So he had just a big belly.
- 12 A Yes.
- 13 Q Okay. So based on that, did you do some scans on Mr.
14 Belton as well?
- 15 A Yes.
- 16 Q And what did those scans show you?
- 17 A He didn't have any injury to the lung that was a --
18 inside the stomach he had -- it was -- gall bladder and a
19 particular faction of the colon was affected by the gunshot
20 wound. And he also had air in the stomach.
- 21 Q Okay. There's some lacerations of those organs. You
22 mentioned the liver, the stomach --
- 23 A Let me see. Yes. A laceration of the stomach, and
24 then also with the larger part of the air and blood. That
25 was his injury. The spleen, kidney, everything was fine.

NARENDA PATEL - DIRECT

1 Q Okay. And so the laceration, was that causing internal
2 bleeding in Mr. Belton?

3 A Yeah. Because anything cuts inside or outside it
4 bleeds, so he bleeds. And we got venous structures, which
5 are vital to store the pipeline of his heart and the
6 distribution of the blood to the thing is like a pipeline, a
7 lot of pipelines. If one of them busts they start leaking
8 and the volume of blood can pour into the cavity where it's
9 leaking from.

10 Q So essentially the blood, if it's coming into his
11 abdominal cavity it can't get to the rest of his body and
12 his organs.

13 A It affects the amount of blood it gets.

14 Q Okay. Did you provide some fluids and, I believe, some
15 blood to Mr. Belton?

16 A Yes.

17 Q And is this a situation that required an immediate
18 surgical fix?

19 A Yes.

20 Q And, again, is that something MUSC is equipped to do?

21 A Yes.

22 Q They are or they're not equipped?

23 A They are.

24 Q CMC.

25 A CMC.

NARENDA PATEL - DIRECT

1 Q But MUSC is not.

2 A Not MUSC.

3 Q So what decision did you make with Mr. Belton?

4 A I also flew him out.

5 Q Okay. So as you're treating these three pretty serious
6 patients, what's happening in your waiting room?

7 A A lot of triage nurse. A triage nurse is the nurse who
8 sees the patient when they're coming to the emergency room
9 in the waiting area. So we had to tell her that if anybody
10 is not serious -- because I've got -- I was alone in the
11 emergency room so I had three critical patients I'm dealing
12 with, so I told her if it's very sick then let me know so I
13 can attend to that one first. But if somebody has minor
14 injury and nothing serious we can order the x-rays so we can
15 move in fast. So when I finished with this one the x-rays
16 are done and I know what's going on with the rest of the
17 patients.

18 Q So when they come in with a gunshot wound they're
19 assessed by a nurse?

20 A Yes. If they're not stable. If they come by EMS and
21 the nurse takes it over in the triage and there is no minor
22 injuries the triage nurse does.

23 Q So would they take blood pressure?

24 A Blood pressure and all of that.

25 Q Okay. So if somebody's blood pressure was dropping

NARENDA PATEL - DIRECT

1 they would alert you.

2 A They would bring inside and tell me okay, this patient
3 is the next in line.

4 Q Okay. But after these three first patients we've
5 discussed, was everybody else fairly stable?

6 A They were all fairly stable.

7 Q Okay. I'll turn your attention next to -- I'm sorry,
8 go ahead.

9 A No.

10 Q I'll turn your attention next to Tony Dixon. You saw
11 him after you had dealt with these three serious patients?

12 A Yes.

13 Q And what did Mr. Dixon present with?

14 A He presented with a left leg at about the ankle injury
15 with an entry and exit wound.

16 Q Okay. After your examination, was that determined to
17 be a gunshot wound?

18 A Yes.

19 Q Okay. And as you mentioned you did x-rays on this
20 patient?

21 A Yes.

22 Q And what do those x-rays show?

23 A X-rays showed no fracture or dislocation.

24 Q Okay. Tell me about the lower leg that obviously you
25 use that to walk on everyday.

NARENDRA PATEL - DIRECT

1 A Yes.

2 Q Can an injury -- can a gunshot to the lower leg cause
3 some serious problems?

4 A Yes.

5 Q What?

6 A If the bullet had gone through his bones, tibia and
7 fibula, the two bones there, and there's also the artery,
8 they would have been injured and he would have obviously
9 been unable to walk.

10 Q So is it just kind of by chance that this bullet did
11 not cause damage?

12 A It was lucky not to cause all of the those vital
13 important structures we have.

14 Q Okay. But luckily since it was -- it didn't hit those
15 vital structures, what treatment did you provide to
16 Mr. Dixon?

17 A So I called the nurse to clean the wound up, dress him
18 up and give him some antibiotic and pain medication and then
19 he'll be able to discharge this patient home with a
20 prescription to followup with the surgeons for further care.

21 Q Okay. But he didn't require any immediate surgical
22 care.

23 A No.

24 Q The level he required MUSC could give him.

25 A Yes.

NARENDA PATEL - DIRECT

1 Q Okay. So ultimately is that what happened with Mr.
2 Dixon that night?

3 A Yes.

4 Q Okay. Next I want to turn your attention to Kjana
5 Locke. What did Ms. Locke present with?

6 A Presented with a gunshot wound to the right lower
7 medial side of the knee with entry and exit wound, and a
8 small abrasion to the left heel.

9 Q Okay. So again, this is what you determined to be a
10 gunshot wound after your examination?

11 A Yes.

12 Q Okay. And tell us about what kind of problems could be
13 caused with a gunshot wound to the knee. What other
14 structures and arteries are in that area?

15 A Tibia and fibula are both the lower leg, we call the
16 lower end of the femur. In between the joint there's a
17 (inaudible) called tibia that make your knee joint tibia.
18 If the bullet goes through your knee you can injure the
19 tibia, you can injure the artery -- the name of the artery
20 is called brachial, it's a big artery. And then the fibula
21 can also be injured.

22 Q Okay. And if a major artery is injured, what could
23 happen to the leg?

24 A If you bleed in there it could expand and you can also
25 die from it if it doesn't get treatment in time. If it's

NARENDRA PATEL - DIRECT

1 early we can set them and send him on. If it fractures the
2 bones you can hardly walk or lose the leg.

3 Q Okay. So again, would you consider Ms. Locke pretty
4 fortunate with where this bullet happened to be placed?

5 A Yeah, it came out. It didn't stay in the joints so
6 that was a good thing.

7 Q Okay. So for Ms. Locke, what the treatment provided by
8 the emergency room?

9 A So we cleaned the wound, and we also gave antibiotics
10 and pain medication and dress her up and send her home with
11 a prescription for antibiotic and see the surgeon in the
12 community for further care.

13 Q Okay. And that's what you provided to Ms. Locke that
14 night?

15 A Yeah.

16 Q Okay. And again, that's what MUSC is equipped to do.

17 A Yes.

18 Q Next I want to turn your attention to Mr. Timothy
19 McCain. What did Mr. McCain present with that evening?

20 A He had a gunshot wound to the left knee and the -- the
21 left knee.

22 Q Okay. And this one, did you note an entrance and an
23 exit wound?

24 A Entrance and exit wound. And there was swelling of the
25 knee and it could -- a range of motion.

NARENDRA PATEL - DIRECT

1 Q Okay. What does that indicate to you as a physician?

2 A It means because the bullet went through and sometimes
3 depending on the type of the bullet, if there's a fragment
4 or something that causes extension of the space and it has
5 entered into the joint.

6 Q Okay. Did you do an x-ray on Mr. McCain?

7 A Yes.

8 Q And what did it show?

9 A No fracture or dislocation. Soft tissue in the soft
10 patella region. It was normal, there was nothing fractured
11 apart from that open wound. The bones were intact.

12 Q Okay. So the bones were intact but it did have that
13 open wound?

14 A Yes.

15 Q And the same thing we discussed with Ms. Locke about
16 what could have happened to the knee, to the leg to Mr.
17 McCain as a whole?

18 A Yes.

19 Q Okay. Same kind of serious potential affects it could
20 have had.

21 A Yes.

22 Q But in this case luckily he avoided that.

23 A Yes.

24 Q Okay. And so what treatment did you provide to Mr.
25 McCain?

NARENDA PATEL - DIRECT

- 1 A We cleaned up the wound and dressed him up and told him
2 to follow with the orthopedic doctor.
- 3 Q Okay.
- 4 A And gave a prescription for antibiotics.
- 5 Q Very good. And then finally a Ms. Brenia Davis, I
6 believe. Was this your final gunshot wound patient of the
7 night that you can recall?
- 8 A Yeah.
- 9 Q Okay. What did Ms. Davis present with?
- 10 A She presented with shot in the left leg.
- 11 Q Okay. Based on your exam of her, do you recall where
12 in the left leg this was?
- 13 A It was in the left leg, was on the midleg.
- 14 Q And where is that? Is that above the knee?
- 15 A Below the knee.
- 16 Q Okay.
- 17 A I can see an exit and entry wound.
- 18 Q Exit and entry wound. And you did a x-ray on Ms.
19 Davis?
- 20 A Yes.
- 21 Q And did that show any fractures or anything of the
22 sort?
- 23 A The x-ray was normal, no fractures of any bones.
- 24 Q Okay. But again, and I know I'm repeating the same
25 thing, a leg injury could be --

NARENDA PATEL - DIRECT

1 A You cannot walk in on it.

2 Q Right. And so, again, Ms. Davis avoided that
3 luckily --

4 A Yes.

5 Q -- by placement of the wound. And what treatment did
6 you do for Ms. Davis?

7 A We did the same thing, like cleaning of the wound, gave
8 antibiotics, pain medication, and then sending home to
9 follow with the doctor or surgeon.

10 Q Excellent.

11 MS. MCGINNIS: Beg the Court's indulgence just one
12 minute, Your Honor.

13 THE COURT: Okay.

14 (Break in proceedings.)

15 Q I know you mentioned an artery that's located in the
16 knee, but are there some other pretty serious arteries that
17 run through your legs?

18 A Tibia artery.

19 Q How about the femoral artery?

20 A Femoral artery is in the upper leg.

21 Q Okay. But if any of these arteries are hit and someone
22 is bleeding, what would the result be if that went
23 untreated?

24 A Person could bleed and die.

25 Q The person could die?

NARENDA PATEL - CROSS

1 A Yeah.

2 MS. MCGINNIS: I don't have any further questions for
3 you, Dr. Patel. If you will answer anything the defense may
4 have, please.

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

6 MR. BELTON: Thank you.

7 CROSS EXAMINATION

8 BY MR. BELTON:

9 Q Dr. Patel, very briefly. Were you able to recover any
10 bullets out of any of the seven people that you treated?

11 A No, sir. No bullets were found in the first three
12 patients -- first two, number two and number three. Sorry
13 let me tell the name; Mr. Mobley and Mr. Belton.

14 Q I'm sorry, your answer to Mr. Mobley and Mr. Belton is
15 what?

16 A If they found the bullet I don't know because the
17 patient was sent to CMC, so then the surgeons would have
18 found over there. If there is an entry and exit wound and
19 if the bullet is gone out there's less possibility to find
20 any bullet in the area.

21 Q Okay. So to your knowledge at least in Lancaster were
22 any bullets recovered from any of the victims?

23 A Sorry, repeat that.

24 Q Okay. From your knowledge in Lancaster were any of the
25 bullets recovered from any of the victims?

NARENDA PATEL - CROSS

1 A No, sir.

2 Q Okay.

3 MR. BELTON: Thank you. Thank you for coming.

4 THE COURT: All right. Mr. Sheldon?

5 MR. SHELDON: Yeah, briefly Judge. Thank you. May it
6 please the Court?

7 CROSS EXAMINATION

8 BY MR. SHELDON:

9 Q Doctor, thank you for being here. I'm going to ask you
10 just a couple of questions and these are probably not very
11 good questions but I'm going to ask them anyways. As it
12 pertains to Ms. Barnes, would you agree or disagree that
13 there is no way that you could tell what kind of gun she was
14 shot with or who shot her?

15 A I cannot tell because I didn't know anything about what
16 was going on because I was tied up with all of these
17 patients.

18 Q And I'm going to ask the same two questions for all
19 seven of the patients. Do you agree that there's absolutely
20 no way to tell for you as the treating physician what kind
21 of gun they were shot with or who shot them?

22 A No, sir.

23 MR. SHELDON: Thank you, Judge. No further questions.
24 Thank for being here, Doctor.

25 THE COURT: Any redirect?

NARENDA PATEL - CROSS

1 MS. MCGINNIS: No, Your Honor.

2 THE COURT: Thank you, Doctor, you can step down,
3 you're free to leave. All right. Ladies and gentlemen,
4 let's take just a brief recess. I have been advised by the
5 State the next witness is in route and would be here like
6 right at 2:00. Okay? Here is the thing, that will be the
7 last witness of the day. Okay? So I told you I would take
8 care of you today, so I fed you and getting you out of here
9 kind of early. Okay? So go take a break, don't talk about
10 the case. Thank you.

11 (The jury left the courtroom.)

12 THE COURT: Bring the jury down.

13 (The jury returned to the courtroom.)

14 THE COURT: All members of the jury are present. Madam
15 Solicitor, you can call your next witness.

16 MS. CAMPBELL: May it please the Court? State calls
17 Dr. Rose to the stand.

18 The witness, KELLY ROSE, M.D., was first duly sworn

19 And testified as follows:

20 DIRECT EXAMINATION

21 BY MS. CAMPBELL:

22 Q Dr. Rose, where are you employed?

23 A At Newberry Pathology Group in Newberry, South
24 Carolina.

25 Q And what do you do there?

KELLY ROSE - DIRECT

1 A I conduct forensic autopsies.

2 Q And can you tell this jury a little bit about your
3 training and your education in the medical field?

4 A I went to medical school at the Medical University of
5 South Carolina. I stayed on there for a little while to
6 start my training in Pathology, just General Pathology. I
7 transferred then to Emory University. I finished my
8 residency training and that's four years. And then from
9 there I did a forensic fellowship, which is an extra year in
10 just forensic autopsies. I stayed in Atlanta to do that
11 through Emory at the Fulton County Medical Examiner's
12 Office.

13 Q And you actually received your medical degree?

14 A Yes.

15 Q And do you have any certifications in the field of
16 Forensic Pathology?

17 A I do. I'm board certified in Anatomic Clinical
18 pathology and Forensic Pathology.

19 Q And just for the jury's education, what's the
20 difference between those three fields; clinical, anatomic
21 and forensic?

22 A So Anatomic Pathology is diagnosing disease -- yeah,
23 tissue. So if you go to a dermatologist and you have a mole
24 removed they send it a pathologist, and then we are the ones
25 that will say: Oh, it's nothing, it's benign. Or: That's

KELLY ROSE - DIRECT

1 precancerous, you need to watch that. Or: That's cancer,
2 you need to take that off. So Anatomic Pathology involves
3 diagnosing disease through organs. Clinical Pathology
4 involves diagnosing disease through body fluids. So for
5 example, you get your blood drawn and they send it to the
6 lab, the pathologists are the ones that set up the levels of
7 what's normal and what's not, what your blood is showing
8 helps us then determine what further tests. We even do
9 microbiology where we can tell you what kind of pneumonia
10 you have. We do virology where we tell you what kind of
11 virus you have and interpret all of the data for that.
12 Forensic Pathology is dedicated to the performance of
13 autopsies on pretty much unexpected or suspicious deaths,
14 generally how you define a forensic autopsy, and in that you
15 use Anatomic and your Clinical Pathology to determine
16 someone's cause and manner of death.

17 Q And over the course of your career, do you know
18 approximately how many autopsies you've performed?

19 A Approximately 3,000.

20 Q And over the course of your career have you also
21 testified before in court?

22 A Yes.

23 Q And been qualified as an expert specifically for this
24 case in Forensic Pathology?

25 A Yes.

KELLY ROSE - DIRECT

1 Q And approximately how many times have you been
2 qualified as a Forensic Pathologist?

3 A Approximately ten times.

4 MS. CAMPBELL: Your Honor, at this time we offer as an
5 expert in Forensic Pathology for this case.

6 THE COURT: All right. Any voir dire on credentials,
7 gentlemen?

8 MR. BELTON: No, Your Honor.

9 MR. SHELDON: Without objection, Your Honor.

10 THE COURT: Without objection the doctor is qualified
11 as an expert witness in the field of Forensic Pathology.
12 Ladies and gentlemen, remember what I told you an expert can
13 do. Thank you.

14 BY MS. CAMPBELL:

15 Q And, Doctor, I want to turn your attention to this case
16 where there were actually two people that reported to you
17 for autopsy. And can you tell the jury typically how a case
18 comes to you and the time period that may lapse between the
19 event that caused the death and when you get them?

20 A Basically we schedule autopsies as we can fit them in.
21 So an event might happen where one dies, the coroner of the
22 county will call my office and request to schedule an
23 autopsy. Depending on how many other people might have died
24 in the counties that I do or other issues, it varies as to
25 when we can fit them in. So there could be a little lapse.

KELLY ROSE - DIRECT

1 Sometimes the coroner requests a lapse so they have time to
2 gather all of the information or so that investigators can
3 attend. So it's all scheduled through coroners.

4 Q So the lapse in time from the actual death until you
5 actually receive the body and are able to do the autopsy
6 does not affect your findings in any way.

7 A No.

8 Q But in this case it looks like you actually did the
9 autopsy later in the day when he was killed on September
10 21st?

11 A Yes.

12 Q And the first person I want to talk about is Henry Lee
13 Colvin.

14 A Okay. Yes.

15 Q Good?

16 A Uh-huh.

17 Q And I believe when you first get an autopsy in you
18 actually attach a number to in order just to kind of track
19 it that way in your system, I believe.

20 A Yes.

21 Q What was the autopsy number for Mr. Colvin?

22 A FA19668.

23 Q And how did he present when you first came in contact
24 with him? What's done to kind of protect any evidence?

25 A The coroner at the scene, with the help of

KELLY ROSE - DIRECT

1 investigators sometimes, will place the body in a body bag
2 and seal that bag with a red seal that you actually have to
3 cut off to open the bag, and they have the number of the
4 seal, and then when we receive a case we will have it and we
5 know that it matches.

6 Q Once you get the body bag, and in this case, just walk
7 the jury kind of how an autopsy occurs, what you do.

8 A Okay. So there's a lot of documentation that occurs in
9 an autopsy. So when we open the bag we take pictures as the
10 body is received, what they were wearing, what medical
11 devices they might have on, even any of the stuff in the
12 bag. So we document it, that also gets written down. Then
13 we will undress the body, clean the body. What we'll do --
14 in the case of a gunshot I'll look over the body again and
15 see if there's any wounds that I don't want cleaned up. And
16 then after we've determined that we'll clean the body and
17 then start doing an external examination. We'll start at
18 the head and go to the toes, not only looking for injury but
19 for natural disease too. So I'll document the hair, the
20 eyes, the teeth, any changes in them that might give me a
21 hint as to how this person died. We will document their
22 length. We call it length because they're not standing up
23 so it does not always correspond to your height. Weight.
24 If they're consistent with the age that we've been told and
25 we just work our way down. When we're done with that

KELLY ROSE - DIRECT

1 typically then I start my injury assessment, and we'll
2 document the injuries and all of this occurs on body
3 diagrams. When that part is done and a gunshot wound we
4 x-ray. So we will x-ray anywhere that we think the body has
5 been shot, and we will look for projectiles or bullets that
6 way. Finally when all of the preliminary stuff is done we
7 start by collecting toxicology. We always gather some
8 specimens of blood, urine, some fluid from your eyes to send
9 to a lab. And then we will open the body and look at the
10 organs. And then when we are done opening the body looking
11 at the organs you're done pretty much in the morgue, the
12 morgue part, and then the paperwork really begins.

13 Q Okay. When you say open the body, typically how is
14 that done to examine at least the torso?

15 A It's -- they always say Y-shaped incision, we actually
16 make a U because the funeral home likes a U better because
17 it helps with clothing. So it's basically a U across your
18 chest, and then down around the belly button, and then down
19 further until you reach pretty much the pubic bone and then
20 you stop. And then you open up the skin and the muscles,
21 you pull that back, you open the rib cage and you start to
22 access the organs.

23 Q And you've also noted any injuries to any of the
24 extremities such as the arms or the legs. Do you also do an
25 internal examination of those as well?

KELLY ROSE - DIRECT

1 A A lot of times, depending on the location, I will
2 x-ray, and arms typically are thin enough that you don't
3 have to then dissect out the inside of the arm. You can see
4 with a good x-ray tons of injury.

5 Q Okay. And then finally if there had been any head
6 injuries, or do you examine the interior of the head and the
7 brain?

8 A Yes. And I do that on every full autopsy, I will look
9 at the head.

10 Q Even when there's evidence of some type of homicide,
11 which we'll get to in a minute, do you also look for any
12 kind of natural cause such as a disease or illness that
13 could have caused or contributed to death?

14 A I do. I really do.

15 Q And is that something you did in both of these cases
16 we're getting ready to do here today?

17 A Yes, I always do that. Because I'm wondering did
18 something affect how long a person might have lived.
19 Sometimes I'm thinking, well, you know, he probably didn't
20 live that long with the state of health he was in. Or, no.
21 This person was really healthy and should have lived into
22 the foreseeable future.

23 Q And in this case, just preliminarily, was there any
24 indication of any natural disease or anything like that that
25 caused or contributed to this death?

KELLY ROSE - DIRECT

1 A No.

2 Q To these deaths. And I want to take Mr. Colvin first.

3 You mentioned that you do the external examination as far as

4 height, weight, things of that nature. Can you tell

5 basically just height, weight, and then your external

6 examination and if you noted in the wounds?

7 A Okay. He measured 73 inches in length. He weighed

8 approximately 220 pounds. And he did appear consistent with

9 the age we were given of 29.

10 Q Twenty-nine years?

11 A Yes. Now, do you want any of the injuries that I

12 noted?

13 Q Yes. In whatever order you think.

14 A Okay. So on Mr. Colvin I noticed three gunshot wounds

15 of entry, or entrance gunshot wounds. He had one here, he

16 had one in the midchest, and he had one on his left leg near

17 his knee. Sometimes, you know, they try to make it seem

18 easy to distinguish entrance versus exit, it's not always

19 that easy. So I always really look closely at the wound.

20 You want to look at x-rays and see what way bone fragments

21 are going to help you. So that's all happening as I am

22 noting the injuries to try to get an idea of okay, what

23 bullet went where? How many bullets should I find in the

24 body? You want the holes to match. If they match you know

25 there's no bullets left inside. If they don't you need to

KELLY ROSE - DIRECT

1 find a bullet.

2 Q And in this case you mentioned the entrance wounds and
3 that's the point where, it sounds elementary, but the bullet
4 would go into the body.

5 A Yes. It's where the bullet enters the body.

6 Q And the exit wound, say if I were shot head-on, an exit
7 wound could be in my back, could it also go different
8 directions in the body?

9 A Definitely. Depending on the position of the body,
10 depending on the type of ammunition used, you can have an
11 entrance wound that starts here and comes out here. There's
12 really no rhyme or reason with the body on the table as to
13 what position. So you don't just assume that if a bullet
14 wound is here that the exit is going to be on the back. It
15 would make my life easier but it doesn't work that way.

16 Q I understand. So say if someone is leaning down when
17 they were shot and if the shot goes in here, but based on
18 the angle of their body when they're shot it could affect
19 where the exit wound is.

20 A Yes. I've had a case where the person was doing this
21 (indicating) and the bullet comes in the arm and then flies
22 behind the back and comes out there. So --

23 Q And in addition depending on what organs and/or bones
24 it may hit it can also affect them.

25 A Oh, definitely. As soon as the bullets hits tissue it

KELLY ROSE - DIRECT

1 starts to tumble, and depending on what kind of tissue it is
2 depends on where it's going to end up.

3 Q And in this case, did you prepare a diagram of the
4 external wounds you noted?

5 A I did.

6 MS. CAMPBELL: Your Honor, may I approach?

7 THE COURT: Yes.

8 MS. CAMPBELL: Thank you.

9 Q I first want to show you what's been marked, this is a
10 blowup of your diagram, as State's Exhibit Number 14. Does
11 that look like the diagram you prepared?

12 A Yes.

13 Q And does this show the entrance and exits, as well as
14 the projectile that was recovered in this case?

15 A It does.

16 Q And would this aide you in your testimony before the
17 jury?

18 A Yes, it would.

19 MS. CAMPBELL: Your Honor, at this time we would offer
20 State's Exhibit 14 into evidence.

21 THE COURT: Without objection entered into evidence.

22 (State's 14 was received.)

23 Q And while I'm at it so you don't have to turn around
24 again, is this State's Exhibit Number 15 also a diagram that
25 belongs to Mr. Colvin?

KELLY ROSE - DIRECT

1 A Yes, it is.

2 MS. CAMPBELL: Your Honor, at this time we offer
3 State's Exhibit 15.

4 THE COURT: Without objection entered into evidence.

5 MR. BELTON: And I know that Madam Solicitor has on her
6 mask, but I assume she said enter 15.

7 THE COURT: 14 and 15.

8 MR. BELTON: Without objection.

9 MS. CAMPBELL: I apologize.

10 MR. BELTON: No worries. Without objection.

11 (State's 15 is received.)

12 Q And, Doctor, if everybody can see --

13 MS. CAMPBELL: And if they need to stand up, Your
14 Honor, would that be okay?

15 THE COURT: Yeah.

16 Q Can you -- it might be easier for you to get up there.
17 Can you tell this jury what your findings were in your
18 preliminary examination on Mr. Colvin?

19 A After I did the procedure that I just went through I
20 determined there was an entrance wound here where a bullet
21 went in. There was another hole here where another bullet
22 went in. And there was a third hole here where a bullet
23 entered his body. There was an exit wound here on his lower
24 back or mid-lower back. And another entrance wound here on
25 his blank is what we call that.

KELLY ROSE - DIRECT

1 Q And that was an entrance or an exit wound?

2 A Exit. And I -- just for their knowledge, for entrances
3 I use these round holes and exits I use X's.

4 Q Okay. And so that basically shows the general area.

5 A Yes.

6 Q And during the course of your examination prior to the
7 actual autopsy, the internal autopsy, is this also -- on
8 these defects once they're cleaned up also photographed?

9 A Yes. We photographed all of the wounds once we've
10 identified them and kind of inventoried them.

11 Q Okay. And I want you to look at State's Exhibit Number
12 15, which I just put down beside you. In looking at the leg
13 ultimately did you have additional information as far as
14 where the bullet went?

15 A Right. And during the process of trying to match the
16 holes to the wounds it became obvious that the bullet that
17 went in the left leg here had come out, or not come out, but
18 had when we looked at the x-ray managed to be lodged in his
19 right buttock, so we have to really figure out how that
20 happened. So we cleaned -- he was already cleaned but we
21 lifted up his legs and had to spread them and found wounds
22 corresponding. So when it went in, it went up, it came out
23 on his left inner thigh, it flew through there air a little
24 bit, reentered his right thigh, and then made its way to his
25 buttock.

KELLY ROSE - DIRECT

1 Q Okay. And once you -- thank you. I can put that down.
2 And I want to talk a little bit about your findings now
3 during examination. And when you did your examination of
4 all of his internal organs, including his brain, other than
5 the injury caused by the bullets, was there any other
6 disease or defect that was noted?

7 A No.

8 Q Okay. And taking them in whatever order you want to
9 one at a time, were you able to match up the entrance and
10 exit wounds along with the internal injuries they caused?

11 A I was.

12 Q And can you just explain that to the jury?

13 A Once you start to open you'll have kind of an idea of
14 where you think things might have gone, but you really wait
15 until you open to confirm. Because a bullet is going to
16 leave a pathway in the body and you're going to actually see
17 a bloody track through certain organs. So you see, okay,
18 this gunshot is here, there's some blood heading this
19 direction, you follow the whole thing. So in this case
20 Gunshot A here below the collarbone over here went in, it
21 entered a rib on the left, it then perforated, and that's
22 the word we used to mean it went with all the way through,
23 the large arteries near your heart. So the aorta, the
24 pulmonary artery, they're huge, they're the size of garden
25 hoses. It then traveled through the heart. It -- after

KELLY ROSE - DIRECT

1 traveling through the heart it went through a vertebrae in
2 his spine, and we tracked it further through the back and it
3 came out at A1, this X right here. So it went from here,
4 back down, back, and out there.

5 Q So those would be the corresponding entrance and exit
6 wounds that you just pointed to.

7 A Yes.

8 Q And in documenting the actual entrance wound, how did
9 you describe it?

10 A I described it as a three-eighths inch skin perforation.
11 It had an abrasion border, and that's very helpful in
12 identifying what an entrance wound is. That is -- I don't
13 know if y'all have seen a gunshot wound before through glass
14 or through something that it can actually kind of make a
15 path, that one of the edges sometimes is not -- it's not
16 always just punched out, it's not a perfect circle. So
17 you'll have a circle, then you'll have kind of this area
18 of -- like an area where it kind of slopes surrounding.
19 That's an abrasion border, and that's very consistent with
20 an entrance wound. Because as the bullet enters the body it
21 has so much energy that it actually -- disintegrate is a
22 little strong word, but it fragments the tissue in such
23 small places, sometimes they'll fly out of the wound, they
24 get disbursed in the wound and you actually lose a rim of
25 tissue. I noted that it had an eccentric abrasion border.

KELLY ROSE - DIRECT

1 That means the abrasion border, the little slope, didn't go
2 all of the way around the wound, it was only in the one spot
3 of the wound. Let's see. And that abrasion measured up to
4 a forth of an inch and was between nine and three o'clock.
5 So it was at kind of the top of the wound. And when gunshot
6 wounds cooperate that's helpful, because if the -- if your
7 wound and you have your abrasion up here it can help you
8 know the direction of the bullet. So a bullet that's going
9 to be going in and down, it's going to have that abrasion at
10 the top. So that was helpful in this case. Now, they don't
11 always read the books and behave that way, but in this case
12 it did.

13 Q And you mentioned that it was about a forth of an inch,
14 I believe, in diameter?

15 A Yes.

16 Q Can you tell the caliber of what bullet would either be
17 the entrance or the exit wound?

18 A No, you cannot.

19 Q Why is that?

20 A They actually have written like chapters in Physics
21 books about why you cannot. I want to stand up because
22 there's a glare. It depends on so many different things.
23 It depends on the size of the bullet, what the bullet is
24 made out of, the shape of the tip of the bullet, how heavy
25 it is, if the lead is heavy. It depends on the density of

KELLY ROSE - DIRECT

1 the air outside, the temperature of the air outside. All of
2 these things affect the energy of a bullet going into the
3 body, and the energy of a bullet going into the body is one
4 factor in determining what the wound is going to look like.
5 You also have factors like what kind of tissue is it going
6 to hit. If you have a wound to say something that is soft
7 like a breast, the hole is going to look a lot different
8 than if you have a wound to say a really dense muscle. So
9 there's so many different variables involved you cannot tell
10 the caliber from the size of an entrance wound. It is
11 impossible. Physicists have tried, they'll have a range,
12 like well, it can be from here all of the way to here, so --

13 Q And with this wound you mentioned that there would have
14 been -- you kind of followed the bloodline if it causes
15 bleeding.

16 A Yes.

17 Q Was there any extensive bleeding as a result of this
18 bullet path?

19 A Yes. In fact, he had 1600 milliliters, almost two
20 liters of blood, in his left chest cavity alone. So your
21 left chest cavity is not very big and it was holding almost
22 two liters of blood. Your lungs cannot pump against that
23 blood, it collapses them, and when a lung gets collapsed it
24 affects how the heart can pump. In this case that wasn't --
25 didn't come into play so much as the bullet continued

KELLY ROSE - DIRECT

1 through his heart and made his heart ineffective and unable
2 to work.

3 Q Okay. And pretty much this bullet went through -- I
4 believe you said it entered through a rib?

5 A Yes.

6 Q And then through a lobe, which is a lobe of the lung?

7 A Yes.

8 Q And then through his aorta at the heart?

9 A Yes.

10 Q And his pulmonary artery?

11 A Yes.

12 Q And then his thoracic vertebra.

13 A Yes.

14 Q Is there any way he could have survived this?

15 A No.

16 Q Just this one.

17 A No. This is pretty much a uniformly lethal injury.

18 It was a devastating injury. They say that the greatest --

19 the best way to determine if someone is going to live

20 through trauma is if they have lived to the hospital. So if

21 you can't live for ten seconds you can't get to the

22 hospital. And this is the kind of wound that would have

23 immediately incapacitated him, took out the vital structures

24 in his heart that controlled the beating of it. He was

25 immediately incapacitated by this wound.

KELLY ROSE - DIRECT

1 Q And when you say immediately incapacitated, would he
2 have been able to stand up and walk or anything like that?

3 A No. It's my opinion that no.

4 Q Would he -- how long would he have lived possibly?

5 A Minutes. Just long enough for the rest of the oxygen
6 in his blood to be used up.

7 Q So would that be minutes? Hours?

8 A Minutes.

9 Q Less than ten?

10 A Yes. They say four to five.

11 Q And then reading in your autopsy, and I noticed that
12 you describe this as an indeterminate distance wound. What
13 does that mean?

14 A That means that I personally at autopsy don't see any
15 clues as to the range of fire. Clues include a contact, an
16 imprint around the entrance wound so you know if a gun was
17 held up to somebody. Other clues are soot and what we call
18 stippling, which are two forms of gunpowder, and I did not
19 see any of those. Now, we are taught to call these
20 indeterminate because perhaps the bullet went through
21 something that caught the soot, like clothing or something.
22 So while I didn't see anything that would determine range,
23 we call it indeterminate. Usually indeterminate wounds
24 after investigation do tend to be distant wounds, though,
25 which is considered greater than three to four feet.

KELLY ROSE - DIRECT

1 Q Greater than three to four feet?

2 A Uh-huh.

3 Q And when you say greater than three to four feet, can
4 it be to the point where the bullet just simply has no more
5 energy to keep going?

6 A Oh, that would be really far.

7 Q But a long one.

8 A Yes.

9 Q But in your experience this would be an indeterminate,
10 which would be from three to four feet?

11 A At least three to four feet, not closer.

12 Q Not closer.

13 A Right. Unless then the investigators say we found all
14 kinds of soot on the clothing, that would be the one thing
15 that could change me.

16 Q And I want to show you what has been marked as State's
17 Exhibit 22. Does that show that entrance wound?

18 A It sure does.

19 Q And I mentioned the corresponding exit wound on that
20 one is where?

21 A It's on his lower back, from mid to lower back.

22 Q And I'm going to show you these two items, which are
23 State's Exhibits 28 and 29. Do those recognize those?

24 A I do.

25 Q And do those depict the entrance wound and the

KELLY ROSE - DIRECT

1 corresponding exit wound in the back?

2 A Yes. This shows the far-away pictures of the exit and
3 then a closer picture, and then the first one shows the
4 entrance.

5 MS. CAMPBELL: Your Honor, at this time we would offer
6 them into evidence.

7 THE COURT: All right. Without objection?

8 MR. BELTON: No objection.

9 THE COURT: All right. Without objection admitted into
10 evidence.

11 (State's 22, 28 and 29 were received.)

12 MS. CAMPBELL: Thank you. Your Honor, permission to
13 publish?

14 THE COURT: Granted.

15 Q I want to turn your attention to -- you mentioned there
16 was another gunshot wound to the chest.

17 A Yes. That was this one right here. This was another
18 entrance wound right here.

19 Q And going through just pretty much what we did before,
20 can you just tell the jury about that wound?

21 A Okay. All right. So I described this wound here B as
22 a -- it was also three-eighths of an inch skin perforation.
23 And it was also surrounded by an eccentric dried abrasion
24 border that was up to three-eighths inch, and that was at
25 nine o'clock. So it would have had an abrasion here. Then

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1 as that bullet went through the skin, soft tissue muscles,
2 the stuff that you have here, what it hit along its path was
3 a lobe of his liver, it grazed the stomach, and then it went
4 through the left lateral rib, so left lateral rib number
5 ten. And we actually count them and make sure we have the
6 number right. And it went into the subcutaneous tissue
7 right here after it went through that rib, and we were
8 able -- it exited right here through that tissue after it
9 passed.

10 Q I'm going to show you -- I'm going to hand all of these
11 up to you and let you go through them. I believe these
12 first two are of the entrance just so I don't have to keep
13 walking up here.

14 A Sure.

15 Q Do we have photos of that entrance wound?

16 A Yes.

17 Q And what are the State's exhibit numbers on those,
18 Doctor?

19 A 20 and 21.

20 Q And do those fairly and accurately depict -- I believe
21 they're two pictures of the same thing; is that right?

22 A Yes.

23 Q And do those depict the entrance wounds on the rib and
24 the chest area?

25 A Yes.

KELLY ROSE - DIRECT

1 Q And did I hand up a exit?

2 A You do.

3 Q And what's that exhibit number?

4 A 24. And then a closer is 23.

5 Q Do those depict the exit wounds in this case that
6 corresponds?

7 A Yes.

8 MS. CAMPBELL: Your Honor, at this time we would offer
9 these into evidence.

10 THE COURT: All right. Any objection?

11 MR. BELTON: No, Your Honor.

12 MR. SHELDON: No objection, Your Honor.

13 THE COURT: Admitted without objection.

14 (State's 20-24 were received.)

15 MS. CAMPBELL: Your Honor, permission to publish while
16 she's --

17 THE COURT: Yes, granted.

18 Q Can you tell the jury what type of injuries that bullet
19 caused?

20 A Besides the disrupt in the issue that it went through,
21 which liver, and liver gets very disrupted by gunshot
22 wounds. It's a very bloody organ and it's soft so it takes
23 a lot of damage. It would have made a really large path to
24 his liver. It resulted in 300 ML's of blood in his belly.
25 So that liver was able -- even with him dying was able to

KELLY ROSE - DIRECT

1 leak 300 ML's of blood into his belly.

2 Q Okay. And I believe that went through the liver?

3 A Yes.

4 Q As well as part of the stomach, the surface of the
5 stomach?

6 A Yeah. It grazed the stomach so it didn't make a hole
7 in the stomach. The wall of your stomach is pretty thick so
8 it just grazed the outside of it on its way by. It went
9 through the liver.

10 Q And then I believe it hit one of the ribs?

11 A Yes. It took out lateral rib number ten.

12 Q And then it ended up --

13 A Flying out.

14 Q -- it the flat area?

15 A Pardon.

16 Q It ended up exiting?

17 A Yes. As it came through the lateral rib over here it
18 came out that skin right there, your flank.

19 Q Okay. And would this, in your opinion, also be
20 considered to be a fatal wound?

21 A It definitely could have been fatal. It would not have
22 been as quickly fatal, but when you have a wound to your
23 liver that is so vascular and you lose a lot of blood they
24 need emergency medical treatment.

25 Q Quickly?

KELLY ROSE - DIRECT

1 A Quickly.

2 Q So he would have bled out within --

3 A It would have taken a little longer. They were both --
4 he was healthy, young, so he would have sustained it better
5 than me, so he could have lived ten minutes.

6 Q Maybe. But again, this would have been a fatal wound
7 as well.

8 A Yes.

9 Q And finally, the third gunshot wound you'd mentioned
10 earlier in this case.

11 A Uh-huh. Okay. That gunshot wound came in over here,
12 it traveled up to come out -- and these are not to scale
13 because I am not an artist. So it came out -- this diagram
14 is really just to show that it came out on the upper left
15 thigh, crossed under the scrotum and reentered the right
16 thigh, then it traveled up into his buttock.

17 Q Okay. And in the photographs I handed you earlier, are
18 there photos of those --

19 A Yes.

20 Q -- entrances I guess.

21 A Yes.

22 Q Exit and entrance wounds.

23 A Yes. You have the entrance, the exit, and the reentry.
24 So you have --

25 Q And just the entrance will be State's Exhibit Number --

KELLY ROSE - DIRECT

1 A 25.

2 Q Thank you. And then the exit corresponding with that
3 in the upper thigh?

4 A 26.

5 Q And finally the reentrance into the --

6 A 27.

7 MS. CAMPBELL: Thank you. Your Honor, at this time we
8 offer those into evidence.

9 THE COURT: All right. Without objection introduced
10 into evidence.

11 (State's 25-27 were received.)

12 Q And you mentioned that you did recover one projectile
13 in this case that corresponded with this last path, right?

14 A Yes.

15 Q And that was recovered from his --

16 A The soft issues of his butt cheek pretty much.

17 Q And is there a photograph of that bullet?

18 A There is. And that is 30.

19 MS. CAMPBELL: Your Honor, at this time we would offer
20 State's Exhibit 30 into evidence.

21 THE COURT: All right. Without objection admitted into
22 evidence.

23 (State's 30 was received.)

24 Q And finally I'll show you 31. Is this labeled as the
25 actual projectile that you recovered?

KELLY ROSE - DIRECT

1 A Yes.

2 MS. CAMPBELL: Your Honor, finally I offer that into
3 evidence as well, 31.

4 THE COURT: All right. Without objection introduced
5 into evidence.

6 (State's 31 was received,)

7 MS. CAMPBELL: Thank you.

8 Q Doctor, you also mentioned at the autopsy you also take
9 toxicology in these cases?

10 A I do.

11 Q And in this case was there anything in the toxicology
12 report that would have been a contributor to his death?

13 A No, there was not.

14 Q Finally on Mr. Colvin, if he had sustained all of these
15 wounds somewhat contemporaneously, about the same time,
16 would it be consistent with him having fallen down and not
17 be able to get up?

18 A Definitely.

19 Q He would have died how soon?

20 A Minutes. Three minutes, four minutes.

21 Q Moving on to the second autopsy you did with relation
22 to this case, a Mr. Aaron Harris?

23 A Yes.

24 Q And can you tell just basically just -- you don't have
25 to go into much detail, but did you do an external

KELLY ROSE - DIRECT

1 examination of his body?

2 A I did. I did. The exact same procedure that I did on
3 Mr. Colvin I did on Mr. Harris.

4 Q Again, was there any indication of any natural disease
5 or illness that would have contributed to his death in this
6 case?

7 A No. There is no active disease no significant active
8 disease.

9 Q And I believe that you basically looked at his height
10 and his weight to see if he is consistent with his age?

11 A Yes.

12 Q What were those findings?

13 A Okay. He was 67 inches in length, weighed
14 approximately 189 pounds, and appeared consistent with 28
15 years of age.

16 Q And in doing your external examination, can you tell
17 the jury what your findings were as far as any kind of
18 injury?

19 A Yes. In doing his external examination I found an
20 entrance gunshot wound on his back, his right upper back.

21 Q Did you find any corresponding exit wound?

22 A I did not.

23 Q I'm going to hand you these and get your diagram. I'm
24 going to show you what's been marked as State's Exhibit
25 Number 16. Is this a diagram you prepared in this case?

KELLY ROSE - DIRECT

1 A Yes.

2 Q And does this fairly and accurately -- this is actually
3 a blow-up of your diagram?

4 A Yes, it is.

5 Q And you prepared this.

6 A Yes.

7 MS. CAMPBELL: Your Honor, at this time we offer it
8 into evidence.

9 THE COURT: All right. Without objection introduced
10 into evidence.

11 (State's 16 was received.)

12 MS. CAMPBELL: Thank you.

13 Q Can you tell -- describe the entrance wound that you
14 found in this and where it was located on the body?

15 A Uh-huh. It was -- it consisted of a one-half inch skin
16 perforation. It had a circumferential abrasion, which just
17 meant it went all the way, and that was just one-eighth of
18 an inch. I didn't see soot, I didn't see stippling.

19 Q So in your opinion, was this event yet another
20 indeterminate?

21 A Yes.

22 Q So it would be at least three to four feet or further?

23 A Yes.

24 Q Go ahead.

25 A Okay. After it went through the skin of the back it

KELLY ROSE - DIRECT

1 entered the ribcage on the right through rib number six. It
2 also -- it went through the -- I take that back a little
3 bit. It went below rib number six in the six intercostal
4 space. So we call the space between the ribs intercostal
5 spaces. It went through the six intercostal space. While
6 it was doing that it took out the top of rib number seven,
7 so it got the six space, seventh rib. It then went into the
8 right lower pulmonary lobe, so the right lower lung. When
9 it was -- had passed through that it went into the right
10 ventricle of the heart. It exited the left atrium of the
11 heart. So your heart has four chambers; two ventricles, two
12 atria. Right ventricle, left atria; right atria, left
13 atria. So it came in kind of the bottom chamber on the
14 right and exited the top chamber on the left. And there's
15 some overlap. The heart is not the perfect Valentine's Day
16 thing. Okay. Then after it went through the heart it went
17 through the left anterior third intercostal space, took out
18 some of the left rib number four, and it went into the
19 subcutaneous tissue of the left upper chest here. So it
20 went through ribs, got lung, got two sides of the heart,
21 came through more ribs, and was lodged here.

22 Q So you were actually able to remove the bullet because
23 there was no exit wound in this case.

24 A Yes. There was no exit wound and we saw a projectile
25 on x-ray.

KELLY ROSE - DIRECT

1 Q On x-ray?

2 A Uh-huh. Yes.

3 Q And the path of this bullet, would it have caused any
4 internal bleeding?

5 A Yes. It would have caused a lot of internal bleeding,
6 and, in fact, it did. There was one liter of blood in the
7 right chest cavity, so around the right heart. And these
8 cavities are usually distinct and don't communicate too
9 much. So a thousand milliliters, one liter in the right,
10 and then 200 were in the left. And that's a significant
11 amount of internal bleeding.

12 Q So basically this entered and went through the lung and
13 the heart.

14 A Yes.

15 Q How long would he have been able to -- would this have
16 been a fatal injury? Or was this a fatal injury?

17 A This would have been a fatal injury. It would not have
18 necessarily caused an immediate collapse because of the
19 locations in the heart where it went through. It went
20 through the locations in the heart that are not involved in
21 pumping blood to your body. The right ventricle is involved
22 in pumping blood to your lungs, the left pumps it to your
23 body. The left atria is just a filling tank. So blood
24 would have been leaking out of these but would not been
25. pumped out like they would have been if it had gone through

KELLY ROSE - DIRECT

1 left ventricle. The right ventricle would have pumped some
2 blood. But the left ventricle is usually about this thick
3 and the right is usually this thick, because it has a lot
4 less force and a lot less pressure to pump so it doesn't
5 pump as strong. So he could have lived -- he would not have
6 dropped instantly potentially.

7 Q Could he have kept moving or even door --

8 A Oh, yes.

9 Q For a period of say 20 seconds even?

10 A Yes. They have reports of people that have sustained
11 similar injuries, and the healthiest one of them ran a
12 football field before falling over.

13 Q Once he fell down, though, and did collapse as the
14 blood was coming into his chest cavity, what would his
15 condition have been prior to death?

16 A Prior to falling?

17 Q Once he fell and couldn't run anymore what was his
18 condition?

19 A He was more gone, which means he was dying. It was too
20 late to save him at that point.

21 Q Would he have become unconscious and then died?

22 A Oh, yes.

23 Q Did you find any other significant bullet wounds or any
24 other type of wound on him?

25 A Did I find anymore like --

KELLY ROSE - DIRECT

1 Q Bullet wound or anything, other fatal injury.

2 A No.

3 Q So this was the one --

4 A This was the one. This was the fatal shot.

5 Q And then I'm going to show you what has been marked as
6 State's Exhibit Number 32, which is the projectile you
7 collected at autopsy and just ask you to look at that. And
8 is that, in fact, the bullet or projectile that you
9 recovered from his body?

10 A Yes, it is.

11 Q And finally, was there anything in his toxicology that
12 contributed to his death in any way?

13 A No, there was not.

14 Q The projectile that you recovered from his body, did
15 you document where you recovered that in the diagram
16 generally?

17 A Yeah. It was right here in the fatty tissue under your
18 skin.

19 Q Right there kind of under the -- in the left breast
20 area?

21 A Yes, uh-huh.

22 MS. CAMPBELL: Your Honor, at this time we move State's
23 Exhibit 32 into evidence.

24 THE COURT: All right. Without objection admitted into
25 evidence.

KELLY ROSE - CROSS

1 (State's 32 was received.)

2 MS. CAMPBELL: I think that's all we have, Your Honor.

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

4 CROSS EXAMINATION

5 BY MR. BELTON:

6 Q Thank you, Doctor. Very briefly. Let's start with Mr.
7 Colvin, then we'll work to Mr. Harris. Okay?

8 A Okay.

9 Q Mr. Colvin, was there any illicit drugs found in the
10 toxicology?

11 A There was THC and ethanol.

12 Q Is that alcohol?

13 A Alcohol, yes, sir.

14 Q And THC, what's the street name for that?

15 A That is from marijuana, or marijuana contained
16 substances.

17 Q All right. With Mr. Colvin, the bullet found from his
18 was recovered from his buttocks, correct?

19 A Yes, sir.

20 Q And your testimony is there were three different
21 gunshot wounds?

22 A Yes, sir.

23 Q And your testimony is also that you can't determine
24 whether those gunshot wounds are close or far away, correct?

25 A I know they're not close, so I know that they didn't --

KELLY ROSE - CROSS

1 they didn't have the characteristics of a contact wound so
2 that is close.

3 Q And you also say that gunshot wounds are imperfect so
4 you can't even tell if they're coming from the same gun, can
5 you?

6 A No, I cannot.

7 Q All right. Now, you indicated that he was shot in the
8 chest, and I think you said he was shot also in the
9 shoulder. There are two entry points; one in the chest, one
10 in the shoulder and a third in the leg, correct?

11 A Yeah. One here near this shoulder, one here, and one
12 in the leg.

13 Q Okay. And the one in the chest and the one in the
14 shoulder, you would have considered them fatal, correct?

15 A Yes.

16 Q The one in the leg you would not have considered fatal,
17 right?

18 A He could have made it to the hospital and been treated
19 for that. In my experience that would not have necessarily
20 been a fatal wound if he got medical treatment.

21 Q Okay. And the gunshot wound and the bullet that was
22 found in the buttocks, that bullet would have been the one
23 that came through the leg, correct?

24 A Yes, sir.

25 Q And there was only one bullet recovered in him,

KELLY ROSE - CROSS

1 correct?

2 A Yes.

3 Q All right. And so in your medical opinion you're not
4 inferring any intent here, you're simply the doctor who did
5 the autopsy, correct?

6 A Correct.

7 Q You're making no legal determination as to the
8 defendant?

9 A Nope.

10 Q You're making no legal determination as to the type of
11 gun?

12 A No.

13 Q You're making no legal determination into the manner in
14 which he died except he died by a gunshot wound, not by
15 disease.

16 A Correct. We do manner, though, and when someone -- our
17 manners don't equate to your laws. So when someone dies at
18 the hands of another it is classified as a homicide. That
19 can translate into many different things in the legal world.

20 Q Correct. But certainly you're not saying who is the
21 cause of that homicide.

22 A No.

23 Q And as to Mr. Harris, the same thing. You're -- you
24 have indicated that he was shot in the back?

25 A Yes.

KELLY ROSE - CROSS

1 Q And traveled through his body and certainly could have
2 made it -- could certainly have been shot inside and made it
3 outside.

4 A Yes.

5 Q Because of his size. Now, you also indicated with --
6 if possibly he had gotten to a hospital within -- I think
7 your testimony is within ten minutes or so maybe, or was it?
8 Am I incorrect on that?

9 A I don't think I said ten minutes.

10 Q Okay. How long could he have survived with his gunshot
11 wound if he had gotten medical care?

12 A Well, if this had occurred like in a trauma hospital
13 with trauma surgeons waiting and blood at hand he might have
14 lived. If it happened anywhere else outside of that his
15 chances of living through this are slim to none.

16 Q Okay. All right. Fair enough. So not fatal where it
17 would incapacitated immediately, but certainly fatal in the
18 sense that if not there immediately he's probably going to
19 succumb to his injuries.

20 A Correct.

21 Q All right. Fair enough. And as to Mr. Harris, you're
22 making no legal determination as to the defendant, are you?

23 A No.

24 Q No legal determination as to the type of gun?

25 A No.

KELLY ROSE - CROSS

1 Q And no legal determination as to intent other than it
2 was a homicide.

3 A Right.

4 Q And even though it was a homicide you're certainly not
5 implying who is the reason for that homicide, correct?

6 A That's correct.

7 MR. BELTON: Thank you so much, Doctor.

8 THE COURT: All right. Mr. Sheldon, your witness.

9 MR. SHELDON: May it please the Court, Judge?

10 CROSS EXAMINATION

11 BY MR. SHELDON:

12 Q Good afternoon, Doctor, thank you for being here. I
13 want to start with Mr. Harris much like Mr. Belton and Ms.
14 Campbell did. Explain to us -- so we have these -- we have
15 three different entrance wounds; is that right?

16 A On Colvin.

17 Q I'm sorry, it's actually going to be four. So we have
18 three original entrance wounds and then a reentry wound; is
19 that right?

20 A On Colvin or Harris?

21 Q I'm talking about Mr. Colvin.

22 A Okay. On Colvin you have one -- are you talking about
23 holes?

24 Q Just entry holes.

25 A Okay. So you have three entry holes, one reentry hole.

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1 Q That's right. So -- and I believe you indicated some
2 specific, at least on one and two, I think you had mentioned
3 a three-eighth inch abrasion, and then on two also a three
4 inch abrasion; is that right?

5 A Or there were perforations.

6 Q Maybe perforations. I might have wroten (sic) that
7 down wrong.

8 A They both were three-eighths in perforations.

9 Q And what does that mean?

10 A The hole in the skin basically, the black area that I
11 see.

12 Q And so that's sort of the size of the hole in the skin
13 at the entrance, or is that different?

14 A It's the size of the hole at the entrance but it does
15 not complete the entrance wound. The entrance wound is more
16 complex and it will have an abrasion that measures
17 something, but that the actual black hole is the perforation
18 and that's what I measured.

19 Q Okay. And so -- and I guess my next question then is,
20 so clearly -- shifting to Mr. Harris. We don't -- I
21 understand that your testimony was the size of the entrance
22 wound essentially, or perhaps exit wound, cannot determine
23 caliber of bullet; is that right?

24 A Correct.

25 Q But certainly I think we can all agree what can

KELLY ROSE - CROSS

1 determine the caliber of bullet is the bullet that's
2 actually found within a victim, right? The actual casing.

3 A Yes, if it's from that injury. I find them all of the
4 time that are from other injuries.

5 Q You're not saying or implying that what just got put
6 into evidence is from some other injury.

7 A I would not have done that, no. If I thought it at the
8 time I would not have entered it into evidence like that.

9 Q So the bullet that is in evidence at least as it
10 pertains to Mr. Harris that we're talking about is the
11 bullet that you believe in your expert opinion killed him.

12 A Correct.

13 Q Okay. And as for Mr. Colvin, the bullet that is in
14 evidence you believe -- I believe you said that -- because
15 that's going to be the one that entered through the leg --

16 A Uh-huh.

17 Q -- and I believe it was the left leg, so I probably
18 pointed the wrong way.

19 A Uh-huh.

20 Q -- not nearly as potentially fatal as bullet number one
21 or even bullet number two, you believe that the bullet that
22 is in evidence now is, in fact, from being shot this
23 instance, right --

24 A Yeah, in the leg.

25 Q -- at the same time. This isn't from something that

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1 happened three months prior.

2 A No.

3 Q Okay. And certainly you would agree that density of
4 air, wind, makeup of the bullet, makeup of the tissue,
5 makeup of bone, things like that, doesn't matter when we
6 have the actual bullets, right?

7 A It certainly helps to find the bullet.

8 Q Okay. And so we're only really going to be concerned
9 about the perforation size and things like that, the entry,
10 we're going to be concerned about those, and those cannot be
11 determinative alone of what bullet was used in instances
12 where we don't have an actual bullet.

13 A Right. They can be guidelines but they're not hard and
14 fast rules.

15 Q And in your report you indicate, I believe, at least as
16 it comes to Mr. Colvin, that you believe that these are
17 caused by high caliber bullets, right?

18 A Did I say that in my report?

19 Q I believe so. Large caliber -- let me get the exact
20 language so we don't get confused.

21 A That just meant the bullet looked kind of big to me.
22 It wasn't a .22.

23 Q Okay. So you know the different -- so there is a
24 difference between a .22 and a .45 or something along those
25 lines.

KELLY ROSE - CROSS

1 A Yeah. Those are obvious differences. I'm not the best
2 at determining the calibers of the bullets, I'm not the
3 best, but I can say whether or not it was a small caliber,
4 because those are very small.

5 Q You're talking about in terms of actually looking at
6 the bullet or looking at the actual wound?

7 A The bullet.

8 Q So the wound you can't tell at all.

9 A I can say that they were not high velocity rifles.

10 Q What do you mean by that?

11 A They do make enough characteristics through tissue that
12 you can tell whether or not someone has been shot with a
13 high velocity rifle through their wounds.

14 Q So those wounds are going to look significantly
15 different than any wound from a handgun or something like
16 that.

17 A Yeah. The injuries on the inside, too, you definitely
18 can tell the difference.

19 MR. SHELDON: Can I approach the witness?

20 THE COURT: Yeah.

21 Q I'm going to grab this. You had mentioned -- and this
22 is going to be, I believe, State's Exhibit 14. You had
23 described in this -- that there are certain types of
24 injuries that we could tell when it happens really closely;
25 is that right?

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1 A Certain gunshot characteristics, yes.

2 Q What are we looking for?

3 A We're looking for soot. We're looking for stippling.
4 We're looking for contact, a muzzle imprint. You're going
5 to see part of the gun.

6 Q It's just kind of puff into them, is that right, sort
7 of from a close range?

8 A Yeah. It will actually make an impression. It's a
9 bruise and an abrasion from the gun hitting the skin, and
10 you can't wipe it off of you, it's there.

11 Q And so when we don't see -- and we don't see that on
12 either one of these bodies; is that right?

13 A No, we don't.

14 Q Okay. Which means that it didn't come from -- well
15 what is -- what are we defining as close range?

16 A Well, I can tell you it didn't come from contact, that
17 with -- it's on, or partly on. Near contact. You know,
18 almost there, you know, so that. Close range. You have a
19 heavy ring of soot, the soot usually disappears by a foot.
20 And then once you get past that you have stippling, which
21 are actually unburnt flakes or pieces of gunpowder that fly
22 out and abrade the skin. It's not a burn, it's actually and
23 abrasion like you get when you fall and scrape your leg.
24 Those cannot be washed away, you'll see that in --

25 Q Do we have any of that in either of these?

KELLY ROSE - CROSS

1 A No.

2 Q So how close are we talking about to see something like
3 that?

4 A Within three feet.

5 Q Okay. So we know that it's outside of three feet.

6 A With the caveat that if they're heavily clothed that
7 can mask what I just described.

8 Q What does heavily clothed mean?

9 A A good layer of good -- you've got to always look at
10 the clothing to see if there is gunshot residue to
11 definitively determine range of fire.

12 Q So who's looking -- who would be looking at that?

13 A Investigators.

14 Q Okay. So we would be looking at clothes for gunshot
15 residue, investigators would be, when we have a victim of a
16 shooting; is that right?

17 A Yes.

18 Q Okay. And that's something that the investigators
19 would be looking for, that GSR on the clothing, correct?
20 Isn't that what you just testified to?

21 A That's what they usually do.

22 Q Okay. Wonderful. And so you also indicated that there
23 was an example where -- I think you had in describing
24 pathway bullets where say, for example, somebody had stuck
25 their hand out like this and that because of these bones

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1 it's traveling up the arm and that's going to change the
2 pathway significantly; is that right?

3 A Well, it didn't change the pathway but it was an
4 unusual pathway that cannot be explained with him on the
5 table. It can really only be explained when you raise the
6 arm. Do you see what I mean?

7 Q Sure. So there are unusual pathways, because
8 essentially for lack of a more artful word it's sort of
9 playing pinball. There's just all sorts of things that it
10 can hit inside a body; is that right?

11 A The position of a body is hugely important. I mean, if
12 someone is doing a cartwheel and they get shot you're going
13 to have a very strange track, it's not going to make sense
14 on the table at autopsy, because people are dynamic and
15 deceased individuals are not.

16 Q Is there any evidence in this case on either one of
17 these bodies that either of these individuals had been shot
18 in the hands?

19 A No.

20 MR. SHELDON: I don't have anymore questions. Thank
21 you.

22 THE COURT: All right. Any redirect?

23 MS. CAMPBELL: Just a couple, Your Honor.

24 REDIRECT EXAMINATION

25 BY MS. CAMPBELL:

KELLY ROSE - REDIRECT

1 Q For all practical purposes, have you had many cases
2 where someone is shot in the operating room and then is able
3 to be resuscitated with the correct blood type?

4 A No. And as a pathologist we handle those transfusions,
5 and no. They're terrible. They don't really work.

6 Q And in this case, Mr. Harris', it was fatal, a shot.

7 A Yes.

8 Q And that's why he died.

9 A Yes.

10 Q No question.

11 A No question.

12 MS. CAMPBELL: And finally, Your Honor, I wanted to
13 make sure I put these pictures into evidence. Did I move
14 them? I would move 17, 18 and 19 and into evidence.

15 MR. BELTON: Without objection.

16 THE COURT: Without objection admitted.

17 (State's 17-19 were received.)

18 THE COURT: All right. Mr. Belton, any cross based
19 upon that redirect?

20 MR. BELTON: I have nothing.

21 THE COURT: Mr. Sheldon?

22 MR. SHELDON: No, Your Honor.

23 THE COURT: Thank you, Doctor, you can step down, just
24 follow the bailiff out of the courthouse. You are free to
25 leave. Thank you very much.

1 (Break in proceedings.)

2 THE COURT: Okay. Y'all approach real quick and see
3 where we are.

4 (A bench conference was held.)

5 THE COURT: Ladies and gentlemen, that concludes our
6 business for the day. Okay? Remember what I've told you,
7 I'm going to say it again, do not contact anybody or let
8 anybody contact you or talk to you about this case or do any
9 independent research on it any format whatsoever. Okay? I
10 want you to have a good weekend. I want you in your jury
11 room ready to role Monday morning 9:00 a.m. Okay? Thank
12 you very much, see you Monday.

13 (The jury left the courtroom.)

14 THE COURT: Anything else?

15 MR. BELTON: No, Your Honor.

16 MR. SHELDON: No, Your Honor.

17 THE COURT: All right. Have a good weekend, see you
18 Monday morning. Court is in recess until then.

19 (Court recessed for the evening and resumed on Monday,
20 October 25, 2021, at 9:00 a.m.)

21 THE COURT: All right. Go ahead, Madam Solicitor, tell
22 me what the issue is.

23 MS. CAMPBELL: Your Honor, I just wanted to bring to
24 the Court's attention with this next witness, there was a
25 young man that's going to be seen in this video that's

1 coming up, his name a Brandon Lindsay, he goes by the
2 nickname Too Cool. He was not cooperative with the police
3 and would not talk to them back when this happened. We
4 attempted to try to find him and became aware that there was
5 this outstanding bench warrant from general sessions on him.
6 We have not been able to locate him. I don't want to say
7 anything untoward in front of the jury or phrase it. Do you
8 want me just to say we've attempted to find him and we are
9 not able to locate him?

10 THE COURT: All right. Mr. Belton, what's your
11 thoughts on that?

12 MR. BELTON: Your Honor, you know, without hearing the
13 context of how they are trying to lump in Too Cool. I know
14 that there was some initial conversations with Too Cool.
15 From my understanding there were never any charges with Too
16 Cool related this. Too Cool lives right there in Charlotte
17 with telephone numbers, and with the power of the government
18 I'm not sure why they have not been able to contact him.
19 Everybody else has talked to him.

20 THE COURT: All right. Mr. Sheldon, anything you want
21 to say?

22 MR. SHELDON: I don't care with what we're talking
23 about now, I just don't want to be limited in my examination
24 of being able to say he is not charged as part of this
25 incident, so as long as we're good with that I don't care

1 what they say. It doesn't impact me at all.

2 THE COURT: Yeah. Madam Solicitor, just, you know, I
3 would prefer just by implications better safe than sorry,
4 just say we've attempted to locate him but have not been --
5 have been unsuccessful in doing that without mentioning
6 specifically there's a bench warrant out for him.

7 MS. CAMPBELL: And that's the part I was worried about.

8 THE COURT: Right. I'm going to allow you to say that
9 over the objection of Mr. Belton.

10 MS. CAMPBELL: But if he opens the door to it, Your
11 Honor --

12 MR. BELTON: What does open the door mean? I mean, I
13 don't understand, what does open the door? I haven't
14 mentioned Too Cool at all in this trial.

15 THE COURT: I don't know. I don't even know what the
16 significance -- what's the significance of Too Cool?

17 MS. CAMPBELL: When you view the video Too Cool is kind
18 of his right -- is Breante Stevens' right-hand guy in this
19 whole thing.

20 THE COURT: Oh, okay.

21 MS. CAMPBELL: And then Champion has conversations with
22 Too Cool. I mean, he's kind of in the middle of it all. He
23 is not charged.

24 THE COURT: Okay. Well, he's not charged. Let's just
25 see where it goes. At this point in time you can say what I

1 said you can say, and Mr. Belton, you're protected in the
2 record. If it becomes an issue during this testimony I will
3 rule. All right. Anything else before we bring the jury
4 down?

5 MS. CAMPBELL: Your Honor, we just want to put this up.
6 Basically we've just done this drawing to show and we're
7 going to mark from there -- he's going to mark where the
8 cameras are just shown just kind of generically.

9 THE COURT: Okay.

10 MS. CAMPBELL: But I wanted them to be able to see it.
11 And I went ahead and marked it as a State's Exhibit 192,
12 because I've already numbered all of the photos so that's
13 why that number is so high.

14 THE COURT: All right. All right. Anything else
15 before we bring the jury down?

16 (Break in proceedings.)

17 THE COURT: Bring the jury down.

18 (The jury returned to the courtroom.)

19 THE COURT: All members of the jury are present.
20 Ladies and gentlemen, good morning, I trust you had a good
21 and restful weekend. Every team in South Carolina lost
22 Saturday except for -- I think South Carolina State may have
23 won, but every other college team, I hate to say, lost and
24 it doesn't make me happy but it is what it is. All right.
25 Let's go ahead and get started. The State can call its next

BRAD WHITESIDES - DIRECT

1 witness.

2 MS. CAMPBELL: May it please the Court?

3 THE COURT: Yeah.

4 MS. CAMPBELL: The State calls Investigator Brad
5 Whitesides.

6 THE COURT: All right, Investigator.

7 The witness, BRAD WHITESIDES, was duly sworn and
8 Testified as follows:

9 DIRECT EXAMINATION

10 BY MS. CAMPBELL:

11 Q Investigator Whitesides, where are you employed?

12 A The Lancaster County Sheriff's Office.

13 Q And what do you do there, sir?

14 A I am a criminal investigator.

15 Q And as a criminal investigator what do your duties
16 include?

17 A Includes responding to and following up on any case
18 that has been reported to our agency that needs any further
19 significant investigation.

20 Q And how long have you been in law enforcement?

21 A Seventeen years.

22 Q I want to turn your attention back to September the
23 21st of 2019. Did you become involved in the investigation
24 of this case?

25 A Yes, ma'am, I did.

BRAD WHITESIDES - DIRECT

1 Q And as part of that investigation, was there certain
2 security videos that were secured from the crime scene?

3 A Correct, yes, ma'am.

4 Q And ultimately I believe those were collected by
5 Captain Miller?

6 A Yes, ma'am.

7 Q And ultimately were those -- did you become familiar
8 with those?

9 A I did.

10 Q And I want to show you what's been marked as State's
11 Exhibit 13. Is this the footage we're talking about?

12 A Yes, ma'am. This appears to be the external hard drive
13 that it was saved to.

14 Q That it was saved to?

15 A Yes.

16 Q And during the course of this investigation, did that
17 footage become very important?

18 A It did.

19 MS. CAMPBELL: Your Honor, at this time we would
20 publish parts of State's Exhibit 13.

21 THE COURT: All right. It's already in evidence, I
22 believe.

23 MS. CAMPBELL: It's in evidence.

24 THE COURT: All right. So permission to publish.

25 Q Tell the jury basically how the security system worked.

BRAD WHITESIDES - DIRECT

1 Was it just one camera, two cameras, or what?

2 A There's a main unit, you can call it a hard drive, you
3 can call it a control box, whatever you may, but within that
4 one unit essentially it's like a mass computer. And I
5 believe in this case there was 16 cameras total connected to
6 this one unit, which recorded different various angles
7 throughout the club.

8 Q Throughout the club?

9 A Yes, ma'am.

10 Q In the interior only?

11 A Interior and exterior, yes, ma'am.

12 Q And are you familiar with where these cameras were set
13 up in the club?

14 A Yes, ma'am, I am.

15 Q And is every single bit of the club shown on these
16 cameras or just certain angles?

17 A Just certain angles.

18 Q I want to show you what has been marked as State's
19 Exhibit 192. Is this just a diagram of the interior of the
20 club?

21 A Yes, ma'am. This is an overhead view.

22 Q Of the interior of the club.

23 A Of the interior of the club, yes, ma'am.

24 Q And using State's Exhibit Number 192 -- before we start
25 talking about what's in the actual video, I want to --

BRAD WHITESIDES - DIRECT

1 MS. CAMPBELL: Your Honor, if we can pull it up on the
2 screen so he can mark it from where he is.

3 MR. NEWMAN: We've got it, Your Honor.

4 Q This is State's Exhibit Number 192 for ID purposes at
5 this time.

6 A Yes, ma'am.

7 Q Were there certain camera angles that were very
8 significant in this case for you?

9 A Yes, ma'am, there were.

10 Q And specifically starting at the front door, which is
11 located, I believe, on this diagram, the main entrance or
12 exit right there?

13 A That's the entrance where patrons enter and exit the
14 club, yes, ma'am.

15 Q And were there cameras that show that from the outside
16 as well as the inside?

17 A There was.

18 Q And were both of those -- were those camera numbers
19 destinated?

20 A They are.

21 Q And can you kind of draw them in and show the jury what
22 areas we're going to be looking at?

23 A All right. Bear with me, I have to do this with my
24 finger. (Witness complies.) All right. So what you're
25 looking at here, this is camera ten, and if you will -- just

BRAD WHITESIDES - DIRECT

1 for reference purposes the little loop I make, imagine that
2 being the lens of the camera, so that the loop of the
3 camera, that's the angle that it's catching.

4 Q So it shows out into the parking lot past the front
5 entrance?

6 A Past the side entrance there where patrons enter and
7 exit the club toward the back part of the driveway.

8 Q Okay. Were there any other exterior cameras that were
9 significant to you?

10 A Can we make it a little smaller? Can you bring it
11 down? Is that possible?

12 Q To make the whole thing smaller?

13 A Yes, ma'am.

14 Q Is that better?

15 A Yes, ma'am. So where you see marked mainly as your
16 exit on the side there is a camera angle within the club
17 pointing this direction toward the door.

18 Q Uh-huh.

19 A From inside where you can also see outside of this --
20 the double set of doors going in and out of the club.

21 Q And what number is that camera?

22 A This is camera one.

23 Q And camera ten, now, is kind of off the building a
24 little bit but it should be over there kind of hooked up on
25 the side of the building?

BRAD WHITESIDES - DIRECT

1 A Yes, ma'am.

2 Q Were there any other angles of significance?

3 A All right. So you've heard this week referring to the
4 ramp and the stage area.

5 Q Yes.

6 A As you see down here toward the lower right-hand bottom
7 of the screen, this little squared section where it says
8 raised stage in this corner here angle that way.

9 Q When you're drawing that arrow, is that showing kind of
10 the direction it is pointed?

11 A That's showing the -- sorry, my finger is not working
12 the best drawing these areas. But, yes, ma'am. That will
13 be camera 11 capturing from that back corner towards the
14 dance floor area.

15 Q And taking them in whatever order you want to, perhaps
16 channel 14?

17 A Yes, ma'am. All right. So down here where it says
18 tile vinyl floor, that's another little small section in the
19 club, that's right off of the main dance floor, which could
20 also be considered a dance floor. So off of this point
21 here -- 14 -- I'm sorry. I'm doing the best I can with my
22 finger on this screen.

23 Q Okay. And you've got ten, 11 and then finally channel
24 13.

25 A Right. Channel 13, where this cutoff section here is

BRAD WHITESIDES - DIRECT

1 on the left side of the screen, where the bar is, the bar
2 essentially goes and ends at a wall. There's a few tables
3 here. Camera 13 is oriented about here catching the back
4 angle here.

5 Q Uh-huh. And then without numbering the other ones, are
6 there additional cameras throughout the business?

7 A There are. There's several cameras back in like the
8 office area, the kitchen area. There's several camera
9 angles on the back side of the club that none of these
10 cameras capture anything significantly related to this case.

11 Q And the footage that was captured in this case that you
12 ultimately reviewed, about what time did it start and how
13 long did it go?

14 A For the purpose of this investigation about 12:45 a.m.
15 is when the footage started. I believe the club opened, you
16 know, a little bit before then. And then we go up through
17 the morning hours after the shooting occurred.

18 Q And are you familiar with the two defendants in this
19 case, Mr. Champion and Mr. Stevens?

20 A I am, yes, ma'am.

21 Q And I want to walk through basically where they are in
22 the club that night and what you're able to see.

23 A Okay.

24 Q We're starting with, I believe, channel one.

25 A Yes, ma'am, we'll start with channel one.

BRAD WHITESIDES - DIRECT

1 Q And what time is this?

2 A I'm sorry?

3 Q What time are we going to show?

4 A At 12:44:19 a.m.

5 MS. CAMPBELL: Your Honor, at this point we move
6 State's Exhibit 192 into evidence with the annotations if we
7 could save it.

8 THE COURT: All right. Any objection?

9 MR. BELTON: No, Your Honor.

10 MR. SHELDON: No, Your Honor.

11 THE COURT: All right. Without objection introduced
12 into evidence.

13 (State's 192 is received.)

14 Q Okay. Again, which channel is this?

15 A This is channel one.

16 Q And what area is this showing in the club?

17 A This will be coming in the side door. And I keep
18 saying side door, it's been referred to as side door, main
19 door, the main door where the patrons come in and out of the
20 club. This is looking directly at that door, the set of
21 double doors, there's a little foyer catching anybody that
22 comes in and exits the club.

23 (The video is played.)

24 Q Who is that entering right now?

25 A Can you pause there, please? The individual entering

BRAD WHITESIDES - DIRECT

1 the club at this time right here at the double door. Can I
2 make a notation on the screen?

3 Q Sure.

4 A This subject was identified as Mr. Antonio Champion.

5 Q And is this the first time that you see him in any of
6 the footage that was taken that night?

7 A Yes, ma'am. Channel one at 123:56, please.

8 (The video was played.)

9 Q And basically you see him walking at this point?

10 A Yes, ma'am. And same channel one, if we can go to
11 115:52.

12 Q Channel 13, I believe.

13 A Channel one. I'm sorry, channel 13, yes, ma'am.

14 Q And again, we've saved all of the footage and it's all
15 in evidence but we're just showing certain things at this
16 point.

17 A Correct, yes, ma'am.

18 Q Okay.

19 (The video is played.)

20 Q Who is that?

21 A Pause there. All right. Pause there.

22 Q Who is that with the back to us turning around now?

23 A Pause, please. Okay. This subject here is Mr.
24 Champion, Antonio Champion. This is channel 13. This is
25 the angle that is oriented on the opposite side of the bar

BRAD WHITESIDES - DIRECT

1 from the dance floor area with an angle downward toward the
2 bar where people order drinks and stuff like that.

3 Q And can you actually see the bar right behind him?

4 A I'm sorry?

5 Q Can you see the bar area right behind him?

6 A Yes, ma'am, you can.

7 (The video was played.)

8 A All right. Pause here. This is that same channel
9 angel, channel 13.

10 Q And at that point what did you just circle?

11 A This is what appears to be a small caliber firearm.
12 This is, like I said, channel 13 going back toward the bar.
13 Mr. Champion appears to be pulling this out of his pocket
14 area of his hooded sweatshirt.

15 (The video was played.)

16 Q And there you see him put it back into the front of his
17 sweatshirt?

18 A Correct, yes, ma'am. If we can move channel one at
19 1:23:56, please.

20 (The video was played.)

21 Q And the area over to the left where you see some -- and
22 a man standing being him that you see Mr. McGriff just walk
23 over to, what area is that?

24 A Yes, ma'am. So looking at camera one from where it was
25 oriented back towards the doors, the individual right here

BRAD WHITESIDES - DIRECT

1 in the white T-shirt down toward the bottom of the screen,
2 he's actually getting ready to walk up that ramp are that
3 you've heard mention of. Back behind him if you're looking
4 at this screen to your left that's going to be back just a
5 little hang out area with several pool tables and a couple
6 of chairs and a few tables. Right here to the left of the
7 front door, that's the desk area where they collect the
8 money for for the night, things like that.

9 (The video was played.)

10 A All right. If you will pause here, please, ma'am. All
11 right. So if you're looking out the door, you've got one
12 set of doors, a little foyer or entry area and then a second
13 set of doors, this is looking outside toward that side door.
14 The individual I circled here is going to be Mr. Lee Colvin,
15 one of our victims. You can see him here. He's walking
16 in -- or walking outside and there's a table set up right
17 outside this door and he's setting a box down on this table.

18 (The video was played.)

19 A All right. Channel one, please, 1:24:43.

20 (The video was played.)

21 Q And at this point what's happening?

22 A At this point you can still see Mr. Colvin standing by
23 this table with a box. He appears to be going through some
24 items in the box here.

25 (The video was played.)

BRAD WHITESIDES - DIRECT

1 A Can you pause here for one second, please? All right.

2 Also to notate in this frame, anytime you see this
3 reflective S it's going to be one of two security guards
4 that was working that night that was posted at the door.

5 (The video was played.)

6 A Pause here, please. All right. This individual here
7 coming into the door at this time is Mr. Lee Colvin carrying
8 the box. Once again, this is camera one. All right. If we
9 can go to channel one at 2:14:33, please.

10 (The video was played.)

11 A Once again this is channel one looking at the front
12 doors. Consistently through the night the club just
13 continues to get more crowded and more crowded.

14 (The video was played.)

15 Q What do you see here?

16 A All right. Pause here, please. All right. This
17 individual coming in now is identified and was identified as
18 Mr. Breante Stevens in this case. One thing to notice or
19 point out about this picture, when he walks in you will see
20 several other individuals with him. These individuals
21 remain somewhere in his proximity throughout the night.

22 (The video was played.)

23 A Also, one thing to point out about Mr. Stevens at this
24 time. Going through and reviewing all of this video
25 footage, obviously anytime we've worked any kind of case

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1 where someone is accused of carrying a weapon, discharging a
2 weapon, having a weapon in their possession, you know, we're
3 trained as law enforcement to pick up on the slightest
4 details. The way people carry weapons, you know, they could
5 be in a holster, they can be oriented on your waist. They
6 can be oriented on your ankle. They can be oriented
7 anywhere on the body they can be concealed, clothing, things
8 of that nature. Specifically here at the waist, one thing
9 we look for in the waist area are sharp points, points that
10 were unnatural to the body. Okay? As you see when he comes
11 in he appears to be loose, he's not rigid, he's not stiff,
12 he's moving freely. There doesn't appear to be any hard
13 points or hard angles on his waist area anywhere.

14 (The video was played.)

15 A As you can see, dancing here, moving freely.

16 (The video was played.)

17 A This individual here, you'll see him throughout the
18 video that's coming up, he kind of stands out. He's
19 carrying I would call it maybe a satchel or a little
20 shoulder bag throughout the night. This subject is
21 identified as Brandon Lindsay.

22 Q Does he have a nickname?

23 A I'm sorry?

24 Q Does he have a nickname?

25 A Too Cool.

BRAD WHITESIDES - DIRECT

1 Q Too Cool?

2 A Yes, ma'am.

3 (The video was played.)

4 A If we can move to channel one at 2:27:12, please.

5 (The video was played.)

6 Q Who is that?

7 A Can you back it up just a hair? I'm sorry.

8 (The video was played.)

9 A All right. Pause there, please. Pause here. All
10 right. This individual getting ready to come in, you'll see
11 him when he comes in, he's -- he kind of has some dreadlocks
12 that are pulled up on high on his head. This is one of our
13 other victims, Mr. Aaron Harris. You also heard him
14 referred to as Ace or Mozzie. He goes by several different
15 names.

16 (The video was played.)

17 A So camera one, this angle you see Mr. Harris
18 approaching the desk area --

19 Q Okay. This is 2:27 a.m. What time does the actual
20 shooting take place?

21 A The shooting actually takes place at 2:33:33 a.m.

22 Q About six minutes from now?

23 A Correct, yes, ma'am.

24 (The video was played.)

25 Q Can you stop it there?

BRAD WHITESIDES - DIRECT

1 A Yeah, stop it here. All right. Once again, Mr.
2 Antonio Champion that you can see right here. Can we go to
3 channel 11, please, at 2:27:40?

4 Q So basically just so -- on channel one you can see many
5 of the other victims come in, too, coming through this
6 doorway, right?

7 A Yes, ma'am.

8 Q But we're showing the significant ones here.

9 A This is only entry and exit point for patrons
10 throughout the night.

11 (The video was played.)

12 Q And channel 11 is showing what part of --

13 A Can you pause it for just a second right here, please,
14 ma'am? All right. So channel 11, if we go back to the
15 picture you've seen earlier, this camera is oriented in the
16 corner of the bar kind of on the -- if you're looking at the
17 stage on the left side of the stage in that back corner
18 facing out toward the dance floor back toward the bar area.

19 Q So that direction.

20 A Correct, yes, ma'am.

21 Q And I notice there's a pole in the view that we just
22 saw. Is that on the corner of a certain area?

23 A I'm sorry, I didn't hear you.

24 Q There's a pole that you see in that picture. Where
25 would that be on this?

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1 A Okay. The pole -- the area where the vinyl floor that
2 you see here, if you'll look right there there's kind of a
3 pole area right there, just a pole that stabilizes kind of a
4 roof structure over the area.

5 Q Okay.

6 (The video was played.)

7 Q So from the bar area where the camera is it's hard to
8 even see across all the people?

9 A Correct, yes, ma'am.

10 (The video was played.)

11 A Can you pause right here, ma'am? In this picture on
12 the right, the area that I circled, this person is
13 identified as Mr. Breante Stevens.

14 Q And can you tell whose actually hugging him?

15 A Yes, ma'am. So down here on the left-hand side of the
16 screen, this is the individual that we identified as Brandon
17 Lindsay, or Too Cool.

18 Q Who came in with him that night.

19 A Correct, yes.

20 Q And he's got the strap that goes across --

21 A The satchel that he is wearing throughout the night,
22 yes, ma'am.

23 (The video was played.)

24 A Channel 11 at 2:29:44, please. Pause here, please, for
25 a second. All right. Once again, Mr. Breante Stevens.

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1 There's individuals coming up and speaking with him right
2 now. When we play through this, pay attention to kind of
3 his demeanor, the way he starts acting and his hand
4 gestures.

5 Q And before we start it back I want to ask you
6 something. The stage area, can you actually see it on this
7 camera?

8 A You cannot see it. From this camera angle if you're
9 looking at our screen, the little vinyl -- or the tile or
10 vinyl floor would kind of be this area here. You see the
11 two support poles. The stage area would be kind of here,
12 and then the DJ booth off in the corner just off of the
13 camera angle.

14 Q Okay. So the DJ booth and the stage are just off the
15 camera angle.

16 A Correct, yes, ma'am.

17 (The video was played.)

18 A Okay. Pause here, please. All right. So at this
19 time, once again, Mr. Breante Stevens. There's an
20 individual that's kind of cradling him, speaking with him.
21 There's several other individuals that come up during this
22 brief time, appears to be trying to speak with him. He
23 appears to be getting more agitated.

24 (The video was played.)

25 A Okay. Pause here, please. Mr. Breante Stevens, Mr.

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1 Brandon Lindsay. This section of the video you'll see them,
2 they kind of move across this angle from my right to my
3 left, and they're going towards the area of the club where
4 there's a little raised stage where that back corner where
5 the DJ booth is.

6 (The video was played.)

7 A All right. Pause here. Okay. As this is playing
8 through, and we can go back and play it again, if you'll
9 look throughout the crowd there seems to be something that
10 occurs or something happened up towards the stage or the bar
11 area. You'll see multiple people in the crowd kind of all
12 the sudden turn and focus their attention to that area.

13 (The video was played.)

14 A If you can pause there, please. You'll notice that
15 everyone was kind of bouncing, dancing around, and now all
16 the sudden everyone kind of stops and they're just looking.

17 Q And was that Too Cool that just walked off of the
18 screen?

19 A It was, yes, ma'am.

20 Q Okay.

21 (The video was played.)

22 A All right. If you'll pause right here. All right.
23 This is Mr. Breante Stevens, you can see him leaving the
24 area from the stage, or that corner where the DJ booth is.
25 He's not walking, he's not just casually strolling, he's

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1 moving with a purpose to get, you know, from that stage area
2 back over to where he's going now. This other individual
3 that's actually coming, they pass in the crowd, that's Mr.
4 Antonio Champion coming back towards the stage area.

5 Q And this is at 2:30:14 a.m.?

6 A 2:30:14 a.m., yes, ma'am.

7 (The video was played.)

8 A All right. Stop here, please. Mr. Brandon Lindsay.
9 He's making his way from the stage back over towards the
10 ramp area. The individual that you can see here dancing
11 around is Mr. Colvin.

12 (The video was played.)

13 A Okay. Pause here, please. Once again, Mr. Colvin
14 here. Also in this angle you can see what appears to be
15 some type of firearm in his hand.

16 (The video was played.)

17 A Once again, Mr. Colvin to the left side of the screen,
18 and at this angle you can see, like I said, what appears to
19 be some type of weapon or firearm in his hand.

20 Q And there in the middle, who is that standing right
21 there?

22 A In the middle of the screen here?

23 Q Uh-huh.

24 A Mr. Antonio Champion.

25 Q And at this point, Mr. Stevens -- and I'll get back to

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1 that -- is off this camera.

2 A Yeah. He is off this camera angle. We'll get to
3 another camera angle which shows him exiting the club.

4 Q Okay.

5 (The video was played.)

6 Q And at that point, what does it appear Mr. Colvin has
7 done with the gun?

8 A It appears that Mr. Colvin either secured it back in
9 his pants or back in his pocket.

10 Q Okay.

11 (The video was played.)

12 A All right. Pause here, please. For a brief second
13 here you can see some flashes of light kind of coming across
14 the back side of this crowd. The two security guards at
15 some point in time around this time had been made aware of
16 possibly some type of fight or altercation that has taken
17 place. You'll see them in a different angle coming in
18 toward that entrance, and you can see them shining their
19 flashlights up towards the area where the dance floor is
20 just trying to figure out what's going on.

21 (The video was played.)

22 A All right. Pause here, please. All right. Up in this
23 top right-hand corner with the reflective vest, that's a
24 security guard, you can see him here with his flashlight
25 kind of checking the crowd trying to figure out what's going

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1 on, if there's any kind of fight or altercation taking
2 place. As this is shining from my right to my left looking
3 at this screen, he's shining back towards the stage area
4 which is just off view of this left-hand side of the screen.

5 (The video was played.)

6 A Once again in the top right-hand corner you can see the
7 security guards kind of checking the area.

8 (The video was played.)

9 A All right. Pause here, please. The individual here
10 with the backpack here carrying the box, Mr. Colvin, appears
11 to be retrieving some items and walking back towards the
12 stage area.

13 (The video was played.)

14 A All right. Pause here, please. 2:33:12 a.m. You can
15 see Mr. Breante Stevens walking back to the stage area, and
16 we will look at another angle that'll also show him coming
17 back into the club.

18 (The video was played.)

19 A Pause here. Mr. Brandon Lindsay, or aka Too Cool,
20 walking back towards the stage area.

21 (The video was played.)

22 A Pause here. Mr. Antonio Champion, 2:33:22, walking
23 back towards that stage area.

24 (The video was played.)

25 A Pause right here. All right. At this angle you can

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1 once again see people in a crowd kind of turn and start
2 noticing something going on at the stage area. All right.
3 Pause here. All right. 2:33:35 is what we're looking at
4 now. 2:33:33 in this video is when you see the first
5 initial kind of wave of people ducking and kind of falling
6 back away from the stage area.

7 (The video was played.)

8 A All right. Pause here. Once again, looking at this
9 from the right to the left, the left side of the screen
10 right here where it says channel 11 in the top right-hand
11 corner, if you run down that black line, the stage and the
12 DJ area is just to the left of that, just off view of the
13 camera. Okay. This photo here, this subject has been
14 identified as Mr. Breante Stevens. When he goes down if
15 you'll pay close attention to both of his hands, he appears
16 to be carrying not one but two firearms, one in each hand.

17 (The video was played.)

18 A All right. Pause here. 2:33:41. Like I said, from
19 right to left just out of view of the camera off the stage
20 area, you see Mr. Antonio Champion, who also appears to be
21 carrying some type of firearm in his right hand.

22 (The video was played.)

23 Q And at this point what's he doing with it?

24 A Can you back up just briefly? I'm sorry. Once again,
25 Mr. Stevens, Mr. Champion, falls here. At this point from

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1 channel 11 from this view you'll see Mr. Champion kind of
2 just maintain in this area just briefly, kind of moving back
3 and forth trying to get his bearings to figure out what's
4 going on.

5 (The video was played.)

6 A See if you pay attention to his right hand.

7 (The video was played.)

8 A If you'll pause it right here for just a second,
9 please. The very bottom of this cameral angle, channel 11,
10 just out of view kind of in this area here, and we'll see it
11 from a different angle here shortly, this is where you will
12 see Mr. Colvin on the floor in this area. Once again, ramp
13 to the right, stage just to the left off of the ramp.

14 (The video was played.)

15 A All right. This individual here was identified as
16 Tavarus Harris. If you'll look closely you can also see
17 what appears to be a firearm in his right hand. For the
18 next little bit he'll kind of move about the floor area, the
19 dance floor area from where the vinyl area is back toward
20 the ramp. All right. As far as the victims in this case,
21 you heard -- and I'm trying to pronounce this -- Kjana
22 Locke, was one of the individuals that took a gunshot wound
23 to the lower area of her body. You can see her on the right
24 side of the stage kind of limping off camera view. Or, I'm
25 sorry, that's the right side of the screen on the stage.

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1 (The video was played.)

2 A Once again pause there. This is Tavarus Harris still
3 holding what appears to be a small caliber handgun in his
4 right hand.

5 (The video was played.)

6 A All right. If we can to go channel 14 at 2:27:05,
7 please.

8 Q And what area is this going to show?

9 A This will be a camera angle if we can put up just to
10 reference the other --

11 (The video was played.)

12 A All right. So this will be camera 14. And once
13 again -- so the previous video we just watched looking
14 straight across where those two poles are, that's kind of a
15 vinyl floor, small dance area. This camera is oriented up
16 top where you see those poles looking back towards that back
17 corner of this area right here. So from this angle camera
18 14, this raised stage area, will just be to your right just
19 off camera view, the bar area will be just to your left, and
20 the ramp area coming up from the entrance where the patrons
21 come in and out will kind of be also to your left area
22 there.

23 Q And in this view are you able to see where some of the
24 victims that have testified in this case were standing?

25 A Yes, ma'am.

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1 (The video was played.)

2 A All right. So -- pause it for just a second, please.

3 If you'll look up top, up close here, this is the top half

4 of the doors coming in and out of the main entrance. Okay.

5 This area here is kind of a -- like a privacy wall or half

6 wall that separates that walkway or that hallway area coming

7 up to the ramp from the doors. The stage is going to be off

8 to your right on this side just out of camera view. The bar

9 area is going to be back over to the left. The ramp coming

10 up to the dance floor is going to be somewhere in that area

11 there.

12 Q Okay. And in this scene can you actually see Ms.

13 Barnes and Ms. Locke?

14 A You can, yes.

15 Q Can you circle them?

16 A (Witness complies.)

17 Q Looking to your right in this picture, standing in the

18 very back towards the corner?

19 A You might have to play it for just a second more.

20 Q Okay.

21 (The video was played.)

22 A Pause there. It's hard to see, but in this frame just

23 above this individual's head you'll see another one of our

24 victims, Ms. LaShonda Barnes.

25 Q And then right next to that with the wavy hair?

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1 A With the wavy hair?

2 Q To the right of the square there.

3 A Yes, ma'am. Right here, this will be Ms. Locke.

4 Q Okay.

5 (The video was played.)

6 A All right. Pause here. All right. This is Breante
7 Stevens. He's coming from the ramp area back towards the
8 stage.

9 (The video was played.)

10 A All right. So we watch this angle from channel 11. If
11 you can see here several people come up and speak with Mr.
12 Stevens. And throughout that the brief conversation it
13 appears that he does become irritated --

14 MR. BELTON: Objection, Your Honor.

15 A -- or something is going on.

16 THE COURT: Sustained.

17 (The video was played.)

18 A Pause here, please. Once again as law enforcement
19 we're trained for look for certain things, especially when
20 we're in an ongoing investigation. Notice here, still don't
21 see any sharp points, doesn't appear to be rigid in nature,
22 still kind of moving about freely.

23 (The video was played.)

24 A If we can go to 2:30:03, please.

25 (The video was played.)

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1 A Okay. Pause there. So you'll see -- at this point in
2 time you'll see some females kind of start working their way
3 from the stage area back to the crowd. You'll also see
4 everybody is kind of dancing, hopping around, then all of
5 the sudden everyone kind of turns and looks back towards the
6 stage.

7 (The video was played.)

8 A Once again, the stage area being over here just out of
9 camera view.

10 (The video was played.)

11 A All right. Pause here. Mr. Breante Stevens coming
12 from my right to the left looking at the screen, coming from
13 the stage area back over towards this ramp area that kind of
14 hooks around here.

15 Q And who is that next to him with their back to the
16 screen?

17 A Mr. Antonio Champion.

18 (The video was played.)

19 A Pause here. Mr. Antonio Champion appears to be
20 removing a small caliber firearm from his right side area,
21 possibly his pants pocket, he puts it in it looked like his
22 hoodie pocket.

23 (The video was played.)

24 A Pause here, please. All right. Mr. Aaron Harris you
25 will see kind of enters into the crowd and will remain kind

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1 of in this area throughout the duration of the night until
2 the shooting.

3 (The video was played.)

4 A You can see him again here.

5 (The video was played.)

6 A All right. Pause here, please. Mr. Champion, Mr.
7 Brandon Lindsay, aka Too Cool, here on the left side of the
8 screen.

9 (The video was played.)

10 A Pause here. Pause here, please. Mr. Aaron Harris, one
11 of our other deceased victims, you can see here. From this
12 point he's facing the stage area. Okay. The ramp -- the
13 doors where people come in and out will be to his left of
14 where he is facing right now.

15 (The video was played.)

16 A All right. Pause here. Mr. Breante Stevens has
17 reentered the club and is making his way back towards the
18 area where the stage is.

19 (The video is played.)

20 A Pause here. Mr. Brandon Lindsay, aka Too Cool, also
21 making his way back towards the stage.

22 (The video was played.)

23 A Mr. Champion in the hooded sweatshirt walking back
24 towards the stage.

25 (The video continued playing.)

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1 A All right. If you will pause here. You see Mr. Harris
2 holding two beers, one in each hand, dancing around here
3 toward the left.

4 (The video continued playing.)

5 A All right. So we're at 2:33:32. At 2:33:33 is when
6 you initially see everybody, that wave of people kind of
7 ducking and falling back. Once again, the stage area, the
8 DJ booth to the right.

9 (The video was played.)

10 A All right. Pause here. Mr. Colvin, Ms. LaShonda
11 Barnes. Mr. Colvin ultimately is one of our deceased
12 victims. Ms. Barnes is one of the victims that took a round
13 to the lower extremity, to her leg area.

14 (The video was played.)

15 A All right. Pause here. Mr. Antonio Champion, once
16 again from this angle he kind of just moves back and forth
17 from this area briefly. If you'll look closer to the right
18 hand there appears to be some type of small caliber handgun.

19 (The video was played.)

20 A Pause here. This individual is identified as Jamarcus
21 McIlwain in the next few frames. Once again, Mr. Colvin
22 laying here on the ground. The stage area is just off
23 camera to your right. This is that wall that kind of
24 separates the entrance. The entrance and exit doors just
25 for reference. You'll see Mr. McIlwain appear to see

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1 something lying on the floor and retrieve it.

2 (The video continued playing.)

3 A Pause here. Another one of our victims that was hit in
4 the lower area of the leg, Ms. Locke, you see her limping
5 away from the dance floor area.

6 (The video was played.)

7 A Pass here. Mr. McIlwain appears to retrieve some type
8 of weapon, some type of firearm, handgun from the area right
9 here near Mr. Colvin.

10 (The video was played.)

11 A All right. Can you back that up, please, ma'am? All
12 right. Pause here. Okay. At this angle when you're
13 watching this footage it appears that Mr. McIlwain picks up
14 that firearm, orients it in some way, possibly removing the
15 magazine and putting it back in before he secures it in his
16 pocket on his person.

17 (The video continued playing.)

18 A Pause here. Mr. Tavarus Harris. You'll see him in the
19 next frame go through -- go over to Mr. Colvin that's laying
20 on the floor and remove some items from his waist area or
21 his pocket.

22 (The video continued playing.)

23 A And throughout the next little bit before our officers
24 first initially arrive on scene you'll see multiple people
25 come up, some look like they're trying to give some type of

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1 aid or figure out what's going on with Mr. Colvin.

2 (The video was played.)

3 A Can you pause it for just a second just to kind of give
4 a better orientation. So this is camera channel 14 that
5 we're looking out now, this is coming from the dance floor
6 area. Channel 11 would be essentially directly across from
7 channel 14. So channel 11 and channel 14 essentially are
8 looking at each other if that makes sense. Okay.

9 (The video was played.)

10 A Up here at the top left of the screen once again,
11 that's the wall that separates, you can see individuals
12 exiting the club. The doors are here.

13 Q Okay.

14 (The video continued playing.)

15 A So at the point in time from 2:33:33, our dispatch
16 center is starting to get multiple 911 calls, you heard
17 those earlier. We have officers, EMS in route to the
18 location at this time. Obviously our officers are going to
19 get there first to try to make sense of the chaos, try to
20 secure it and figure out what's going on. Once we get it
21 secured we can get EMS personnel on scene to just start
22 treating some of these victims.

23 (The video was played.)

24 Q Basically this continues until police officers show up
25 and for awhile thereafter as well.

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1 A Correct, yes, ma'am.

2 (The video continued playing.)

3 A All right. If you'll pause here, please. This first
4 officer you see here is Sergeant Tim Ramsey you heard from
5 earlier in the week. This is the first officer that
6 actually gets on scene and enters the club.

7 Q And he's the officer who we have seen some of his body
8 cam already.

9 A Correct, yes.

10 Q Who is that?

11 A Pause here. This is one of two security guards,
12 private security guards that was hired that night by the
13 club to provide security.

14 Q And that's Mr. Benjamin, I believe, with the ball cap?

15 A Yes, correct, Mr. Benjamin?

16 Q And I believe Mr. Neal has a distinctive hat on as
17 well?

18 A Yeah. He has -- some people call like a boonie hat or
19 an Army hat that goes all the way around.

20 (The video was played.)

21 A All right. Pause here. This individual in the white
22 shirt here is Mr. Joe McGriff, or JoJo McGriff. He's the
23 owner of the club.

24 (The video was played.)

25 A Pause here. This officer right here is Captain Hall

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1 with the Lancaster City Police Department. He was also one
2 of the first ones there on scene that night.

3 Q Okay.

4 (The video was played.)

5 A So at the time you see this in this time frame there's
6 also other officers arriving on scene outside trying to
7 somewhat get control of the crowd, get people out, figure
8 out who has been hit, are there any other victims. Trying
9 to figure out the best way for EMS to come in and stage.
10 That's kind of chaotic outside as well as what's going on in
11 the club at the same time. So here you can see an
12 individual, if you'll pause it. This person obviously, you
13 know, has some kind of connection with Mr. Colvin, whether
14 it be family or friend, I don't know. But at some point in
15 time he comes up and Sergeant Ramsey has to physically
16 remove him from Mr. Colvin.

17 (The video was played.)

18 A All right. Pause here. Just to go over again, Mr. Joe
19 McGriff and Ms. Lisa McGriff, the owners of the club.

20 (The video was played.)

21 A You see Mr. McGriff come up here, kicked what appears
22 to be a some type of a drink can container, beer can
23 possibly, that was right there beside Mr. Colvin.

24 (The video continued playing.)

25 A Can we go to channel 1 now, please?

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1 Q Uh-huh.

2 THE COURT: Y'all good, ladies and gentlemen? Okay.

3 Q And what time do you want to start this one?

4 A Let's go to 2:30:17, please.

5 Q And again, which camera is this?

6 A This will be channel one, camera one.

7 Q Facing the --

8 A Once again this is facing -- if you'll pause it for
9 just a second please. All right. So this area here is kind
10 of a L-shaped wall that goes up, this is that wall that
11 separates from that raised dance floor area back over to the
12 walkway where the doors are where people enter in and out.
13 The wall comes out, makes a L-shape, which is here, if you
14 go past this wall just to the right of the screen, that's
15 the ramp-way that goes up to the dance floor to the bar
16 area. So if you walk up that ramp-way, the dance floor will
17 be in front of you and to the left toward the stage, bar
18 area to your right. This area over here is where there's
19 several pool tables, several just sitting areas, chairs,
20 kind of high top tables.

21 (The video was played.)

22 A Your double doors. Once again, you can see there's a
23 little foyer, one set of doors, a little foyer area, the
24 exterior doors, which actually goes and exits outside of the
25 club.

BRAD WHITESIDES - DIRECT

1 (The video was played.)

2 A Okay. So at this point this is Mr. Breante Stevens.
3 There's been some type of altercation, some type of
4 disturbance up towards the stage area.

5 MR. BELTON: Objection, Your Honor.

6 THE COURT: I'm going overrule that objection.

7 Q You can put it in context.

8 A Mr. Stevens leaves the area of the dance floor making
9 his way towards the exit and exits the club here.

10 (The video was played.)

11 A All right. Pause here, please. Reflective vest of one
12 of the security guards standing outside of the door or the
13 stoop coming in. At this point in time you can see there's
14 a crowd that starts making their way to the door. At one
15 point time you'll actually see a individual kind of waving
16 people toward the door as if he's trying to get people out
17 of the club.

18 (The video was played.)

19 A All right. Pause here. Both security guards enter
20 back into the club. They're going to make their way towards
21 the ramp area going up toward the dance floor and you'll see
22 them with their flashlights kind of checking the crowd.

23 (The video was played.)

24 A Okay. Pause here. You'll see this security guard.
25 This is Mr. Stanley Seegars. At this point this is when

BRAD WHITESIDES - DIRECT

1 Mr. Seegars is told to lock the door.

2 MR. BELTON: Your Honor, may we approach?

3 THE COURT: Yeah.

4 (A bench conference was held.)

5 MR. BELTON: Your Honor, object to the officer -- he
6 can certainly give context to the video, but offering his
7 opinion as to what's happening or who is saying what we
8 object to him saying that.

9 THE COURT: I sustain that objection.

10 Q You can describe what you're seeing.

11 A Okay. Understood. This individual here identified as
12 Mr. Stanley Seegars. One of the hired security guards.

13 Q And which direction is Mr. Seegars walking at this
14 point?

15 A Mr. Seegars at this time is walking towards the door
16 area.

17 Q Okay.

18 (The video was played.)

19 A You'll see the security guard shining his light up
20 toward the dance floor.

21 Q And where is Mr. Seegars at this point?

22 A Mr. Seegars is standing at the exterior doors, the last
23 set of doors going out of the club. Pause here.

24 Q Okay?

25 A Mr. Aaron Harris, one of our other deceased victims.

BRAD WHITESIDES - DIRECT

1 (The video was played.)

2 A Pause here. Mr. Antonio Champion making his way down
3 the ramp.

4 (The video was played.)

5 Q Can you stop it here? At this point is anyone exiting
6 out of that exterior door?

7 A No, ma'am.

8 Q Go ahead.

9 (The video was played.)

10 Q Can you stop it there? Thank you.

11 A Mr. Champion walking back towards the ramp area.

12 (The video was played.)

13 Q Can you pause it there?

14 A Pause it here. One of the security guards having a
15 conversation with -- or appears to be having a conversation
16 with Mr. Stanley Seegars.

17 (The video was played.)

18 A Okay. At this point it appears that the security guard
19 unlocks or opens the door.

20 (The video continues playing.)

21 A Mr. Breante Stevens reentering the club.

22 (The video continued playing.)

23 A Pause here. Mr. Antonio Champion meeting Mr. Stevens
24 as he comes in the door.

25 Q Who is behind Mr. Stevens?

BRAD WHITESIDES - DIRECT

1 A Mr. Brandon Lindsay, aka Too Cool.

2 (The video was played.)

3 A All right. Can we back that up just a little bit,
4 please? All right. Pause. So watching this now, I talked
5 about having sharp points in the body. Okay? Typically
6 when somebody is trying to conceal something, whether it be
7 a weapon or anything in the waistband area you won't have
8 that natural fall. You'll either see sharp points or hot
9 points, just kind of not consistent with the outline of the
10 waist.

11 (The video was played.)

12 A Once again these areas here.

13 Q Who's that standing next to him at that point?

14 A Mr. Champion, and once again Mr. Brandon Lindsay.

15 (The video was played.)

16 A All right. Pause here. As you can see Mr. Lindsay,
17 Mr. Shannon -- I'm sorry, Mr. Lindsay, Mr. Champion, Mr.
18 Stevens, both enter that ramp area going back towards the
19 stage, or back towards the dance floor area where the stage
20 is.

21 (The video was played.)

22 A All right. Pause here. You can see this individual
23 here appears to be making some type of hand gestures as to
24 signaling people like to come toward the door, making some
25 kind of hand gestures.

BRAD WHITESIDES - DIRECT

1 (The video was played.)

2 A All right. Can you pause here for just a second?
3 We're at 2:33:30. 233:33, once again, is when you see the
4 crowd at the other camera angles kind fall back is what
5 believe to be when the shots are firing. Now, pay attention
6 to this area here. Once again right on the other side of
7 this wall is the dance floor area. Beyond that is the
8 raised stage and the DJ booth. Watch this area here, you'll
9 see a security guard came in. Pay attention to this wall.

10 (The video was played.)

11 A Okay. Initial shots fired. Security guard. You can
12 see here, you'll see a puff of smoke. Essentially our CSI
13 was able to locate a defect in this wall what appears to be
14 some type of --

15 MR. SHELDON: I couldn't hear that last part, Judge.
16 If he can speak into the microphone.

17 THE COURT: Yeah. Repeat what you just said.

18 A So the area I have here circled, you will see what
19 appears to be smoke or dust. Our CSI was able to locate a
20 defect in this wall. From the other side of this wall is
21 where the dance floor or the stage area is.

22 (The video was played.)

23 A Pause here. If you'll go just a little further,
24 please. All right. Pause here. Mr. Breante Stevens. If
25 you could focus on this area and this area. This is coming

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1 directly from the dance floor area coming down the ramp
2 coming into the hallway exiting the club. Posture, the way
3 he has oriented both of his arms and his hands appears to be
4 toward his waist area. You can definitely see some type of
5 object in this left hand.

6 (The video was played.)

7 A Stop here. Mr. Antonio Champion. And this area here,
8 some type of object possibly in the back of his pants.

9 (The video was played.)

10 A If we can we go to channel ten, please. 232:50,
11 please. All right.

12 (The video was played.)

13 A Pause here. All right. So we're at 232:49. The best
14 we can figure the shooting took place at 2:33:33, so we're a
15 little over a minute out. Mr. Stevens has already exited
16 the club and is making his approach back to the side
17 entrance. Notice here. Notice when Mr. Stevens -- there's
18 a small little curve here, hops up on the sidewalk, makes
19 the approach up to the front doors, watch and pay attention
20 to his left arm, how rigid, how stiff he keeps it towards
21 his waist for somebody that's hopping up on the curve.

22 (The video was played.)

23 A He keeps that arm tucked towards his waist.

24 (The video was played.)

25 A Okay. Pause here. So doors are here. We're at

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1 2:33:22, just over ten seconds from when we believe the
2 first shots were fired. You can see what appears to be a
3 crowd of people start to exit the club.

4 (The video was played.)

5 A All right. Pause here. Pause here. Mr. Aaron Harris,
6 one of our deceased. As this video plays you'll see him
7 make an approach between these two -- that dark colored car
8 on the right and this silver colored car on the right, and
9 as he gets to the front of that vehicle he appears to fall
10 to the ground. This is just outside of the doors of the
11 club.

12 (The video was played.)

13 A Pause here. Mr. Breante Stevens exits the club just
14 shortly after Mr. Harris and he appears to run toward the
15 back parking lot behind the building.

16 (The video was played.)

17 A Can we go back to 233:48, please? Once again Mr.
18 Harris, this area here, you can see as he makes his approach
19 between these two vehicles he appears to go to the ground.

20 (The video was played.)

21 A All right. Pause here. Mr. Antonio Champion coming
22 out of the door exiting towards the driveway towards the
23 roadway of Old Charlotte Road. So at this point in time
24 Mr. Stevens has already exited towards the rear of the club,
25 Mr. Champion exited and appears to come towards the front of

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1 the club, or toward Old Charlotte Road. Mr. Harris has come
2 out and appears to have fallen over here where you see
3 somebody standing with a flashlight to the light of the
4 screen between them two cars. Appears to be some people
5 gathering in this area between these two cars. Pause here.
6 If you'll pay attention to this subject here, this is one of
7 the security guards that's made his way outside of the club.
8 You'll see him duck and you'll see several other individuals
9 at this time kind of duck. Pay close attention to the
10 security guard. He looks like he retrieves his weapon and
11 is concerned with the area back towards Old Charlotte Road,
12 which would be back towards across the street where the
13 bigger parking lot is where the other restaurant is. This
14 appears to be some time that were some shots outside the
15 club somewhere in that area.

16 (The video was played.)

17 A All right. Pause here. You'll start to see some
18 individuals gather at this point. Mr. Harris has been found
19 on the ground. Several people have come up, you know,
20 trying to figure out what's going on and give him aid.
21 You'll start to see several victims come and gather at this
22 front area that have been shot. You know, people coming in,
23 people going out, cars trying to leave, all while our
24 officers are responding trying to get to the scene to secure
25 it.

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1 (The video was played.)

2 Q I want to direct your attention back to channel 11
3 Starting around 2:33:14. Does this have the capability to
4 play in slow motion?

5 A I believe so, yes.

6 (The video was played.)

7 A This camera, channel 11. Once again, this is the
8 camera that is the back corner of the dance floor area, the
9 back side of the stage kind of close to where the entrance
10 is, the little hallway. This camera captures the angle from
11 that corner to the dance floor, to the little vinyl area
12 that's also a dance door.

13 (The video was played.)

14 A Mr. Stevens here walking back towards the stage area.

15 Q Uh-huh.

16 (The video continued playing.)

17 A Brandon Lindsay. Mr. Champion.

18 (The video continued playing.)

19 A Pause here. Mr. Stevens. Right hand, left hand.

20 (The video was played.)

21 Q Okay. Can we back that up a couple of seconds and let
22 it play through?

23 (The video was played.)

24 A Mr. Champion. At this point he appears to have some
25 type of small caliber handgun had his right hand.

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1 Q And in that whole thing, were you able to see where
2 Brandon Lindsay ended up?

3 A Yes, ma'am. If we can go back to 2:33:14, please.

4 (The video was played.)

5 A Here we see Mr. Lindsay. Pause it here, please.

6 (The video was played.)

7 A Once again Mr. Champion. The stage area being just off
8 camera to the left side of the screen.

9 (The video was played.)

10 A Shots fired. Pause. Mr. Lindsay, you can see there
11 with a strap or the satchel or the bag.

12 MS. CAMPBELL: Just a couple of more, Your Honor.

13 THE COURT: All right.

14 Q If we can go back to channel one for the first times
15 Mr. Stevens comes in.

16 (The video was played.)

17 A Once again channel one, camera one facing the entrance
18 to the club, dance floor to the right, pool table, a little
19 sitting area to the left.

20 (The video was played.)

21 A Pause it here, please. Mr. Stevens here getting ready
22 to enter into the club for the first time for the night.

23 (The video was played.)

24 A Pause here. Notice how he leans over. Like I said,
25 this is 2:13:51. From the surveillance video that we

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1 reviewed this appears to be when Mr. Stevens first arrives
2 at the club. Coming in, no areas of the waist that, you
3 know, seem to be high points or sharp points. He also bends
4 over. That's not typical of someone that could possibly
5 have multiple weapons in their waistband at the time. This
6 is the first time that Mr. Stevens gets to the club.

7 (The video was played.)

8 A Here you see Mr. Brandon Lindsay here.

9 (The video continued playing.)

10 Q Okay. And the second time?

11 (The video was played.)

12 MR. SHELDON: Judge, can we take a break at some point
13 in time for just a minute?

14 THE COURT: Yeah. Now much longer have you got?

15 MS. CAMPBELL: Not terribly much. I have a few more
16 questions. We can take a break though, Judge, that's fine.

17 THE COURT: Yeah, it's a little after 11:00. All
18 right. Ladies and gentlemen of the jury, let's take a brief
19 recess. Don't talk about the case.

20 (The jury left the courtroom.)

21 THE COURT: All right. Don't talk to anybody about
22 your testimony, you're still under oath. We will be down
23 for about 15 minutes.

24 (A recess was taken.)

25 (The jury returned to the courtroom.)

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1 THE COURT: All right. Ladies and gentlemen, a couple
2 of things as you're coming in. Again, thank you for your
3 patience. If at anytime you can't see a screen because we
4 have to be spread out the way we are, feel free to move your
5 chair. Okay? Those things, they're on wheels. If you want
6 to wheel over here and watch the screen that's fine with me.
7 Okay? Because I know where the solicitor is standing she
8 may block your view. Okay? Second thing, in an effort to
9 keep things moving along the best as possible some witnesses
10 are going to be taken out of order. Okay? Specifically
11 there are two doctors, I believe, who are testifying and
12 that's going to be done virtually through my virtual
13 courtroom. Okay? And I will explain that to you at the
14 time that happens. That's going to be right around noon.
15 Okay? So the State is going to finish with this witness,
16 we're going to send you back out of here so we can work out
17 the technical details, and then I'm actually going to log
18 onto my virtual courtroom to allow those witnesses to
19 testify virtually. It's just as if it was real court except
20 it is done with Webex. Okay? So that's what's going to
21 happen. I wanted to keep you in the loop of what's
22 happening. And those are relatively short fact witnesses.
23 So after those witnesses I anticipate that's when we'll
24 probably take a lunch recess and then we'll come back. So
25 this witness will not have been cross-examined by the

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1 defense, but remember, we're taking these witnesses out of
2 order to move things along because of the doctor's busy
3 schedules and such, and I want to make sure you knew what
4 was going on. Okay? Thank you, you can resume your
5 questioning.

6 MS. CAMPBELL: Thank you.

7 CONTINUED DIRECT EXAMINATION

8 BY MS. CAMPBELL:

9 Q Investigator Whitesides, I think I skipped one channel.
10 Channel seven over the cash register, can you tell the jury
11 where that was located inside the club?

12 A Yes, ma'am. Can we put up the overhead one more time?
13 All right. So once again looking at the screen from my
14 right to my left you have the main entrance or the entry
15 point where the patrons come in and out. As soon as you
16 come in that set of double doors and immediately to the
17 right you have this area here, which is the counter where
18 the cash register or where they conduct business with people
19 coming in and out of the club. So right here in this
20 direction at a downward angle you have camera seven.

21 Q Okay. And if we can get camera seven pulled up. All
22 right. So for orientation purposes, here you see the cash
23 register, this wall here, that separates that hallway area
24 from the upper dance floor area. The entry and exit doors.
25 Hallway continues on. The ramp leading up to the dance

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1 floor just off to the right of the screen.

2 (The video was played.)

3 Q Okay. Who is that there?

4 A Right here?

5 Q Uh-huh.

6 A This is Mr. Stanley Seegars.

7 Q Thank you.

8 (The video was played.)

9 A Can we back up just a little bit, please?

10 (The video was played.)

11 A Pause here. 2:33:01, Mr. Breante Stevens reentering
12 the club.

13 Q Okay.

14 (The video was played.)

15 A 233:33 is when we believe the shots start.

16 (The video was played.)

17 A Pause here. Mr. Breante Stevens. If we can go slow
18 motion, please.

19 (The video was played.)

20 A Once again this is kind of a downward angle, more down
21 to the floor overhead view.

22 (The video was played.)

23 A All right. Pause here. Mr. Breante Stevens appears to
24 have both of his hands in front of his body towards his
25 waist area. You can see here and here.

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1 (The video was played.)

2 A Can we go back to 2:33:40?

3 (The video was played.)

4 A Pause here. Back up just a little bit, please. Pause.
5 This individual here is Mr. Aaron Harris, one of our other
6 deceased victims. Right behind here, Mr. Breante Stevens
7 here.

8 (The video was played.)

9 A Okay. Pause here. 2:33:53, Mr. Antonio Champion heads
10 towards the exit.

11 Q Okay. I'm going to just go back over a couple of
12 thing. Channel one, I believe, the second time.

13 (The video was played.)

14 A Mr. Brandon Lindsay walking toward the door.

15 (The video was played.)

16 A Pause there. Mr. Breante Stevens, Mr. Champion, Mr.
17 Lindsay. And you can see the areas here.

18 (The video was played.)

19 Q And then finally channel ten at 2:33 about 40.

20 (The video was played.)

21 A All right. Pause here. Aaron Harris and Breante
22 Stevens.

23 Q Okay.

24 (The video was played.)

25 A Pause here. If you look at this area here, once Mr.

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1 Harris gets in between these two vehicles it appears he goes
2 to the ground. Mr. Stevens going toward the back parking
3 lot of the club.

4 (The video was played.)

5 Q Investigator, these outdoor cameras, do you know
6 whether or not they were motion censored?

7 A I do believe they are, they capture motion, yes, ma'am.

8 Q And during the course of this investigation, did anyone
9 ever indicate that Too Cool actually shot anyone?

10 A No, ma'am.

11 MR. BELTON: Your Honor, I'm sorry, I couldn't hear her
12 question. If she'll repeat her question.

13 THE COURT: Repeat your question.

14 Q Did anyone say that Too Cool shot anyone?

15 MR. BELTON: Thank you.

16 Q I'm going to show you what has been marked as State's
17 Exhibit 11. Does that look like the -- a still from the
18 video we've just shown?

19 A Yes, ma'am, it does.

20 Q That someone else worked on that but that's a still?

21 A Correct, yes.

22 MS. CAMPBELL: Your Honor, at this time we offer
23 State's Exhibit 11 into evidence.

24 THE COURT: Any objection?

25 MS. CAMPBELL: It's Mr. Seegars.

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1 MR. BELTON: No objection, Your Honor.

2 THE COURT: Introduced.

3 MS. CAMPBELL: Thank you.

4 (State's 11 was received.)

5 MS. CAMPBELL: Your Honor, at this time we move State's
6 Exhibits 192, and then 193 would be the stills captured that
7 he did.

8 THE COURT: All right. Without objection entered into
9 evidence.

10 (State's 192 and 193 were received.)

11 MS. CAMPBELL: I don't have anything further, Your
12 Honor.

13 THE COURT: All right, good. Mr. Witness, you stay
14 right there. Ladies and gentlemen of the jury, head on back
15 to your jury room, don't talk about the case. I'm going to
16 make sure my virtual courtroom is working. And remember,
17 we're taking these witnesses out of door to move things
18 along. Okay?

19 (The jury left the courtroom.)

20 (A break was taken.)

21 (The jury returned to the courtroom.)

22 THE COURT: All right. All members of the jury are
23 present. Ladies and gentlemen, we're now going to have
24 court with these witnesses via my virtual courtroom. One of
25 the good things this recent pandemic we're still in,

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1 hopefully we've turned the corner, has created is the
2 virtual courtrooms believe it or not. And so this is just
3 like court. You're looking on the screen. We have two
4 witnesses available. The lawyers will be questioning the
5 witnesses through the laptop set up at the podium there.
6 It's just as if it was real court. So, you know, don't read
7 anything into the fact that these witnesses aren't here.
8 They're doctors with very busy schedules and everybody has
9 agreed to make this as efficient for you to allow them to
10 testify this morning. Okay? So at this point in time the
11 State calls your next witness.

12 MS. MCGINNIS: State would call Dr. John Green.

13 The witness, JOHN GREEN, M.D., was first duly sworn

14 And testified as follows: (virtually through Webex)

15 THE COURT: Thank you. He said I do. Ladies and
16 gentlemen, I'm transferring volume to that one and I am
17 getting out of mine. You've got the show, Madam Solicitor.

18 DIRECT EXAMINATION

19 BY MS. MCGINNIS:

20 Q Can you state your name for the record?

21 A My name is John Green.

22 Q And where are you employed, Dr. Green?

23 A With Atrium Health in Charlotte.

24 Q What's your position there?

25 A I'm an Associate Professor of Surgery and Trauma Care

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1 Surgery.

2 Q Do you actually perform surgeries and practice medicine
3 in addition to being a professor?

4 A Yes.

5 Q And can you tell the jury a little bit about your
6 training and experience from undergraduate school through
7 medical school?

8 A Sure. I graduated undergrad from Wake Forest
9 University in 1996, and then from medical school at
10 Louisiana State University in 2001. I did a six year
11 general surgery residency at the University of Tennessee in
12 Chattanooga with one dedicated year of a surgical critical
13 care fellowship. And then double board certified by the
14 American Board of Surgery after that, and general surgery as
15 well as surgical critical care, which is essentially trauma
16 and ICU work.

17 Q And since you were board certified in that area, where
18 have you practiced medicine?

19 A I've practiced in the City of St. Louis, Missouri, at
20 Washington University School of Medicine in St. Louis, and
21 then moved to Charlotte in 2009. I have been with Atrium,
22 or been in the Carolinas Healthcare System, now Atrium,
23 since 2009.

24 Q And has that entire time been in trauma surgery?

25 A Trauma and general surgery, yes.

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1 MS. MCGINNIS: Judge, at this time we would offer Dr.
2 Green as an expert in surgical critical care or trauma
3 surgery.

4 THE COURT: Any objection.

5 MR. BELTON: No objection, Your Honor.

6 THE COURT: Any objection?

7 MR. SHELDON: No, sir, Your Honor.

8 THE COURT: All right. Without objection the doctor is
9 qualified as an expert in those fields. Ladies and
10 gentlemen, remember, experts can testify in the form of
11 opinions. Okay? Madam Solicitor.

12 MS. MCGINNIS: Thank you, Judge.

13 Q Doctor, I'm going to turn your attention back to the
14 early morning hours of September 21st of 2019. Were you
15 working that evening or early morning?

16 A Yes.

17 Q And did you see a number of patients that arrived from
18 Springs Memorial or MUSC Lancaster?

19 A Yes.

20 Q I want to first turn your attention to Mr. Charles
21 Mobley. Was that a patient that you personally saw that
22 night?

23 A Yes.

24 Q What did Mr. Mobley come in presenting with medical
25 wise?

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- 1 A He had a gunshot wound to the chest, I believe.
- 2 Q Okay. And when Mr. Mobley came in, had any medical
3 attention already been given to him by a previous hospital?
- 4 A Yes, ma'am.
- 5 Q What was that medical attention?
- 6 A They placed what's called a chest tube in his chest.
- 7 Q Why was that placed?
- 8 A He had a penetrating injury to the chest and so the
9 lung collapses and bleeds, and that tube is placed there to
10 help the lung re-expand so that the lung works and he could
11 breath.
- 12 Q So if the lungs collapsed, can Mr. Mobley's body get
13 the oxygen that it needs?
- 14 A He could potentially live on one lung but it's not
15 ideal.
- 16 Q It's something that requires immediate medical
17 attention.
- 18 A Correct.
- 19 Q So when Mr. Mobley arrived at CMC or Atrium, what care
20 did you provide to him?
- 21 A We admitted him for observation and managed his chest
22 tube, which has some certain things that we have to take
23 care of, but he did not require any further intervention.
- 24 Q Is that always the case with someone with a collapsed
25 lung and a chest tube?

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1 A No, not always.

2 Q What could happen if the chest tube doesn't work?

3 A Well, it could have ongoing bleeding and so end up in
4 hemorrhagic shock or dying from a bleeding problem. Or he
5 could become what's called hypoxic where he doesn't get
6 enough oxygen and that could be ultimately fatal, also.

7 Q But in this case, was the chest tube inserted properly
8 and was working properly?

9 A As I recall it was.

10 Q Okay. Do you recall how long Mr. Mobley stayed at the
11 hospital up there?

12 A Not exactly, only a matter of a few days.

13 Q Okay. Was the chest tube ultimately removed from Mr.
14 Mobley?

15 A Yes.

16 Q And what happens -- what does the lung do or the body
17 do in order to allow you to remove that chest tube?

18 A Well, two things. Number one, the lung has to
19 re-expand and function normally, and then the bleeding has
20 to stop. So when those two things happened and air is not
21 leaking out of the lung then the tube can be removed.

22 Q Okay. Does the lung essentially seal itself up from
23 that -- the bullet hole?

24 A Correct.

25 Q Okay. So that was Mr. Mobley. Did you also see a

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1 patient named Antquavious, or Quay Douglas?

2 A Yes, ma'am.

3 Q And what did Mr. Douglas come in with?

4 A He also had, I believe, multiple gunshot wounds.

5 Q And if I told you he had one to the -- an entrance and
6 exit, does that sound correct?

7 A Yes.

8 Q Okay. And was he injured on the right side of his
9 body?

10 A Yes.

11 Q Do you recall what organs were impacted by that injury?

12 A I do. He had an injury to his right of his colon, as
13 well as a small intestine, as well as his right kidney.

14 Q And how would you describe those injuries?

15 A Well, any hole in these organs is bad. We have rating
16 systems, but I would call them a destructive injury if you
17 want to call it in broad terms, which means that something
18 has to be done about them.

19 Q Okay. In a pretty immediate fashion; is that right?

20 A Yes.

21 Q Are these organs pretty vascular in the abdomen that
22 Mr. Douglas was hit in?

23 A Very.

24 Q And what does that mean?

25 A It means they're prone to have rapid and excessive

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1 bleeding which warrants immediate surgery, which is what
2 trauma surgery is about. So he had low blood pressure from
3 a lot of bleeding and that has to be dealt with.

4 Q What happens if that's not dealt with?

5 A Death.

6 Q They can bleed out internally?

7 A Correct.

8 Q Okay. And was a surgery, or several surgeries
9 performed on Mr. Douglas?

10 A Forgive me if I'm confusing the patients, but I believe
11 he just had one operation.

12 Q Okay. And that was done by you that night?

13 A Correct, and my resident team.

14 Q Okay. What did that surgery entail?

15 A We removed a portion of his small intestine, a portion
16 of his colon that was injured, as well as his right kidney.

17 Q And after that, was Mr. Douglas kept and admitted up
18 there at Atrium for a number of days?

19 A Yes, ma'am.

20 Q And what's the purpose of keeping him admitted for that
21 time period?

22 A Well, he has to be resuscitated from excessive blood
23 loss to begin with, and then when we removed those pieces of
24 his intestine we were able to hook them back together. Of
25 course, now he only has one kidney so he's convalescing in

JOHN GREEN - DIRECT

1 the hospital so we can be sure he's not going to have
2 ongoing problems.

3 Q To the best of your knowledge during his time up there,
4 did Mr. Douglas heal and was able to be discharged?

5 A Yes.

6 Q Okay. And then finally I'm going to turn your
7 attention to a Christopher Belton. I believe he was the
8 third trauma surgery patient you saw that night?

9 A Correct.

10 Q What did Mr. Belton come in with?

11 A Also gunshot wounds.

12 Q Okay. Do you recall, was that also to his abdominal
13 area?

14 A Yes.

15 Q What injuries did Mr. Belton have?

16 A He also had intestinal injuries to the small intestine,
17 colon, as well as his gallbladder, I believe his stomach as
18 well, a small injury to the liver.

19 Q And these are all just like Mr. Douglas, vascular
20 organs in the abdomen?

21 A Correct.

22 Q So same kind of risks if they're not treated
23 immediately as far as blood loss, things of that nature?

24 A Yes.

25 Q Okay. And you mentioned his small intestine. What did

JOHN GREEN - DIRECT

1 y'all have to do surgically for Mr. Belton with regard to
2 his injuries?

3 A We had to remove a segment of his small intestine that
4 had holes in it from the ballistics, as well as his large
5 intestine.

6 Q And is that a surgery that needs -- or a medical
7 condition that needs to be taken care of immediately?

8 A Yes.

9 Q If it's not taken care of immediately, what potentially
10 could result?

11 A Again, ongoing bleeding and death, or leakage of
12 intestinal contents causing overwhelming infection and
13 death.

14 Q Okay. Based on your experience, would you consider all
15 three of these patients to have life threatening injuries?

16 A Yes.

17 Q If they weren't treated in a timely fashion, could each
18 one of them have died from their injuries?

19 A Yes.

20 Q And then just very briefly, are you aware of how these
21 three patients got to Atrium Health? Were they transported
22 by an ambulance, by helicopter, by personal vehicle?

23 A I actually do not recall how they arrived.

24 Q Okay. And CMC or Atrium Health, what kind of trauma
25 center is your hospital?

JOHN GREEN - CROSS

1 A It's a level one trauma center, which means that we
2 have everything we need to take care of the sickest and most
3 severely injured patients 24/7.

4 Q Okay. And these three patients, do they require that
5 level of care?

6 A Yes.

7 MS. MCGINNIS: I don't believe I have any questions for
8 you. If you'll answer anything the defense may have.

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

10 MR. BELTON: Thank you.

11 CROSS EXAMINATION

12 BY MR. BELTON:

13 Q Good afternoon, Dr. Green.

14 A Good afternoon.

15 Q Dr. Green, you don't know how these people sustained
16 their injuries, do you?

17 A No.

18 Q Did you recover any bullets from any of them?

19 A I actually don't recall. It would be in the medical
20 record if we did but I don't remember.

21 Q Okay. Fair enough. And you certainly have no opinion
22 on any type of weapon that shot these individuals.

23 A No.

24 MR. BELTON: Thank you. No further questions.

25 THE COURT: All right. Mr. Sheldon?

JOSEPH HSU - DIRECT

1 MR. SHELDON: No questions, Your Honor.

2 THE COURT: No questions. Anything further?

3 MS. MCGINNIS: Nothing further. Judge, I just ask that
4 Dr. Green be excused from his subpoena.

5 MR. BELTON: No objection, Your Honor.

6 THE COURT: All right. Dr. Green, that completes your
7 testimony. Thank you, sir, you can log off. Dr. Hsu, you
8 stay with us. Okay? State call it's next witness.

9 MS. MCGINNIS: State would call Dr. Joseph Hsu.

10 The witness, JOSEPH HSU, M.D., was first duly sworn

11 And testified as follows: (Virtually via Webex.)

12 DIRECT EXAMINATION

13 BY MS. MCGINNIS:

14 Q Good afternoon. Could you state your name for the
15 record?

16 A Joseph Hsu.

17 Q And where are you employed, Dr. Hsu?

18 A I'm employed at Atrium Health.

19 Q In what capacity?

20 A I'm an orthopedic trauma surgeon here.

21 Q And similar to Dr. Green, can you walk the jury through
22 your training and qualifications starting with undergraduate
23 through medical school?

24 A Yes, ma'am. I went to the United States Military
25 Academy at West Point for undergraduate. I then went to

JOSEPH HSU - DIRECT

1 Tulane University Medical Center in Charity Hospital in New
2 Orleans. I did my medical school residency and orthopedic
3 trauma fellowship there with some international fellowships
4 in limb reconstruction in Lucco, Italy, and Kurgan, Russia.

5 Q And when you finished your residency and all of your
6 training, where did you initially practice?

7 A I rejoined the United States Army, and my first duty
8 station was William Beaumont Army Medical Center in El Paso,
9 Texas. I was there three years during which time I deployed
10 to Embazine (phonetically) Hospital in the green zone of
11 Baghdad, Iraq. And then in 2007 transferred to the
12 Institute of Surgical Research, the United States Army
13 Institute of Surgical Research in San Antonio, Texas, housed
14 at Brooke Army Medical Center.

15 Q And when did you come to Charlotte?

16 A I completed my active duty time in 2013, and then moved
17 to Charlotte, North Carolina at that time.

18 Q And is that when you became employed with what was then
19 Carolinas Healthcare System?

20 A Yes, ma'am.

21 Q Now Atrium Health? And have you been practicing there
22 ever since 2013?

23 A Yes, ma'am.

24 Q And is that in the field the orthopedic trauma surgery?

25 A Yes, ma'am.

JOSEPH HSU - DIRECT

1 Q And was that your field of practice throughout your
2 military career as well as your civilian career?

3 A Yes, ma'am.

4 MS. MCGINNIS: Judge, at this time we would offer Dr.
5 Hsu as an expert in orthopedic trauma surgery.

6 MR. BELTON: Without objection.

7 THE COURT: Without objection he's qualified as an
8 expert.

9 MS. MCGINNIS: Thank you, Judge.

10 Q Doctor, at some point in September of 2019, did you
11 have the opportunity to meet with and ultimately discharge
12 patient LaShonda Barnes up there at CMC.

13 A I did.

14 Q And can you tell me, what injuries did Ms. Barnes come
15 into the hospital with?

16 A Ms. Barnes sustained multiple gunshot injuries, but the
17 most significant injury was to her left tibia with some bone
18 and tissue loss. She also had an injury to her foot.

19 Q And would that be to one of her toes?

20 A It was her second and third toes, the most significant
21 injury was to her third toe.

22 Q Okay. And was part of that toe actually missing due to
23 the gunshot wound?

24 A Yes, ma'am.

25 Q Okay. Can you describe what that -- the injury to her

JOSEPH HSU - DIRECT

1 tibia, what that does, what the complications of that could
2 be? Just kind of describe that injury to the jury.

3 A Yes, ma'am. This is -- a significant portion of my
4 practice is penetrating trauma and the result of that. She
5 had a fair amount of missing bone from that, which puts her
6 at risk for what's call a nonunion, which means that the
7 bone does not heal or is very, very slow to heal and
8 requires multiple surgeries to heal. One of the biggest
9 risks is what's called osteomyelitis or bone infection,
10 which actually becomes a limb threatening problem. Once
11 infection sets up in the bone it's very difficult to clear
12 the infection even in young healthy patients, and some of
13 them ultimately go on to amputation.

14 Q And would that be something that could result if
15 there's not immediate treatment given to the wound?

16 A Yes, ma'am. Timing of treatment and early antibiotic
17 therapy are some of the things that predict outcome from
18 those, and so the faster the patients get antibiotics and
19 the faster they have their initial surgical debridement and
20 eventual stabilization debridement, meaning cleaning all of
21 the dead and contaminated tissues from the wound, and then
22 surgical stabilization, the faster that that happens the
23 less likely they are to go on to a chronic problem like
24 osteomyelitis.

25 Q And did that happen for Ms. Barnes at your facility

JOSEPH HSU - DIRECT

1 there?

2 A It did. She had her surgery within the first -- she
3 had her antibiotics within the first hours of arrival, which
4 is evidence based. And she had her surgery within the first
5 24 hours, which is an evidence based way to prevent
6 infection.

7 Q Okay. And ultimately Ms. Barnes stayed up there for
8 several days, I think nearly a week; is that correct?

9 A I don't recall exactly. I would have to refer to the
10 chart to give you the exact number of days.

11 Q But several days after the surgery to make sure
12 everything was healing appropriately?

13 A Yes, ma'am.

14 Q Okay. And when you saw Ms. Barnes and ultimately
15 discharged her, was it your medical opinion at that time
16 that she had been -- you treated appropriately, her body was
17 responding well to treatment, things of that nature?

18 A Yes, ma'am. She was recovering well, there were no
19 signs of infection, her limb was functioning well. And on
20 her x-rays the bone seemed to be healing, but we didn't have
21 the longer term x-rays. I hadn't seen her in some time.
22 But at the time of her last visit the harbor was intact and
23 the bone was starting to heal nicely.

24 Q Okay. And you mentioned hardware. The initial surgery
25 was kind of the cleanup that you described as being

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1 necessary. Was there a follow-up surgery where some
2 hardware was placed?

3 A She had all that done in one stage. We used to stage
4 all of them where you would have a debridement first and
5 then put in the hardware later, but over the past several
6 decades we have been able to demonstrate that it's safe to
7 do it all in one setting, which is what she had.

8 Q Okay. So that hardware that's placed, is that
9 permanently in her leg?

10 A It's stays permanently except under a couple of
11 different circumstances. Number one would be if the bone
12 became infected then it would require the hardware to be
13 removed, and several subsequent surgeries to manage the
14 infection to do what's called limb salvage, which means keep
15 the limb albeit in a comprised fashion if it gets infected.
16 The other situations would be if the bone doesn't heal and
17 you have a nonunion then typically that nail or the screws
18 would break if the bone doesn't heal in time. And then the
19 third time that we take hardware out is if certain parts of
20 the screws or certain parts of rod become prominent where it
21 bothers the patient, then we'll remove those at that time as
22 well.

23 Q Okay. To the best of your knowledge did any of those
24 circumstances arise with Ms. Barnes?

25 A Not to my knowledge, at least not in our center.

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1 Q Very good.

2 MS. MCGINNIS: I believe that's all of the questions I
3 have for you. If you'll answer anything the defense may
4 have.

5 THE COURT: Mr. Belton?

6 CROSS EXAMINATION

7 BY MR. BELTON:

8 Q Regarding Ms. Barnes, were you able to remove any
9 fragment or bullet or anything from her?

10 A No, sir. There were no retained fragments or bullet in
11 her leg or foot.

12 MR. BELTON: All right. Thank you. No further
13 questions.

14 MR. SHELDON: I don't have any questions for this
15 witness, Your Honor.

16 THE COURT: All right. No questions. Anything
17 further?

18 MS. MCGINNIS: Nothing further, Your Honor.

19 THE COURT: All right. Doctor, that concludes your
20 testimony, thank you so much. You're free to leave.

21 MS. MCGINNIS: Judge, we would just ask that he be
22 released from his subpoena.

23 THE COURT: He is released. You can go ahead and log
24 off. I'm going to log out of my virtual courtroom then.

25 Ladies and gentlemen of the jury, why don't we go ahead and

1 break for lunch.

2 (Break in proceedings.)

3 THE COURT: Let's go ahead and break for lunch. I want
4 you back in your jury room at 1:45 and we'll start this
5 afternoon. Okay? Don't talk about the case. Don't talk to
6 anybody about the case. Don't do any independent research.

7 (The jury left the courtroom.)

8 (Break in proceedings.)

9 THE COURT: We're down until 1:45. Mr. Whitesides,
10 you're still under oath, don't talk to anybody about the
11 substance of your testimony.

12 (A lunch break was taken.)

13 (The jury returned to the courtroom.)

14 THE COURT: All members of the jury are present.
15 Investigator Whitesides, you're still under oath. The State
16 has finished its direct examination. Mr. Belton, your
17 witness.

18 MR. BELTON: Thank you, Your Honor. May it please the
19 Court?

20 THE COURT: Yes, sir.

21 CROSS EXAMINATION OF BRAD WHITESIDES

22 BY MR. BELTON:

23 Q Good afternoon, Investigator Whitesides.

24 A Mr. Belton.

25 Q Investigator, were you involved with this matter from

BRAD WHITESIDES - CROSS

1 the beginning?

2 A I can't recall the exact time in the early morning
3 hours I was called in to assist with the investigation.

4 Q Did you actually report to the scene?

5 A I was at the scene briefly.

6 Q Okay. And you left the scene and then went back to the
7 police department, to the sheriff's department to start some
8 of your preliminary paperwork?

9 A Yes, sir.

10 Q Investigator Whitesides, not to quote from a
11 television, but those first 48 hours are pretty critical
12 hours in an investigation like this, isn't it?

13 A I would agree, yes, sir.

14 Q Yeah. And in those first 48 hours you and your other
15 officers, as good officers would do, you guys were beating
16 the payments, weren't you?

17 A A lot of work.

18 Q Running down people, talking to people, talking to a
19 lot of witnesses, looking at videos, correct?

20 A Correct, yes, sir.

21 Q As a matter of fact, you guys engaged other law
22 enforcement agencies like the department of what is
23 probation parole and other entities like that to try to help
24 you identify people, right?

25 A There were several other agencies involved, yes, sir.

BRAD WHITESIDES - CROSS

1 Q All right. And so you spent a lot of time looking at
2 this video, and then taking the video and trying to identify
3 the people who were in the club, correct?

4 A Correct.

5 Q And as best you could you identified them, and you and
6 your colleagues kind of ran them down and talked to them,
7 correct?

8 A Yes.

9 Q All right. And so in the early days -- and so we spent
10 a lot of time with this video, but when it's all said and
11 done Mr. Stevens is actually only at this -- arrives at this
12 club about 2:13, correct?

13 A I believe that's accurate, yes.

14 Q Thereabouts.

15 A Yes.

16 Q So we have hours and hours and hours of footage, but
17 the reality of it is you've testified that the shooting
18 actually took place about 2:30 or 3:00, and he arrives about
19 2:13, correct?

20 A That's correct.

21 Q So about 20 minutes of the footage, give or take, I'm
22 approximating, but about 20 minutes of the video actually
23 involves Mr. Stevens, correct?

24 A I believe that's to be accurate.

25 Q Yeah. And throughout this night prior to -- and

BRAD WHITESIDES - CROSS

1 actually Mr. Champion who's here with Mr. Stevens today,
2 actually arrives about an hour before Mr. Stevens, correct?

3 A I believe so, correct.

4 Q All right. So let's start back -- you've been sitting
5 here in the courtroom the entire week, correct?

6 A I have.

7 Q So you've heard the testimony from other witnesses from
8 the stand, correct?

9 A I have.

10 Q All right. So let's start back with earlier in the
11 week when we heard from security officers. Okay? So let me
12 go here, and you're going to have to bear with me a little
13 bit as I try to walk through some of these things just as
14 the State did. Okay? And I'm going to try and get it --
15 all right. I think I have here what I'm -- all right. I
16 think I'm ready to go. All right. So Investigator
17 Whiteside (sic), and you're looking at these videos so we
18 don't have to re-watch all of them. Okay. So when you're
19 looking at the video, is it fair to say that when Mr.
20 Champion arrived at 12:14 in the morning that security was
21 already there? Certainly we can go back and watch the
22 videos if you don't remember.

23 A Yes.

24 Q So that is -- it is fair to say?

25 A Well, as far as Mr. Champion, I believe it was 12:44

BRAD WHITESIDES - CROSS

1 when he arrives.

2 Q I'm sorry, 12:44, you are correct.

3 A Yes.

4 Q Yes. And security is already there when gets there,
5 correct?

6 A I believe so, yes, sir.

7 Q All right. Believe so or you know so?

8 A I believe security was already there.

9 Q Okay.

10 A I can't give an exact time but I believe they were
11 there.

12 Q All right. So we'll go back and watch the video here
13 at the end, because it's important that we establish that
14 security is there when Mr. Champion gets there. Okay?

15 A All right.

16 Q And so it's also fair to say at 12:54 when the
17 gentleman that you identify as Mr. Tavarus, when he enters
18 security is already there, correct?

19 A Yes.

20 Q It's also fair to say at 1:24 when Mr. Colvin arrives
21 security is already there, correct?

22 A Yes.

23 Q All right. So -- and we know from watching the video
24 that all three of those gentlemen had guns inside of this
25 club, correct?

BRAD WHITESIDES - CROSS

1 A That's what it appears, yes.

2 Q So we know at least three individuals arrive after
3 security and had guns in the club, correct?

4 A Correct.

5 Q All right. So you also -- and though security -- so at
6 this point here Mr. Stevens enters the club at 2:13:25; is
7 that correct?

8 A That's accurate.

9 Q So let's get to Mr. Stevens entering the club here.

10 (The video was played.)

11 Q So when Mr. Stevens here at the club, do we know what's
12 going on outside of this door just immediately prior to
13 his -- I'm sorry.

14 A I don't know if you're referring to something on the
15 screen but I can't --

16 Q I was, and my apologies. So Captain Whiteside (sic),
17 as you're looking here at the screen, do we know what's
18 happening with Mr. Stevens on the outside as he's walking
19 in?

20 A Not on the outside, no, sir, I can't see.

21 Q And we don't have a camera angle that tells us exactly
22 what's happening on the outside, do we?

23 A No, sir.

24 Q All right.

25 (The video was played.)

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1 Q We also know that you've mentioned that as Mr. Stevens
2 comes in -- I think we have identified Mr. Stevens as the
3 person right here where you can kind of see him standing in
4 the doorway, correct?

5 A That's correct.

6 Q All right. So if we move on a little further Mr.
7 Stevens comes on in. Now, the entire time that we're
8 watching what little bit we can see, obviously we don't see,
9 but we don't see him being searched at that moment, do we?

10 A Not that I can -- it appears he's standing in the
11 doorway but I'm not sure what's going on.

12 Q And as Mr. Stevens is coming on in the club and there's
13 a gentleman coming behind him that you've identified as Mr.
14 Lindsay, he's the gentleman with the bag on, correct?

15 A Yes.

16 Q We also have no evidence that Mr. Lindsay got searched
17 as he came in.

18 A No.

19 Q And he has the bag on.

20 A Correct.

21 Q All right. So at this point we know at least one
22 person has come in with a box, correct?

23 A I'm sorry, a box?

24 Q We know at least one person came in with a box,
25 correct?

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1 A You're referring to Mr. Colvin. Yes.

2 Q Mr. Colvin came in with a box, and we ultimately know
3 Mr. Colvin had a gun, right?

4 A At some point in time, yes.

5 Q All right. We also know that Mr. Tavarus -- remind of
6 Tavarus' last name.

7 A Harris.

8 Q Harris. Mr. Harris is in the club, and we also know at
9 some point in time he has a gun in the club, correct?

10 A Yes.

11 Q And we also know that Mr. Champion came in and at some
12 point he has a gun, correct?

13 A Correct.

14 Q All right. So at this point Mr. Stevens comes in. And
15 I'm going to let that play here.

16 (The video continues to play.)

17 Q Now, is this Mr. Stevens now? Which should be at the
18 bottom of your screen kind of where I'm circling with the
19 arrow. Let me back it up a bit. Is that Mr. Stevens?

20 A Yes, sir.

21 Q And so Mr. Stevens starts now to walk toward the left,
22 and I think in your testimony you indicated that that's kind
23 of toward the dance floor, right, for orientation purposes?

24 A That's a ramp or walkway up toward the dance floor.

25 Q That kind of heads toward where kind of the action is,

BRAD WHITESIDES - CROSS

1 right?

2 A Yes, sir.

3 Q Now, let's spend a little bit of time talking about
4 Mr. Lindsay here. Mr. Lindsay, for lack of a better word,
5 seems to kind of be the gofer, right?

6 A I couldn't say.

7 Q All right. But he certainly follows him around, right?

8 A He's in several different frames with Mr. Stevens.

9 Q Rarely do you see Mr. Stevens that night that Brandon
10 Lindsay is within an arms length away, is he?

11 A Correct.

12 Q All right. Comes in the door with him. Based on your
13 investigation rode to the club with him.

14 A I'm not sure about that.

15 Q Okay. But certainly inside of the club. It's fair to
16 say they came in together?

17 A Yes.

18 Q Move around throughout the club, and mostly it's Mr.
19 Lindsay following Mr. Stevens around, correct?

20 A They appear to be together in several different views,
21 yes.

22 Q Okay.

23 (The video continues playing.)

24 Q That's Mr. Lindsay dapping up some people, correct?

25 A Appears to be.

BRAD WHITESIDES - CROSS

1 Q Moving in the opposite direction, right?

2 A Correct.

3 Q That's Mr. Stevens now coming towards the dance floor,
4 correct?

5 A Yes, sir.

6 Q And Mr. Lindsay turns and starts walking that way,
7 right?

8 A Yes, sir.

9 Q They came in the door. Mr. Stevens came in the door
10 first, correct?

11 A Correct.

12 Q And then throughout the night it's fair to say that
13 he's kind of part of the crowd moving around. All right.

14 A They are in close proximity, yes.

15 Q All right. So based on your investigation, what's
16 inside of this fanny pack, is that the correct term, that's
17 around Mr. Lindsay?

18 A Some type of bag. I have no idea.

19 Q And we've never been able to establish what's in there,
20 have we?

21 A No, sir.

22 Q All right. And you've been in here this week and no
23 one has testified to what's inside of it, have they?

24 A Not to my knowledge, no, sir.

25 Q So now let's get to -- let me stop here for a second.

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1 When we were back on the original camera one, and I can go
2 back to camera one in a second, I just kind of want to go in
3 logical order here, sequential order for me. And if I need
4 to go back to chapter one just to let you know, when I was
5 indicating to you that Mr. Stevens had gone one way and then
6 he came back the other way and Mr. Lindsay followed him,
7 based on your investigation and your view of the screen, do
8 you know where he went from there?

9 A Which one are you referring to? Mr. Lindsay?

10 Q Mr. Lindsay or Mr. Stevens. Do you know where either
11 one of them went for the next two or three minutes?

12 A Just based off of the direction it was up towards the
13 dance floor. I can't say where they went, no.

14 Q Okay. Can you see them on any camera inside of that
15 club?

16 A From the time they entered the door until they go up
17 toward that walkway to the floor?

18 Q Yes, sir.

19 A There are spots to where they can't be seen, that's
20 correct.

21 Q And so based on your remembrance, is there about two or
22 three minutes there where you don't see Mr. Stevens or
23 Mr. Lindsay?

24 A I can't give an exact timeframe.

25 Q But there are some times when you don't see them on

BRAD WHITESIDES - CROSS

1 camera.

2 A Yes.

3 Q Okay. All right. Fair enough. So let's move on here.

4 So now we're here at chapter 11. And so let's get here to

5 about 2:30. And I think your testimony is that this would

6 be about three minutes before the incident; is that fair?

7 A Yes.

8 (The video was played.)

9 Q Now, to your left over here, and I think it's already
10 into evidence, that you have identified -- it should be your

11 far left screen, you've identified that's as Mr. Colvin,

12 correct?

13 A Can you play it just a little bit?

14 Q I will.

15 (The video was played.)

16 Q The gentleman right here. And you identified here is

17 the gentleman who's kind -- he's kind of bouncing up and

18 down, correct?

19 A That's correct, yes.

20 Q And he's the gentleman with the balled head and back in

21 the 70's and 80's we called it a shag. He has the shag in

22 the back.

23 A I'm not sure what you call it, but yes.

24 Q But he's the gentleman with the balled head and a peace

25 of hair across the back.

BRAD WHITESIDES - CROSS

1 A Yes, sir.

2 Q All right. Now, he's bouncing throughout this club
3 with a gun clearly in his left hand; is that accurate?

4 A That does appear to be some type of weapon firearm,
5 yes.

6 Q Okay. And certainly I know you don't know the reason
7 why patrons left the club, but is it logical -- another
8 logical assumption we can make is they saw someone in there
9 bouncing around with a gun in his hand?

10 A Very well, possibly.

11 Q Okay. Now, there was a lot of attention that was paid
12 to Mr. Stevens going outside. When Mr. Stevens goes
13 outside, is he in complete camera range the entire time he's
14 outside?

15 A No, sir.

16 Q So there's no one who has come in here and testified,
17 and certainly through your investigation you don't know
18 where he went when he went outside, do you?

19 A I can't say, no, sir.

20 Q All right. Thank you. And you don't know what he did
21 when he went outside.

22 A No, sir.

23 Q So let's go now to another camera angle here. And
24 let's go to camera number ten.

25 (The video was played.)

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1 Q Now, this is Mr. Stevens. I think you identified that
2 as Mr. Stevens, correct?

3 A That's correct.

4 Q As matter of fact you talked about him jumping up on
5 the stairwell out there, right? Mr. Stevens, is he running
6 across the street?

7 A Across the street?

8 Q Well -- all right. So let me ask you. What is this
9 where he's walking across now? Is that a street? Driveway?
10 What is that?

11 A I would consider that like the driveway, the entrance
12 that goes to the back of the club.

13 Q Okay. Now, during the course of your investigation,
14 and certainly if you don't know that's fine, we'll ask one
15 of the officers, the car that Mr. Stevens was identified as
16 driving to the scene, where is that car located in relation
17 to where he's coming from right now?

18 A I didn't have any involvement with the vehicle so I
19 can't say for certain where that vehicle was.

20 Q Fair enough, thank you.

21 (The video was played.)

22 Q Now, that was Mr. Stevens coming across the driveway,
23 correct?

24 A Correct.

25 Q Not running? Not running?

BRAD WHITESIDES - CROSS

1 A Doesn't appear to be running.

2 Q Not trotting? Doesn't appear to be in a hurry at all,
3 does he? He runs and jumps up on the ledge, doesn't he?

4 A Yes, sir.

5 Q All right. So let's -- now, the testimony that was
6 in -- what is Mr. Stevens grabbing right there?

7 A It's in the direction of the door but I couldn't say
8 what he was grabbing.

9 Q Okay. Can you see -- and sorry, I don't have a way
10 of -- now, do you see the door opening right there?

11 A I see some movement that does appear the door.

12 Q It appear to be the door opening. So let's watch it
13 from another angle then, let's watch it from camera number
14 one. Okay?

15 (The video was played.)

16 Q So let's speed up here and get to about 2:33 I think is
17 when he comes back in. Now, Mr. Seegars is here on the
18 inside of the door. I think you pointed him out when Madam
19 Solicitor was questioning you, correct?

20 A Yes, sir.

21 Q That's him, the baldheaded gentleman standing there to
22 the left, right?

23 A By the --

24 Q Yeah, right here where my angle is.

25 A That's correct.

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1 Q All right. Now, there's a security guard -- I think
2 you were very careful to point out everywhere we saw
3 security. So in this picture here we also see security
4 right here, we see the reflectors that you pointed out
5 several times, correct?

6 A Yes, correct.

7 Q So as you're pointing out security several times
8 they're here at the door. Now, I think some testimony was
9 that this door was locked. In fact, we see the door open,
10 don't we?

11 A Yes.

12 Q Okay.

13 (The video was played.)

14 Q Now, that's Mr. Stevens walking back through, correct?

15 A Yes.

16 Q And as Mr. Stevens is walking back through -- as
17 Mr. Stevens is walking through Mr. Seegars is standing right
18 there, correct?

19 A By the door, correct.

20 Q All right. Never moves. And security was standing
21 there at the door and the door was open.

22 A Yes.

23 Q All right. Now, who is the gentleman in the vest?
24 Through your investigation, did you determine who that
25 person is?

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1 A We have a name to that person but I haven't been able
2 to confirm or speak with that person, yes.

3 Q Fair enough. All right. But Mr. Seegars is standing
4 there talking to him. Does it appear to you that Mr.
5 Seegars -- he doesn't go out the door, does he?

6 A Mr. Seegars?

7 Q Mr. Seegars who testified here earlier today.

8 A I don't believe he does.

9 Q He's certainly not running out saying, security,
10 there's Breante Stevens.

11 A No.

12 Q He's not telling this gentleman he's talking to -- and
13 I think he's been identified earlier in this trial as the
14 promoter.

15 A Correct.

16 Q All right. But nobody -- those two gentlemen right
17 there, nobody is running out saying Mr. Stevens is coming
18 back in this place.

19 A They're not running out, but I can't testify to what
20 they're saying.

21 Q Certainly. And I can't either. But just like we can't
22 testify to what they're saying, you also can't testify to
23 why this gentleman at 2:30 in the morning is motioning for
24 people to walk outside either, can we?

25 A You're right, we can't.

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1 Q Now, at 2:33:33 we know when this incident happens. So
2 let's go now to chapter 14.

3 (The video was played.)

4 Q Now, at some point we're going to see Mr. Stevens come
5 back in. Mr. Stevens is not running through the crowd, is
6 he?

7 A No, sir.

8 Q All right. And let me back up for a moment. At this
9 point Mr. Stevens has been at the club -- he arrived at
10 2:14, at this point here we're at 2:33, so a little less
11 than 20 minutes -- 19 minutes -- I'm sorry. Well, 14
12 minutes. All right. So he's been at the club. And help me
13 with my math if it's not right, but we have not seen
14 Mr. Stevens -- we've seen him hug people, correct?

15 A Correct.

16 Q We've seen him shake hands with people. We've seen him
17 talk to people. But not one time have we seen him interact
18 with Antonio Champion, have we?

19 A Other than being in the same vicinity, no.

20 Q 200 people in the club, he's actually in the vicinity
21 of a lot of people, right?

22 A Correct.

23 Q We also have not seen him -- if anybody he's
24 interacting with Brandon Lindsay the most; is that fair?

25 A Once again he's in the same proximity, the same --

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- 1 Q With lots of people.
- 2 A Lots of people.
- 3 Q Lots of people. Okay. But I think during your
4 investigation -- I think we've established and so let me
5 just ask it directly, he certainly didn't come to the club
6 with Antonio Champion.
- 7 A I can't testify to that, I don't know.
- 8 Q All right. We know that Antonio Champion was there
9 nearly an hour before Mr. Stevens gets there, correct?
- 10 A Yes, it appears so.
- 11 Q All right. So unless Mr. Stevens just hung out in the
12 parking lot for an hour, we know he didn't come in the door
13 with Antonio Champion, don't we?
- 14 A I couldn't say.
- 15 Q You can't say whether he came in the door or didn't
16 come in the door?
- 17 A I couldn't say whether or not he arrived with Mr.
18 Champion.
- 19 Q No. What my question is, he did not come through the
20 door with him, correct?
- 21 A Oh, I'm sorry. Yes, correct.
- 22 Q And you've watched this video at length so you know
23 Mr. Champion never left the club once he came in, did he?
- 24 A It doesn't appear so. I'm sorry, I misunderstood your
25 question.

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1 Q Oh, no problem. All right. So we get through here and
2 we know at 2:33 -- we're just going to let this run so I
3 don't have to fumble with it.

4 (The video was played.)

5 Q But there is Mr. Champion walking through again alone,
6 correct? Let's back it up just a hair. And I wish there
7 was a better way we could do this.

8 (The video was played.)

9 Q There's Mr. Champion right there, correct? Didn't you
10 identify that as Mr. Champion?

11 A Yes.

12 Q All right. Mr. Stevens is not with him, is he?

13 A I believe Mr. Stevens had already walked through that
14 same crowd.

15 Q So had other people walked through the same crowd, too,
16 right?

17 A Yes.

18 Q And so are other people still walking through. There's
19 another gentleman right behind Mr. Champion there, isn't it?

20 A Yes, sir.

21 Q All right.

22 (The video was played.)

23 Q Now, 2:33. I think we all can agree that's about the
24 first time the first shots rang out.

25 A Correct.

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1 Q All right. So at this point now Mr. Colvin has been
2 tragically hit, but it appears from the video that he
3 doesn't die immediately, like he doesn't die on impact, does
4 he?

5 A I don't know, I couldn't say that.

6 Q It doesn't appear he does, does it? Well, let's look
7 at it and see.

8 (The video was played.)

9 Q Now, you identify this gentleman here, correct?

10 A Correct, yes.

11 Q Who did you identify this gentleman as?

12 A Mr. McIlwain.

13 Q Jamarcus?

14 A Jamarcus.

15 Q Jamarcus McIlwain.

16 A Correct.

17 Q All right. And so let's be a little redundant here.
18 Mr. McIlwain goes over, and you testified that Mr. McIlwain
19 actually picked up what appears to be the gun off of the
20 floor, correct?

21 A I don't know about the gun. A gun.

22 Q He picked up a gun.

23 A Correct.

24 Q A gun. But actually, Mr. McIlwain does something else
25 before he picks up a gun off of the floor, right? Mr.

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1 McIlwain leans down and appears to have a conversation with
2 him, doesn't he?

3 A He leans down close to him.

4 Q Okay. We certainly don't know what was said or what
5 he's doing, but it appears he's having a conversation,
6 because that's all we have done all day, we've appeared on
7 things, what things appear. So here it appears he's having
8 a conversation; is that correct?

9 A He's in close proximity to him, I don't know what he's
10 doing.

11 Q Okay. Then he turns around and does -- I guess we're
12 going to use the word appears -- appears to be picking up a
13 weapon, right?

14 A Yes.

15 Q And not only does he pick up the weapon, but to use
16 your words, he appears to manipulate that weapon some,
17 doesn't he?

18 A Yes.

19 Q And then he sticks it in his pocket.

20 A Correct.

21 Q Was that weapon ever recovered?

22 A Not to my knowledge, no.

23 Q Has it ever been tested for any of the scientific and
24 ballistic evidence that's found in this trial?

25 A No, sir, not to my knowledge.

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1 Q Okay. So how long after this moment when this
2 gentleman picked up this weapon based on your knowledge of
3 the case, how long was it before you all identify who Mr.
4 McIlwain is?

5 A I don't have a specific time, I would imagine within a
6 day, several days. I cannot give an exact time.

7 Q Were you the officer who helped develop him as a
8 suspect?

9 A I was one of the investigators that was tasked with
10 combing through this video and trying to identify people,
11 yes.

12 Q All right. Did you ever have a conversation with Mr.
13 McIlwain?

14 A Correct, yes.

15 Q You did?

16 A I did.

17 Q And as the investigating officer, what did you find out
18 had happened to that weapon?

19 MS. CAMPBELL: Objection, Your Honor.

20 THE COURT: Overruled.

21 A Answer the question?

22 Q Yes.

23 A Ask the question one more time.

24 Q The question is based on your knowledge as the
25 investigating officer, what did you find had happened to

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1 this weapon?

2 A We don't know what happened to the weapon.

3 Q Okay. Never recovered.

4 A Never recovered.

5 Q Two years later we still don't have it.

6 A To my knowledge, no.

7 Q All right. And I've asked it one time, I'm just going
8 to ask it again and make sure we're clear, so anything that
9 comes in here that we have found in terms of scientific
10 evidence has never been compared with this weapon that we
11 know was on Mr. Colvin.

12 A I can't say that weapon was on Mr. Colvin. That weapon
13 appeared to be in the floor.

14 Q Okay. Well, I'm going to ask the question another way.
15 We know Mr. Colvin had a gun at some point that night.

16 A Correct, yes.

17 Q And so is it your testimony that you don't believe he
18 had a gun on him three minutes later when he was shot?

19 A I can't say three minutes later.

20 Q Okay. All right. Now, there is another gentleman --
21 and again, just so it won't --

22 (The video was played.)

23 Q Now, this gentleman here, who did you identify that
24 gentleman as?

25 A Tavarus Harris.

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1 Q Tavarus Harris. And I know that we only have certainty
2 when it comes to Mr. Stevens, we don't have certainty when
3 it comes to anyone else so I won't ask you anything certain,
4 but what does it appear that he has in his hand?

5 A It appears to be a small caliber firearm.

6 Q And what he appears to have in his hand, how long did
7 it take you all to develop him as a suspect?

8 A I would say around the same timeframe, within the day
9 or two after this.

10 Q Did you recover that gun?

11 A No.

12 Q So any scientific evidence that comes into this
13 courtroom has never been compared to a gun -- another gun
14 that we know was in this place.

15 A No, sir.

16 Q Okay. So we've got one gun taken off the floor by Mr.
17 Colvin.

18 A Correct.

19 Q We've got a second gun by Mr. Harris.

20 A Correct.

21 Q Never been recovered.

22 A Not to my knowledge.

23 Q All right.

24 (The video was played.)

25 Q Now, Mr. Harris goes over -- Now, Mr. Harris goes over

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1 and Mr. Harris kind of does a little rummaging job, doesn't
2 he?

3 A It appears so.

4 Q On a man that's mortally wounded.

5 A Correct.

6 Q And we have no idea what he took out of his pockets, do
7 we?

8 A No, sir.

9 Q Never recovered it?

10 A No, sir.

11 Q No certainty.

12 A No, sir.

13 Q We're almost there, Captain Whiteside (sic). Captain
14 Whiteside (sic), you watched the video and initially you
15 were the officer who actually developed this two gun theory,
16 am I correct?

17 A Correct.

18 Q And you actually developed it, I guess, about six days
19 after this incident, correct?

20 A I don't have an exact timeframe but that sounds
21 accurate.

22 Q Well, if I were to tell you September the 27th, would
23 that sound about right?

24 A Yes, sir.

25 Q Okay. So you developed this two gun theory after

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1 watching the video, but you also had knowledge of what had
2 been discovered inside of the club at this point, right?

3 A To some extent.

4 Q Because six days later, help me, Taylor, what's his is
5 title? I know CSI. He a captain? Lieutenant? Taylor.

6 A Investigator Ken Taylor? He's with our Crime Scene
7 Unit.

8 Q Investigator, is that the appropriate title?
9 Investigator Taylor?

10 A Correct, yes.

11 Q Okay. By this point Investigator Taylor and Lieutenant
12 Rogers had already come and processed the crime scene,
13 correct?

14 A Yes.

15 Q As a matter of fact, your name is on the return from
16 SLED, so my assumption is you're the person who sent the
17 evidence to SLED, correct?

18 A I was involved in some of it, yes.

19 Q But you're certainly the investigator who was tasked
20 with receiving the SLED information back. SLED titles the
21 return back to you.

22 A Correct, yes.

23 Q All right. So you certainly know what had been
24 collected there from the scene, correct?

25 A For the most part, yes.

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1 Q And those first four hours when you had done quite a
2 bit of investigation on there, those first 48 hours plus
3 everybody who has come to the stand the last six days now,
4 has anybody in that club has ever said they saw Breante
5 Stevens with more than one gun?

6 A Not that I can recall, no.

7 Q All right. Now, also not one person has come in here
8 and indicated that they saw Mr. Harris interacting with Mr.
9 Champion -- I'm sorry, Mr. Stevens interacting with Mr.
10 Champion, correct?

11 A No.

12 Q All right. And also throughout your investigation, and
13 I think you testified here earlier that some pretty
14 credible -- I'm sorry, let me back up. Through your
15 investigation you also found that actually some shooting
16 took place outside, correct?

17 A At some point in time there was some shots outside,
18 yes.

19 Q And that shooting took place where evidence was found
20 was in the opposite direction of where Mr. Stevens went when
21 he went outside, correct?

22 A I don't know exactly the exact location, but yes, there
23 was some evidence found outside.

24 Q Okay. All right. So let's go back here now to
25 chapter -- do you have a timeframe from the time this

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1 incident happens -- we know it happens at 2:33:33, I think
2 that is seared in all of our brains. Now, we actually see
3 Mr. Stevens going out the door at 2:33:45, and we're going
4 to go here to the cash register so we can see that.

5 (The video was played.)

6 Q All right. And how I know -- how I've come to learn
7 where Stevens -- because we've got a beer bottle, or some
8 type of bottle, it appears to be a beer bottle sitting to --
9 what would be in your right bottom corner, correct? I think
10 Mr. Stevens actually knocks it over as he's coming out.

11 A Yes.

12 Q So at 2:33:45 -- and so we've got seconds here. So
13 from the time we know this initial shooting starts until
14 Mr. Stevens is going out the club we have what, about 12
15 seconds there?

16 A Yes, correct.

17 Q All right. And so for the most part with the exception
18 of a brief period of time there he is kind of on camera when
19 he's running out the door, then you pick him up on camera --
20 the cash register camera, and you also pick him up on camera
21 one as soon as he turns the corner there from the dance
22 floor, correct?

23 A Correct.

24 Q All right. And all of those camera angles in a very
25 short period of time, you don't see Mr. Stevens shoot a gun

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1 on any of those cameras, do you?

2 A As far as firing a weapon?

3 Q Firing a weapon from the time you see him on the floor
4 on chapter 14 until you see him going out the door on
5 chapter seven and chapter one you don't see him firing a
6 gun, do you?

7 A No, sir.

8 Q And then when we get outside on chapter ten we get
9 outside here on the front door.

10 (The video was played.)

11 Q I think we missed him there, Captain Whiteside (sic).

12 (The video was played.)

13 Q So 2:33:50. So that has been identified as Mr. Stevens
14 right here running off to the left. I'm sorry. Can you not
15 make it out? Look at the shoes glittering. So we've
16 identified that as Mr. Stevens right where my arrow is,
17 correct?

18 A Yes, correct.

19 Q And that's Mr. Harris here who we've identified as
20 running across.

21 A Yes, sir.

22 Q And at that point he runs off to the left and he's not
23 picked up anymore on camera seen.

24 A No, sir.

25 Q All right. And so what we know here is he didn't at

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1 least enter through the door with Mr. Champion.

2 A You're referring to who?

3 Q Mr. Stevens. I'm sorry. Mr. Stevens did not enter the
4 club with Mr. Champion?

5 A It does not appear so, no.

6 Q All right. He enters with Too Cool, Brandon Lindsay,
7 correct?

8 A Correct.

9 Q And he certainly doesn't leave with Mr. Champion, does
10 he?

11 A When he leaves I don't know where he goes.

12 Q Well, we see him leave here. He leaves and he goes to
13 the left. Is Mr. Champion running out the door going to the
14 left with him?

15 A No, sir.

16 Q All right. Last set of questions that I have for you.
17 You've testified based on your training and experience --
18 I'm going to hand you what's going to be marked --

19 (Break in proceedings.)

20 Q I'm going to hand you what's been marked Defendant
21 Stevens Number 2. Do you recognize what that is?

22 A Yes, sir. This is a still from channel 1 camera.

23 Q From channel one camera. Do you recognize the person
24 that's in that still shot?

25 A I do.

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1 Q Who is that person that's in that still shoot?

2 A Which person are we talking about?

3 Q My apologies. That's a fair question. Do you
4 recognize the person who you have identified as Mr. Stevens?

5 A Yes, sir.

6 Q All right.

7 MR. BELTON: Your Honor, I move this into evidence.

8 THE COURT: All right. Without objection?

9 MS. CAMPBELL: No objection.

10 THE COURT: Okay. Thank you. Admitted into evidence.

11 (Defendant Stevens 2 was received.)

12 MR. BELTON: Permission to publish?

13 THE COURT: Yes. Permission granted.

14 Q Now, certainly you've made a lot of -- what time is on
15 this picture here that I'm showing you?

16 A September 21, 2019, at 2:30:19 a.m.

17 Q 2:30. Is that before or after the shooting?

18 A This is approximately three minutes prior to.

19 Q That's actually the time that you testified earlier
20 when Mr. Stevens actually left the club prior to the
21 shooting, correct?

22 A Correct.

23 Q Or prior to coming back in. You also testified that we
24 can tell all of these things based on a person's gate and I
25 think the word you used, and let me use the technical term

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1 you used, sharp points.

2 A Correct.

3 Q Correct? I want you to look here to the right. Tell
4 me what that is here to the right. Is that a sharp point?

5 A Are you talking about his elbow?

6 Q No, sir. And I'm sorry if you can't -- I don't know
7 how to do this. Right here. Is that a sharp point, like
8 the sharp points that you pointed out when he came back in?

9 A That's a sharp point on his right side, it appears to
10 be, yes.

11 Q Thank you.

12 MR. BELTON: No further questions.

13 Q And that sharp point --

14 MR. BELTON: No further questions. Thank you.

15 THE COURT: All right. Mr. Sheldon, your witness.

16 MR. SHELDON: Judge, it's going to take a minute for
17 Mr. Belton to get unhooked and us to get hooked.

18 THE COURT: Y'all want to take a little break? Y'all
19 want to take a little comfort recess? Mr. Foreman? Yeah?
20 All right. We'll take about five or seven minutes or so and
21 we'll get you right back out here. Thank you. Don't talk
22 about the case.

23 (The jury left the courtroom.)

24 (A break was taken.)

25 THE COURT: Everybody good? Okay. Let's bring the

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1 jury down.

2 (The jury returned to the courtroom.)

3 THE COURT: Thank you, ladies and gentlemen. Mr.
4 Sheldon, your witness.

5 MR. SHELDON: Thank you, Judge. May it please the
6 Court?

7 CROSS EXAMINATION

8 BY MR. SHELDON:

9 Q Investigator Whitesides, thank you for being here. I
10 want to start out chatting with you today about a couple of
11 things that you said. First of all I think you were asked a
12 question about kind of law enforcement in general. You said
13 that you're training in law enforcement to pick up on the
14 slightest details; is that right?

15 A Correct.

16 Q Because you want to solve the crime, you want to put
17 the puzzle together; is that right?

18 A Yes, sir.

19 Q And sometimes in order to do that you've got to be very
20 detailed oriented; is that right?

21 A Correct.

22 Q In this case there's a lot of stuff going on, too,
23 wouldn't you agree?

24 A I agree.

25 Q Let talk about some of those slightest details. Let's

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1 begin with Mr. Champion entering the club. First of all, so
2 we're going to go to camera one about -- once we can --

3 (Break in proceedings.)

4 Q First of all, Mr. Stevens, not Mr. Champion, but Mr.
5 Stevens arrives about 2:13 I think we said; is that right?

6 A That's accurate.

7 Q 2:13 or 2:14, somewhere in there. Mr. Champion
8 actually arrived at 12:44; is that right?

9 A Yes.

10 Q So it's not an hour in between, it's actually an hour
11 and a half, right, or an hour and 29 minutes.

12 A Correct.

13 Q So when we're talking about an hour in between each
14 other that isn't accurate. You would agree with that,
15 right? They arrived an hour and a half apart?

16 A Yes, that seems accurate.

17 Q Okay. And I don't want anything to seem accurate, I
18 just want to make sure you and I are on the same page.

19 A I can't say the exact minute, but yes.

20 Q Okay. Well, let's start with channel one and we'll go
21 through it minute by minute and you tell me if you disagree
22 with anything. Please go to 1244:15 on channel one.

23 (The video was played.)

24 Q Stop it right there, please. You agree that's Mr.
25 Champion walking through the door.

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1 A Yes, sir.

2 Q Okay. And you agree -- we're all assuming that the
3 time stamps on this are right. We have no reason to believe
4 that it is not 12:44 in the morning.

5 A Yes. I believe they are accurate, yes.

6 Q Okay. And Mr. Champion in this frame -- and I'm going
7 to ask you to go ahead, if you could, circle Mr. Champion.

8 (Break in proceedings.)

9 Q And you -- so that's Mr. Champion walking in the door.
10 You agree that he's entering the club alone --

11 A Yes.

12 Q -- is that right?

13 A Yes, appears to be.

14 Q There is no reason for anybody to believe that there is
15 some mysterious person walking in behind him at the very
16 same moment; is that right?

17 A No.

18 Q Okay. Mr. Stevens is not walking in the club at 12:44,
19 is he?

20 A No.

21 Q Too Cool is not walking in the club at 12:44, is he?

22 A No, sir.

23 Q Okay. And I'll be happy to do it however you want to
24 do it. At any point in time does Mr. Champion leave the
25 club before 2:33 in the morning?

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- 1 A Not that I can see, no.
- 2 Q And we have all of the ingress egress for the entire
3 period, right?
- 4 A Correct, yes.
- 5 Q This camera one shows -- I believe you testified shows
6 the entrance where everybody comes in the club and everybody
7 goes out of the club; is that right?
- 8 A That's correct.
- 9 Q This is the where patrons enter, they pay their money
10 and that's where they leave, correct?
- 11 A Yes, sir.
- 12 Q And we have camera one. It doesn't malfunction for 30
13 minutes, right?
- 14 A No.
- 15 Q We have everybody coming in and everybody going for the
16 next hour and 45 minutes at least, right?
- 17 A Yes, sir.
- 18 Q Do you also agree then that Mr. Colvin walks in the
19 club at 1:24?
- 20 A Yes, sir.
- 21 Q And finally, you agree that Mr. Stevens and Too Cool
22 and whomever else is with them walk in at 2:13; is that
23 right?
- 24 A Yes.
- 25 Q The altercation -- the first altercation or whatever

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1 we're going to call it, the first incident at the stage
2 occurs at 2:30 right?

3 A Correct.

4 Q And the actual shooting occurred at 2:33:33; is that
5 right?

6 A Yes.

7 MR. SHELDON: Please go to camera 11. Please go to
8 camera 11 at 12:47:08. Stop right there, please.

9 (The video was played.)

10 Q We agree that that's Mr. Champion in that photo, right?

11 A Yes, sir.

12 Q Is that fair to say that's Mr. Champion?

13 A Yes.

14 Q And in that photo Mr. Champion is still just wondering
15 the club by himself, right?

16 A That's the way it looks, yes.

17 Q At this point we're still about an hour and 20 or hour
18 25 minutes before Mr. Steven arrives at the club; is that
19 right?

20 A Yes.

21 Q And we're still at least 30 minute before Mr. Colvin
22 arrives at the club, right?

23 A Yes, sir.

24 Q And would it be their to say that this is essentially
25 what Antonio Champion does throughout the video from

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1 12:45 up until 2:30?

2 A As far as being on camera walking around the club,
3 yeah.

4 Q He's not really associating much with anybody, is he?

5 A I don't know who he knows. I don't know who he's
6 associating with.

7 Q You've watched the video, though.

8 A Yes.

9 Q Does it appear that he is really associating with much
10 of anyone while there?

11 A Not one single person, no.

12 Q And is there any evidence that you have when he arrives
13 at the club that he's there because -- he's there to fight?

14 A No, sir.

15 Q Is there any evidence that you have at 1:00 that he's
16 there to fight?

17 A No, sir.

18 Q 2:00?

19 A No, sir.

20 Q 2:10?

21 A No, sir.

22 Q 2:13?

23 A At one point he is on camera pulling a firearm.

24 Q And we're going to get to that. You agree that's about
25 2:30, right?

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1 A Correct, yes.

2 Q Well, why don't we just jump there and I'll let you
3 kind of guide this for us, that's fine.

4 MR. SHELDON: Go to camera 11, please, at 2:30.

5 Actually go back to 2:29:41 at camera 11.

6 Q And before she gets to that, Investigator Whitesides,
7 you agree there's other points in time where he pulls the
8 gun out of his pocket and puts it back in, right? I think
9 you pointed that out earlier.

10 A Yes.

11 Q One time by the bar; is that right?

12 MR. SHELDON: Go ahead and pause just for a minute.

13 Q At one point by the bar; is that correct?

14 A Correct, yes.

15 Q Certainly see it come out of the hoodie and go back in.

16 A Yes.

17 Q He doesn't shoot anybody at that time, though, does he?

18 A It doesn't appear so, no, sir.

19 Q There are not any reports that somebody gets shot at
20 1:30.

21 A No, sir.

22 Q Not at 1:15 or 1:45, right?

23 A No, sir.

24 Q Okay. So it's clear that he had it, right? He didn't
25 go out in the parking lot and get it. At least he had it

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1 that moment long before Mr. Stevens ever walks in the door,
2 right?

3 A That's the way it appears, yes.

4 Q So this is camera 11, and this is the camera that that
5 would be in the corner facing -- the stage would be to the
6 left; is that right?

7 A That's correct.

8 Q The ramp would be to the right.

9 A That's correct.

10 Q We're sort of looking at the main dance floor, and then
11 the tile floor dance floor is kind of back in the back,
12 right?

13 A Yes.

14 MR. SHELDON: Go ahead and push play for me.

15 (The video was played.)

16 MR. SHELDON: Stop right there.

17 Q Who is that individual?

18 A That looks to be Mr. Lindsay.

19 Q That's Too Cool, right?

20 A Yes, sir.

21 Q Who is that individual?

22 A Mr. Stevens.

23 Q Okay. So we have -- again, stepping into this frame,
24 Too Cool would be sort of I guess if we're looking at it to
25 the left, Mr. Stevens, Breezo, to the right; is that right?

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1 A Yes, correct.

2 Q Where is Antonio Champion at?

3 A In this frame I don't know.

4 Q Okay.

5 MR. SHELDON: Well, let's go ahead and save that.

6 (The video was played.)

7 Q I want -- Mr. Stevens has stepped out of the frame; is
8 that right?

9 A Yes.

10 Q At this point. But right here we still see Too Cool;
11 is that right?

12 A Correct.

13 Q And Too Cool, actually he's talking to somebody there,
14 isn't he?

15 A It appears so, yes.

16 Q Who is he talking to?

17 A I do not know.

18 Q Okay.

19 MR. SHELDON: Keep going.

20 (The video was played.)

21 MR. SHELDON: Stop it right there.

22 Q Tool Cool again right here, right?

23 A I believe so, yes.

24 Q Head down talking to this gentleman here, right?

25 A Yes.

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1 Q Who's that?

2 A I do not know.

3 Q This is three minutes and 45 seconds before this club
4 gets shot up; is that right?

5 A Yes.

6 (The video was played.)

7 MR. SHELDON: Stop right there.

8 Q And he talks to this gentleman here, too, doesn't he?

9 A Yes.

10 Q Who is that?

11 A I do not know.

12 Q What were they talking about?

13 A I have no idea.

14 MR. SHELDON: Keep going.

15 (The video was played.)

16 MR. SHELDON: Stop there.

17 Q This appears to be about, would it be fair to say, the
18 time of the first altercation, about 2:30; is that right?

19 A Yes, sir.

20 Q It appears that Mr. Too Cool has now left the screen
21 heading towards the stage; is that right?

22 A Yes, sir.

23 Q Where is Mr. Champion?

24 A At this point in time? I do not know.

25 Q What do you mean? That was the first altercation, how

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1 do you not know?

2 A He is not in view right now.

3 Q Well, tell me what view he is in? We've got a view of
4 the whole club, don't we? Except for the stage, of course,
5 which would have been extremely helpful I think we can all
6 agree.

7 A If you'll go to 2:30:12 he comes into view.

8 Q That's seven seconds from now. I'm asking where he is
9 right now.

10 A I don't know.

11 Q But you're trained in law enforcement to pick up on the
12 slightest details. Isn't that an important detail?

13 A Could be, yes.

14 Q Okay. Keep going. Stop it right there. All right.
15 2:30:13 and 2:30:12 he would have been just one second
16 behind there, right there? And we have got Mr. Champion
17 right here, don't we?

18 A Yes, sir.

19 Q We've got Mr. Stevens right here, don't we?

20 A Correct.

21 Q All right. So Mr. Champion and Mr. Stevens are right
22 next to each other, right?

23 A Yes.

24 Q This is where the plan gets hatched out, right, I'm
25 assuming? Let's take a look at what happens here.

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1 MR. SHELDON: Press play. Stop that, rewind.

2 (The video is playing.)

3 Q All right. Coming up nine, ten, 11, 12. Champion
4 enters the frame, there goes Breezo. Boom. Right there
5 does it appear that they say anything to each other?

6 A I don't know.

7 Q I mean, would it be fair to say that that's a tenth of
8 a second?

9 A It's quick.

10 Q How quick?

11 A I don't know.

12 (The video was played.)

13 MR. SHELDON: Stop it.

14 Q There's Mr. Champion right here, right?

15 A Yes.

16 Q He doesn't turn around and follow Breezo out the door,
17 does he?

18 A No.

19 Q Is there any acknowledgment, does he even turn his head
20 at Mr. Stevens?

21 A It doesn't appear so, no.

22 Q This is 230:16. This is three minutes and 17 seconds
23 before the shooting, right?

24 A Correct.

25 Q And is there any interaction prior to that little

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1 crossing of ships where -- do we have any interaction
2 between the two of them at all prior to that?

3 A Not that I can see.

4 Q Mr. Stevens has only been there for 17 minutes at that
5 point, right?

6 A Correct.

7 (The video was played.)

8 Q Let's keep watching it. So that's Mr. Champion still
9 in the frame, right?

10 A There in the middle, yes.

11 (The video continues playing.)

12 MR. SHELDON: Stop it.

13 Q That's Too Cool, isn't it, right here?

14 A Yes.

15 Q This guy right here, right? He's talking to this guy
16 right here, isn't he?

17 A Correct.

18 Q Mr. Champion is standing right here; is that right?

19 A Yes.

20 MR. SHELDON: Keep playing it.

21 (The video was played.)

22 MR. SHELDON: Stop that right there.

23 Q Who is this individual that he is talking to?

24 A I do not know.

25 Q But you identified him earlier as appearing to be

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- 1 somebody associated with Mr. Colvin.
- 2 A That's possible, yes.
- 3 Q I mean, that's what you said, isn't it?
- 4 A Correct, yes.
- 5 Q All right. Well, I'm not asking what's possible. I
- 6 mean, you're the one who said it.
- 7 A Yes.
- 8 Q So here we have Too Cool right here talking to somebody
- 9 who in four minutes is going to be standing over Mr.
- 10 Colvin's body; is that right?
- 11 A Yes.
- 12 Q And appears to be associated with Mr. Colvin.
- 13 A Yes.
- 14 Q And they appear -- this doesn't appear to be a physical
- 15 altercation, does it?
- 16 A It does not.
- 17 Q So there's no question that Mr. Colvin is somehow
- 18 associated with circle on the left. Mr. Stevens is
- 19 absolutely associated with circle on the right but there's
- 20 no altercation there, right?
- 21 A Not at this point, no.
- 22 MR. SHELDON: Keep playing it.
- 23 (The video was played.)
- 24 MR. SHELDON: Stop right there.
- 25 Q Mr. Champion, right?

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1 A Yes.

2 Q Too Cool, right?

3 A Yes.

4 Q Just walked this way, didn't he?

5 A Yes.

6 Q Did it appear that he said anything to Mr. Champion at
7 all?

8 A I don't know.

9 Q We could watch that again. I mean, does it appear that
10 there's any conversation? I'll certainly be happy to sit
11 here -- I know you don't know, but what does it look like?

12 A It looks like he walks past him.

13 Q Does it look like he stops and says: Hey, what's up?

14 A He walks past him.

15 Q All right. Let's take a look at it again.

16 (The video was played.)

17 MR. SHELDON: Okay. Stop right there.

18 Q So now we have Mr. Champion here, Too Cool is out that
19 way, right?

20 A Yes.

21 Q We're now three minutes and one second before the
22 shooting; is that right?

23 A Correct.

24 Q And you would agree at least at this point Mr. Champion
25 has had the opportunity certainly throughout the last 17

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1 minutes, even in the last 45 seconds, to have a conversation
2 with both Mr. Stevens and his -- whoever he showed up with,
3 whatever you want to call him, Too Cool; is that right?

4 A Correct.

5 Q Doesn't appear that they had any conversation
6 whatsoever, does it?

7 A Doesn't appear that way.

8 Q All right.

9 MR. SHELDON: Keep going.

10 (The video was played.)

11 MR. SHELDON: Stop. Back it up just a little bit.

12 Q I want you to keep an eye, Investigator, on this side
13 of the camera over here. Okay?

14 (The video was played.)

15 MR. SHELDON: Stop it.

16 Q Who is that individual right there in my circle?

17 A Mr. Colvin.

18 Q All right. Mr. Colvin appears to be jumping up and
19 down with a firearm, doesn't he?

20 A He does.

21 Q That's consistent with what people said, isn't it?

22 A It is.

23 Q Okay. And so Mr. Colvin -- Mr. Stevens has already
24 left, Too Cool has already left for that matter, Mr.

25 Champion remains right here, right?

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1 A Yes.

2 Q There is no doubt based on witness statements at this
3 point, and he's right here, that there is somebody carrying
4 a firearm jumping around, right?

5 A Yes.

6 Q Is that a fact in dispute here?

7 A No, sir.

8 Q Did Mr. Champion shoot him right there?

9 A I'm sorry?

10 Q Does Mr. Colvin get shot right here?

11 A In that frame?

12 Q Right in this frame.

13 A No.

14 Q So we know in this frame right here, we -- well, it's
15 safe to assume that we have two individuals with firearms,
16 right?

17 A Correct, yes.

18 Q We know Mr. Champion has a firearm, don't we?

19 A Yes.

20 Q We know that Mr. Colvin has a firearm, don't we?

21 A Yes, sir.

22 Q That close to each other.

23 MR. SHELDON: Keep playing it.

24 (The video was played.)

25 MR. SHELDON: Stop it.

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1 Q Then it appears that he puts his firearm back in his
2 pocket, right?

3 A It does.

4 Q So his firearm, at least as far as we can tell, two
5 minutes, and hell, I don't know math, 54 seconds prior to
6 being shot, his firearm goes back into his pocket; is that
7 right?

8 A That's what it looks like, yes.

9 Q Okay.

10 (The video was played.)

11 MR. SHELDON: Pause it.

12 Q And this still Mr. Champion right here. He hasn't
13 really moved at all, has he?

14 A No, sir.

15 Q Just drinking his beer kind -- right, kind of watching?
16 Is that fair to say?

17 A I don't know if he was drinking a beer or not.

18 Q Well, it looks like his hand is up right here somehow,
19 right? He's drinking something, right?

20 A Something.

21 Q And that's at 2:30 and 44 seconds; is that right?

22 A Correct.

23 MR. SHELDON: Let's switch to camera 14, please.

24 Q And just while she's doing that, camera 14 is actually
25 going to kind of be the angle from the pillar essentially, I

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1 like to call it for lack of a better term, facing back out
2 sort of -- so the stage would be here, kind of facing that
3 way on the dance floor, right?

4 A Yes.

5 (Break in proceedings.)

6 Q Okay. And before I go any further, Investigator, I
7 know we kind of touched base but I want to make absolutely
8 certain, the cameras in terms of time are relatively synced,
9 right within just not even a second of each other. When I'm
10 looking at one camera at 2:29, another camera that says
11 2:29, those match, right?

12 A Yes. They're all hooked essentially to the same
13 program, the same system, yes.

14 (The video was played.)

15 Q So I'm going to show you -- this is essentially that
16 camera looking back out from the tile floor area, we've got
17 Too Cool here, right?

18 A Yes, sir.

19 Q Okay. And that's 2:29:38.

20 MR. SHELDON: Go ahead and play that.

21 (The video was played.)

22 MR. SHELDON: Stop it.

23 Q Who is that individual? Is that Mr. Stevens walking
24 there?

25 A Mr. Stevens, yes.

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1 Q So we've got Mr. Stevens, and then Too Cool is kind of
2 right there, right?

3 MR. SHELDON: Go ahead.

4 (The video was played.)

5 MR. SHELDON: Stop it.

6 Q This is Too Cool having those conversations with these
7 individuals, right? Talking here and here, right?

8 A Yes, sir.

9 Q Mr. Stevens is sort of off camera maybe in the back out
10 there kind of going to circle to the right, right?

11 A Yes, sir.

12 (The video continued playing.)

13 MR. SHELDON: Right there.

14 Q Still no sign of Mr. Champion at this point, right?

15 A Can you play it a little bit?

16 Q Yeah.

17 (Break in proceedings.)

18 Q So this is 2:30 a.m. exactly.

19 A Correct.

20 Q Do you see Mr. Champion in this frame somewhere that we
21 missed?

22 A No, sir.

23 Q So we looked at this exact angle from the other way and
24 didn't see Mr. Champion for another, I think, seven or eight
25 seconds, right?

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1 A Correct.

2 Q Now we're looking at it from this way and still don't
3 see him, right?

4 A Yes, sir, correct.

5 Q And this is important. You show the diagram, I don't
6 even know how to work that thing so I'm not going to bore
7 the jurors with it again, but the stage, right, is that way.

8 A If you're looking at the screen it would be to the
9 right.

10 Q It would be to the right, and we're just not going to
11 see that altercation no matter what we do, right?

12 A That's correct.

13 Q Between Mr. Stevens and Mr. Colvin, we're just not
14 going to see it. It's not on camera.

15 A Correct.

16 Q But we do know there is a mass of people in between
17 that altercation and the ramp even, right?

18 A Yes.

19 Q And we know that Mr. Champion is not one of those
20 people, right?

21 A I don't know.

22 MR. SHELDON: Keep going.

23 (The video was played.)

24 MR. SHELDON: Stop it.

25 Q It appears that they're starting to kind of look on to

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1 something, right?

2 A Yes, sir.

3 Q Which kind of explains what we're talking about, that
4 initial altercation at about 2:30.

5 MR. SHELDON: Keep going.

6 (The video was played.)

7 MR. SHELDON: Stop right there.

8 Q That's that meeting, again, right, from the other
9 angle? This is Mr. Champion right here, isn't it?

10 A Correct, yes.

11 Q That's Mr. Stevens. They pass each other quick, right?

12 A They do.

13 Q That is absolutely fast, that's pretty quick. He is --
14 Mr. Stevens is going this way and he's hauling, right?

15 A Correct.

16 Q But again even from this angle Mr. Champion's reaction
17 is -- wouldn't you agree, isn't to turn or do anything,
18 right? He just has absolutely no reaction to this man
19 running past him, does he?

20 A Agree, yes.

21 Q All right.

22 MR. SHELDON: Keep going.

23 (The video was played.)

24 MR. SHELDON: Stop right there. Keep going, sorry.

25 (The video was played.)

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1 MR. SHELDON: Stop right there.

2 Q Seemed to just put a gun in his pocket, right?

3 A Yes, sir.

4 Q It's 2:30:27, right?

5 A Yes, sir.

6 Q From the other frame that we just looked at, what do we
7 know is happening at this exact moment?

8 A 2:30:27? I believe this is when Mr. Colvin comes into
9 frame.

10 Q So Mr. Champion puts his gun in his pocket at the
11 moment that there's another human being in that club jumping
12 around with a firearm; is that right?

13 A That's right.

14 Q But he doesn't shoot him, does he?

15 A No, sir.

16 Q He doesn't shoot him at 2:30:27, does he?

17 A No, sir.

18 Q Instead, Mr. Colvin puts his gun back in his pocket,
19 doesn't he?

20 A That's what it appears, yes, sir.

21 Q Mr. Champion does the same, doesn't he?

22 A Yes, sir.

23 Q I'm going to switch gears entirely.

24 MR. SHELDON: Let's go to camera number seven, please.

25 2:30:22.

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1 (The video was played.)

2 Q That's Mr. Stevens leaving the club, isn't it?

3 A Yes, sir.

4 Q And we know because we just saw on two different camera
5 angles where Mr. Champion is, right?

6 A Yes, sir.

7 Q Mr. Champion is on the dance floor, isn't he?

8 A That's correct.

9 Q Mr. Champion is looking at Mr. Colvin jumping around
10 with a firearm, right?

11 A I don't know what he's looking at, but he's on the
12 dance floor.

13 Q And Mr. Colvin is on the dance floor, too, right?

14 A Yes, correct.

15 Q And at this exact same time moment is what we're
16 talking about, right? This exact same second is what we've
17 just been looking at in two different angles, right?

18 A Yes, sir.

19 Q So Mr. Champion is not out in the parking lot, right?

20 A No, sir.

21 Q No dispute from law enforcement about that, that's he's
22 right here when Mr. Steven runs out of club; is that right?

23 A That's right, correct.

24 MR. SHELDON: Go to 2:30:48.

25 (The video was played.)

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- 1 Q So that's security walking in at that time, right?
- 2 A Yes, sir.
- 3 Q At this point Mr. Stevens is still out in the parking
4 lot, though; is that right?
- 5 A He's outside the building, yes.
- 6 Q He's somewhere outside.
- 7 A Correct.
- 8 Q Not in the club.
- 9 A Not in the club.
- 10 Q And there's a lot of people that are going out. For
11 these doors supposed to be locked there's a lot of people
12 that are walking in and out, would you agree with that?
- 13 A I agree, yes, sir.
- 14 Q Does it appear that the doors was actually locked?
- 15 A I don't know.
- 16 Q Well, let me ask you this: Do you agree or disagree
17 that it's very difficult to get out of a locked door, right?
18 If the door is supposed to be locked then it's supposed to
19 be locked for a purpose, right?
- 20 A Yes, sir.
- 21 Q To prevent ingress and egress; is that right?
- 22 A Yes.
- 23 Q There's a ton of ingress and egress in this footage,
24 right?
- 25 A Yes.

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1 Q This is Mr. Seegars right here, isn't it?

2 A Yes, sir.

3 Q Okay. We're going to watch him for a minute. So he
4 enters that frame at 2:30:58; is that right?

5 A Yes, sir.

6 (The video was played.)

7 Q And there's people still coming in and out of the club,
8 right?

9 MR. SHELDON: Stop it right there.

10 Q All right, finally. So we've been kind of strolling
11 through this footage. We know Breezo, I think, strolled out
12 of there, or ran out of there, whatever you want to say, at
13 230:22; is that right?

14 A Yes, exactly.

15 Q It's 2:31:59, right?

16 A Yes.

17 Q Who is that?

18 A Mr. Champion.

19 Q All right. So this is now a minute and 37 seconds
20 after Mr. Stevens leaves the club Mr. Champion strolls up to
21 the front door; is that right?

22 A Correct.

23 Q And then just like that, 232:07, he's off the frame
24 already, isn't he?

25 A Yes, sir.

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1 Q Is Mr. Stevens back in the club yet?

2 A No, sir.

3 MR. SHELDON: Go to 2:32:30.

4 (The video was played.)

5 Q That gentleman right there in the screen with the water
6 bottle in his hand, I think it's a water bottle anyways,
7 that's Mr. Seegars, right?

8 A Yes, sir.

9 Q Okay.

10 MR. SHELDON: Keep going.

11 (The video was played.)

12 MR. SHELDON: Stop it.

13 Q That's Mr. Seegars right here. Who's that individual?

14 A That looks like Mr. Lindsay.

15 Q That's Too Cool, isn't it?

16 A Correct.

17 Q They're talking to each other, right?

18 A It appears so, yes.

19 Q Mr. Champion is not in that frame though, is he?

20 A No, sir.

21 Q All right.

22 MR. SHELDON: Keep going.

23 (The video was played.)

24 Q So at this point Mr. Stevens -- now it's 2:32:59, so
25 this is 34 seconds before the shooting; is that right?

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- 1 A Correct.
- 2 Q Mr. Stevens is still outside.
- 3 A Correct.
- 4 Q Too Cool has kind of walked out in that direction, too,
5 hasn't he?
- 6 A As far as going outside?
- 7 Q As far as at least walking out that door, right?
- 8 A Correct, yes.
- 9 Q And Mr. Segars is still standing right here, right?
- 10 A Yes.
- 11 Q But Mr. Champion has not walked out that door, right?
- 12 A No, sir.
- 13 Q Mr. Champion is not with Too Cool right now, is he?
- 14 A No, sir.
- 15 Q Mr. Champion is not with Mr. Steven right now, is he?
- 16 A No, sir.
- 17 Q All right.
- 18 MR. SHELDON: Go ahead. Now, let's go ahead and rewind
19 that just a little bit.
- 20 (The video was played.)
- 21 MR. SHELDON: Stop it. All right.
- 22 Q 233:01. Who is that?
- 23 A Mr. Stevens.
- 24 Q That's Mr. Stevens walking in the club?
- 25 A Yes.

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1 Q Who is that?

2 A Mr. Seegars?

3 Q Who is this individual? That's whoever identified as
4 the promoter, right?

5 A I believe so, yes.

6 Q I want you to watch right behind him coming out of
7 here. Who comes out this way, do you remember?

8 A I can't see it.

9 Q This right here. Do you recognize that strap? Who
10 does that look like.

11 A Can you play it just a little bit more? Play it
12 through, it's easier. It looks like Mr. Lindsay.

13 Q Okay. All right. So we had just there just a moment
14 ago we have Mr. Stevens walk in the club. The -- whoever
15 this gentleman is here is not really important, the
16 promoter, and Mr. Lindsay following behind him; is that
17 right?

18 A Yes, sir.

19 Q That's pretty consistent with the way it's been all
20 night, isn't it?

21 A Yes, sir.

22 Q All right. So what I want you to do now is I want you
23 to pay attention. This is Mr. Seegars, right? This circle
24 right here.

25 A Yes.

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1 Q This is his left arm, right?

2 A Yes.

3 Q This is his right arm.

4 A Correct.

5 Q This is to his right and this direction is to his left;
6 is that right?

7 A Correct, yes.

8 Q Okay. With all of that in mind, Mr. Seegars is there,
9 the left, the right. At 233:05 through 233:07, let's just
10 take a look at that.

11 (The video was played.)

12 Q So Too Cool is going to leave and come back, and I want
13 you to just pay really close attention who comes from the
14 left.

15 (The video was played.)

16 MR. SHELDON: Stop there.

17 Q Mr. Stevens walked by him, right?

18 A Correct, yes.

19 MR. SHELDON: Keep going.

20 (The video was played.)

21 MR. SHELDON: Stop right there.

22 Q And Too Cool walked by him, right?

23 A Yes.

24 Q Again, we know that his left is over here, don't we?

25 A Yes, sir.

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1 Q All right. So at what point in time in this video is
2 Mr champion to the left of Mr. Seegars?

3 A This specific frame?

4 Q Any frame.

5 MR. SHELDON: Go to camera one.

6 (The video was played.)

7 Q Now, just so the jury knows, this is Mr. Seegars right
8 here, right?

9 A Yes.

10 Q So this is a different angle. But now instead -- the
11 old camera was facing this way, somewhere up there?

12 A A downward angle, yes.

13 Q Well, yeah. But coming from -- but that's the view.
14 This is the door, it's kind of looking across that
15 entranceway, right?

16 A Yes, sir.

17 Q And now we're looking just at that entranceway head on;
18 is that right?

19 A Yes, sir.

20 Q Okay.

21 MR. SHELDON: Go ahead and push play.

22 (The video was played.)

23 MR. SHELDON: Stop it there.

24 Q Who is that?

25 A Mr. Stevens.

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- 1 Q Okay. Who is that?
- 2 A Mr. Seegars.
- 3 Q All right. What arm is that on Mr. Seegars?
- 4 A I'm sorry, you said what?
- 5 Q What is that?
- 6 A What arm? Right arm.
- 7 Q That's his right arm, isn't it? So presumably his
- 8 right side is going this way, right?
- 9 A Correct.
- 10 MR. SHELDON: Keep going on.
- 11 (The video was played.)
- 12 MR. SHELDON: Stop it there.
- 13 Q There's Too Cool, right?
- 14 A Yes, sir.
- 15 Q Again, they all come from this direction, right?
- 16 A Yes.
- 17 Q So they're coming Mr. Seegars' left to right, right?
- 18 A Yes, sir.
- 19 Q Who is this individual?
- 20 A Mr. Champion.
- 21 Q Okay. Mr. Champion is standing over here, right?
- 22 A Yes.
- 23 Q At this moment when these two individuals walk in the
- 24 club Mr. Champion is standing right here.
- 25 A Yes.

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- 1 Q He doesn't go this way and come back, right?
- 2 A No, sir.
- 3 Q He stands here and he turns to go up the ramp, right?
- 4 A That's correct.
- 5 Q And again, this is Mr. Stevens here, isn't it?
- 6 A Yes, sir.
- 7 Q And they don't talk at all, do they?
- 8 A It doesn't appear that they do, no.
- 9 Q All right. Let's take a look.
- 10 MR. SHELDON: Go ahead and press play.
- 11 (The video was played.)
- 12 MR. SHELDON: Stop.
- 13 Q And Too Cool followed right behind them, right?
- 14 A Yes, sir.
- 15 Q And just to be absolutely clear, Too Cool isn't
- 16 actually charged with anything in this case, is he?
- 17 A No, sir.
- 18 Q He hadn't been charged at all.
- 19 A No, sir.
- 20 Q So we're going to go to 2:33 and we agree about 30
- 21 seconds before the shooting; is that right?
- 22 A Yes, sir.
- 23 Q And we're now looking at camera 11.
- 24 (The video was played.)
- 25 Q And I think they're marked as like channels but I'm

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1 calling them cameras. Those are synonomous with each other,
2 right? It's one system that had different points, right?

3 A One system with multiple camera angles, yes.

4 (The video was played.)

5 Q This is 2:33. Now, we're looking out at that tile
6 floor, at that pillar, the stage is directly to the left of
7 this camera, right?

8 A Yes.

9 Q Okay.

10 MR. SHELDON: Keep going.

11 (The video was played.)

12 Q All right. Where is Breezo right at this time? This
13 is about when he gets into the frame of the camera, right?

14 A Yes, sir.

15 Q Where is he at in that frame?

16 A To the right.

17 Q He's to the right? Can you circle him? Or do you need
18 me to go forward a second maybe, will that help?

19 (The video was played.)

20 Q I think this is right where he gets on the frame.

21 MR. SHELDON: Go forward just about a second or so.

22 (The video was played.)

23 Q Is that better?

24 A Can you play it just a little bit further?

25 MR. SHELDON: We're going to go forward just a little

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1 bit more.

2 (The video was played.)

3 Q All right. Sorry about that. So this is 233:12,
4 right?

5 A Correct.

6 Q And we're looking at this guy right here, right?

7 A Yes, sir.

8 Q And that's Mr. Stevens, right? And this is now 21
9 seconds before the shooting; is that right?

10 A Yes, sir.

11 MR. SHELDON: Go ahead and go forward.

12 (The video was played.)

13 MR. SHELDON: Stop it there.

14 Q All right. So let me just back up just a minute. I'm
15 not going to back up the camera but I want to back up our
16 memory. So last time we see Mr. Stevens, Mr. Champion
17 followed right behind him and then Too Cool right there
18 heading the up the ramp, right?

19 A Yes, sir.

20 Q Well, who is this guy?

21 A That looks like Mr. Lindsay.

22 Q Well, who is that?

23 A I do not know.

24 Q What do you mean you don't know? You don't know who
25 that is?

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1 A No, sir.

2 Q Okay. Well I'm going to back up just about two
3 seconds. Okay? Let's back up about two or three seconds.

4 MR. SHELDON: Stop there.

5 (The video was played.)

6 Q All right. There goes Breezo, right? Last time we saw
7 him right up the ramp with the Champion and Too Cool, right?

8 A Right.

9 Q Right next to each other, right?

10 A Yes, sir.

11 Q All right. Breezo is there.

12 MR. SHELDON: Keep going.

13 (The video was played.)

14 Q Well, we've got Too Cool now.

15 MR. SHELDON: Stop it.

16 Q We've certainly got Too Cool, but now we've got this
17 other guy, right?

18 A Correct.

19 Q Where did they pick him up at?

20 MR. SHELDON: All right. Keep going.

21 (The video was played.)

22 MR. SHELDON: Stop it.

23 Q I want you to pay attention to his shirt. That's got a
24 unique pattern on it, right?

25 A Yes.

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1 Q We're going to come back to that in about 15 seconds.

2 MR. SHELDON: Go ahead.

3 (The video was played.)

4 MR. SHELDON: Stop it.

5 Q Who is that?

6 A Mr. Champion.

7 Q Okay. So at this point it looks like we've got Too

8 Cool maybe right here, right?

9 A Yes, sir.

10 Q Other guy that was -- kind of followed in behind that

11 they picked up some time at the ramp there, and we've got

12 Mr. Champion right here; is that right?

13 A Correct.

14 Q Sort of following in behind. And this is 12 seconds

15 before the actual shooting; is that right?

16 A Yes, sir.

17 Q Still, absolutely no indication that him and Mr.

18 Stevens had had any communication with each whatsoever; is

19 that right?

20 A Not that I could see on this angle, no.

21 MR. SHELDON: All right. Go ahead.

22 (The video was played.)

23 MR. SHELDON: Stop it.

24 Q And now they're kind of all off camera and we don't

25 know what's happening for the next six seconds, right?

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- 1 A Yes, sir.
- 2 Q Including Mr. Colvin; is that right?
- 3 A That's correct.
- 4 Q Mr. Colvin -- I want to go back to something, too, real
5 quick. Mr. Colvin walked in with a box, do you remember
6 that?
- 7 A Yes.
- 8 Q Where is that box today?
- 9 A Where is that box?
- 10 Q Yeah.
- 11 A I have no idea.
- 12 Q Where was it located after the shooting?
- 13 A I believe somewhere outside.
- 14 Q Okay. What about right after from the body cam
15 footage, can we see that box anywhere in the club?
- 16 A I don't recall.
- 17 Q You agree, though, that right prior to the shooting
18 occurring we can see him carrying that equipment with him,
19 right?
- 20 A Yes.
- 21 Q When he is on the ground after he's been shot we don't
22 see that box anywhere, do we?
- 23 A No, sir.
- 24 Q Presumably he had to have set it down somewhere, right?
- 25 A I would imagine so.

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1 Q And where he sets that box down is probably pretty
2 important because it's just seconds before he gets shot,
3 right?

4 A Correct, yes.

5 Q Was that box sat down on the stage?

6 A I don't know.

7 Q Was it sat down below the stage?

8 A I don't know.

9 Q But there's no question that just seconds before he was
10 shot that box makes its way through the crowd, correct?

11 A Correct.

12 Q Well -- and you've seen all of the body cam footage,
13 haven't you? Or no? Did you review all of the body cam
14 footage in this case or no?

15 A Not all of it, no.

16 Q Okay. But you're trained to pick up on the slightest
17 details, right?

18 A Correct.

19 Q All right. In a couple days I'm going to come back to
20 that box, but right now let's keep watching this. So right
21 now we know there's pandemonium going on, right?

22 A Correct.

23 Q We are shooting now.

24 (The video was played.)

25 MR. SHELDON: Stop it.

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1 Q This is Too Cool right here, isn't it?

2 A Yes, sir.

3 Q Okay.

4 MR. SHELDON: Go forward. Back it up. Back that up
5 ten seconds.

6 (The video was played.)

7 Q This is right after the shots.

8 MR. SHELDON: Stop it.

9 (Break in proceedings.)

10 Q I want you to keep your eye on over here as we go
11 through these next couple of seconds. It's clear here that
12 these people are taking cover because there's been gunshots,
13 right?

14 A Correct.

15 Q There have been a lot of gunshots, we're going to get
16 too that later on this case, I think. We're not just
17 talking about one or two shots, right?

18 A Correct.

19 Q There's a bunch.

20 (The video was played.)

21 MR. SHELDON: Stop that.

22 Q See Breezo getting up and he's taking off because he
23 just had that .45, right?

24 (The video was played.)

25 MR. SHELDON: Stop that.

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1 Q See Mr. Champion get up, there's his .380 right there,
2 right?

3 A Correct.

4 Q That's his gun?

5 (The vide was played.)

6 MR. SHELDON: Stop. Back that up.

7 Q Tell me about this guy.

8 A What about him?

9 Q What is he running from? That's the guy that we just
10 saw walking up with Mr. Stevens, isn't it?

11 A You said what is he running from?

12 Q Yes.

13 A It looks like he's running with the crowd just like
14 everybody else.

15 Q Does it?

16 A Uh-huh.

17 Q Mr. Stevens is already gone, isn't he?

18 A Out of this frame, yes.

19 Q Mr. Champion has already gone, too, right?

20 A Yes.

21 (The video was played.)

22 MR. SHELDON: Pause it right there.

23 Q And we know just so -- that is the individual that we
24 just saw walking up even ahead of Too Cool, right, onto the
25 stage behind Mr. Stevens, right? Before Too Cool, before

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1 Mr. Champion, right?

2 A I can't say for sure to that.

3 Q I told you to keep an eye on that unique shirt. Let's
4 keep an on it.

5 (The vide was played.)

6 Q All right. At this point all of these people are just
7 piled on each other, right?

8 A Yes, sir.

9 Q There's just been a shooting. This is five seconds
10 after the shooting and that's what is amassed. We see two
11 individuals run this way, we know those two individuals had
12 guns. We know those two individuals are shot so they're
13 going to head out the door, right?

14 A Correct.

15 MR. SHELDON: Just keep rolling.

16 (The video was played.)

17 Q There goes the first one, there is the second one, and
18 then this guy. Why did we not figure out who that is?

19 A I can't answer that.

20 Q All of the details are important, right? I mean,
21 that's what you said, pick up on the slightest details.

22 A Correct.

23 Q That's a pretty important detail, isn't it?

24 A Correct.

25 Q And to this day 25 months later we don't know who that

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1 is.

2 A There was a lot of people in that club that night that
3 we wasn't able to ID.

4 Q But only four that we see make their way to the stage
5 with Breezo, right?

6 A Correct.

7 Q And that's one of them.

8 A Yes.

9 (The video was played.)

10 Q And just for the sake of expediency, channel ten,
11 that's the one kind of outside kind of looking over the
12 awning; is that right? Or looking sort of towards the door.
13 I'd call it an awning, whatever you want to call it, looking
14 out in the parking lot.

15 A Back toward that side door, yes.

16 Q Yeah.

17 (The video was played.)

18 MR. SHELDON: Stop right there.

19 Q This is Mr. Champion coming out of the club, right,
20 2:33:57; is that right?

21 A Yes.

22 MR. SHELDON: All right. Go ahead and push play.

23 (The video was played.)

24 MR. SHELDON: All right. Stop it.

25 Q He's off screen at this point. So as you mentioned

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1 earlier, so he kind of heads out to the right, right? Is
2 that Old Charlotte Highway or Highway 5? I didn't hear what
3 you said.

4 A Old Charlotte Road.

5 Q Okay.

6 MR. SHELDON: All right. Keep going.

7 (The video was played.)

8 Q Well who is that?

9 A You're going to have to play it again, I couldn't see.

10 Q We're going to just start that over again. Tell me --
11 isn't this Mr. Champion that just kind of walks back towards
12 his car in a minute?

13 (The video was played.)

14 MR. SHELDON: Stop it.

15 Q That's him right there, right? And if you need me
16 to -- this guy right here.

17 A Yes.

18 (The video was played.)

19 MR. SHELDON: Stop that.

20 Q That's him walking right back, isn't it?

21 A I couldn't say.

22 Q All right. I mean, is there anybody else that walks
23 out of the club that looks like that around that time?

24 A It looks consistent with Mr. Champion as he exited the
25 first time, yes.

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1 Q How did he get there that night?

2 A I couldn't say 100 percent that's him.

3 Q Okay. How did he get there that night?

4 A How did he get there?

5 Q Yeah.

6 A I have no idea.

7 Q Okay. Okay. So this individual looks like consistent
8 with Mr. Champion; is that right?

9 A Yes.

10 Q That individual right there that -- initially that is
11 coming onto the camera from the right, right? So he's
12 moving right to left essentially.

13 A Yes.

14 Q Is consistent with Mr. Champion. He's not running or
15 anything like that, is he?

16 A No, sir.

17 Q That individual is just walking the parking lot, right?

18 A Yes.

19 Q The back parking lot is sort of where everybody is
20 parked, right?

21 A Yes.

22 Q I mean, a large amount the of parking would be sort of
23 behind the club where we can't see; is that right?

24 A Yes, sir.

25 Q Okay.

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1 MR. SHELDON: Beg the Court's indulgence, Judge.

2 THE COURT: Okay.

3 (Break in proceedings.)

4 Q I don't think we've seen much of camera 16, but that's
5 the camera beside the bar, right?

6 A You said 16?

7 Q Yeah.

8 A Yes, sir.

9 Q If you have sort of an internal map that you're looking
10 at that kind of shows where each camera is?

11 A Yeah, the one that I referenced earlier.

12 Q Yeah. And I don't know that that had actual numbers on
13 it, but you have the numbers written down on yours.

14 A Yes, sir.

15 Q And 16 is sort of on the board. What would that be
16 looking at? And I'm not going to put it back up, we'll try
17 to save some time.

18 A From the side to the back side of the bar.

19 Q Okay.

20 (The video was played.)

21 Q So who's this guy?

22 A It appears to be Mr. Champion.

23 Q And again, tell us what we're looking at here. So
24 where is -- like in reference to --

25 (Break in proceedings.)

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1 Q Is that focused enough for you? Do you need me to do
2 anything with that?

3 A No, that's good.

4 Q Tell me real quickly where camera 16 is.

5 A Do you want me to draw it out?

6 Q Yeah, that would be great. Thank you.

7 A This area here.

8 Q So it's kind of looking --

9 A Kind of this direction.

10 Q Okay. But it's not looking -- so -- are we kind of
11 getting this area or like this area?

12 A I believe more here.

13 Q Okay. Yeah. We're on the same page with that, I just
14 wanted to make absolutely sure. So that's kind of the bar
15 area camera; is that right?

16 A Yes, sir.

17 Q But not the main -- what we've been calling the main
18 dance floor or the main stage area or anything like that.

19 A No, sir.

20 (The video was played.)

21 Q Okay. So it appears Mr. Champion is right there, is
22 that right? And the bar is going to be kind of right behind
23 him, right?

24 A Yes, sir.

25 MR. SHELDON: Just let that play for a minute.

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1 (The video was played.)

2 Q I guess he's talking to an individual there, right?

3 But we don't know who that is and he doesn't have anything
4 to do with this, is that fair to say?

5 A Correct.

6 (The video was played.)

7 Q Okay. So that's him, he's drinking some beer, right,
8 it looks like?

9 (The video was played.)

10 Q I just want to point one thing out to you,
11 Investigator, don't know if you agree or disagree. It
12 appears he's got that gun in his pocket right there, right?

13 A There's something that you can see.

14 Q I mean, you talked about a lot of objects that we've
15 been looking at, that that appears to be an object like in
16 his pocket, right?

17 A Some type of object.

18 Q It has some sort of weight that's kind of weighing his
19 pocket down, right?

20 A Correct.

21 Q He's just kind of standing there, isn't he?

22 A Yes.

23 (The video was played.)

24 Q Stop it right there. 2:30 exactly. That's when the
25 altercation begins, right?

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1 A Yes, sir.

2 Q The initial altercation. Is there any evidence
3 whatsoever that Mr. Stevens has been in touch with this man
4 prior to that altercation? Because we didn't see him on
5 camera before on camera 11 or camera 14, right?

6 A Correct.

7 Q But we sure see him on camera nine, don't we?

8 A Yes, sir.

9 Q Did we see Mr. Stevens at all in that last two minutes?

10 A No, sir.

11 (The video was played.)

12 Q Stop. And when we look at that -- this is a decent
13 distance from the stage to the bar, right?

14 A I don't recall an exact distance.

15 Q I mean, what do you think? Picking up on the slightest
16 details, what do you think the distance is?

17 A I would say 20 feet.

18 Q How many people is that in between the stage and Mr.
19 Champion?

20 A That's a lot of people.

21 Q I mean, how many? Five? 10? 20? 50? 100? Do you
22 have any idea?

23 A I would say more than 50.

24 Q Mr. Champion, at the start of the initial altercation
25 between Mr. Stevens and Mr. Colvin, isn't anywhere near

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1 there, is he?

2 A No, sir.

3 Q We know that about 18 seconds later he is on camera 11
4 and camera 14 when Mr. Colvin is jumping around, right?

5 A Yes, sir.

6 Q We know that, so at some point between now and the next
7 18 seconds he walks over to that initial altercation, don't
8 we?

9 A Yes.

10 Q We know that at the same time that he walks over Mr.
11 Stevens hauls on out of there, don't we?

12 A Yes, sir.

13 Q We know that there really doesn't appear to be any
14 interaction between the two of them at all, is there?

15 A No, sir.

16 MR. SHELDON: Go to camera 14.

17 (The video was played.)

18 Q Before we show this footage of Mr. Colvin on the
19 ground, do you agree or disagree that it appears they're
20 picking up a firearm?

21 A I'm sorry, I couldn't hear you.

22 Q Do you agree or disagree that Mr. McIlwain is picking a
23 firearm up off of the ground?

24 A Yes. That's what it appears to be.

25 Q Do you agree or disagree that three minutes prior to

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1 that we see Mr. Colvin with a firearm in his hand?

2 A Yes.

3 Q Do you agree or disagree that after that we see him put
4 that firearm into his pocket?

5 A Agree.

6 Q Do you agree or disagree that five minutes after or
7 eight minutes after the shooting law enforcement is on
8 scene?

9 A If that's the accurate time I agree, yes.

10 Q Do you agree or disagree that once law enforcement is
11 on scene we have a body camera around the victim at all
12 times?

13 A Yes. There is an officer there with a body camera.

14 Q So do you agree or disagree that there is absolutely no
15 way in that eight minutes -- after that eight minutes once
16 law enforcement arrived on scene that anybody took a gun out
17 of Mr. Colvin's pocket?

18 A Agree.

19 Q So do you agree or disagree that that gun at some point
20 between 2:30 and 2:38 has to end up somewhere? It doesn't
21 just vanish in thin air, right?

22 A Correct.

23 Q So isn't it most likely that the gun that is picked up
24 off the ground by Mr. McIlwain is the gun that was in Mr.
25 Colvin's pocket?

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1 A I couldn't say.

2 Q Okay. All right. Then what do we say about it? Where
3 did the gun in his pocket go?

4 A I don't know.

5 Q We got the video, sir. Where is it? Every little
6 detail.

7 A Where is the gun?

8 Q Yeah.

9 A I don't know.

10 Q Okay. Well let's take a look.

11 MR. SHELDON: Go ahead and roll it. I want you to go
12 to 233:47, please. We're looking at, just for the record,
13 camera 14.

14 (The video was played.)

15 Q That's him on the ground. That's Mr. Colvin right
16 here, right?

17 A Yes, sir.

18 Q That's Mr. Champion, right? Just keep on eye on Mr.
19 Colvin. Tell me who takes that gun out of his pocket.

20 (The video was played.)

21 MR. SHELDON: Stop it.

22 Q Anybody take the gun out of his pocket yet?

23 A It doesn't appear.

24 Q Okay.

25 MR. SHELDON: Keep going.

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1 (The video was played.)

2 MR. SHELDON: Stop it.

3 Q That's the gun right there, isn't it? That's the gun
4 that he picked up off of the floor.

5 A Off the floor, yes, sir.

6 Q It was near Mr. Colvin's body, isn't it?

7 A It is near Mr. Colvin's body, yes.

8 Q It's consistent at least with the gun that we see him
9 jumping around with three minutes prior, right?

10 A It appears to be a gun, yes.

11 Q I mean, it appears to be similar to the one that he
12 has, doesn't it? At least in size and look. I mean, I know
13 we're looking at grainy footage but you're not picking up an
14 assault rifle here, right?

15 A I can agree with that, yes.

16 (The video was played.)

17 MR. SHELDON: Stop it.

18 Q What is he doing right there? What does he do right
19 there?

20 A Possibly taking a magazine out or --

21 Q Could that lead to -- based on your experience in law
22 enforcement, could that lead to an unfired shell casing
23 somewhere?

24 A It could possibly lead to a shell casing --

25 Q To an unfired bullet, I'm sorry. To an unfired live

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1 round.

2 A Yeah. Possibly, yes.

3 Q So it's possible that's what happened there, right?

4 A It's possible, yes.

5 Q So he takes off with the gun. You agree or disagree
6 that at no other time do we see anybody near that body
7 running off with a gun?

8 A Not running off with a gun, no.

9 Q Mr. Colvin's hands are somewhere in here, right?

10 A I believe so, yes.

11 Q At no point in time after he's on the ground does
12 anybody come up to him and rub a firearm on those hands, do
13 they?

14 A No, sir.

15 Q I mean, that's a silly question but I just don't. Do
16 you see that anywhere?

17 A No, sir.

18 Q At any point in time do you see him out shooting
19 somewhere in the parking lot? At any point after he arrives
20 at 1:24 does he go leave and go shoot somewhere?

21 A No, sir, not that I'm aware.

22 (The video was played.)

23 Q So gun here, hands here, body here, right?

24 A Yes.

25 Q And the hands, talked about his hands, front and back

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1 of those hands, remain relatively undisturbed, right?

2 A I believe so, yes.

3 MR. SHELDON: Go to camera 11, please. All right.

4 (The video was played.)

5 Q I just want to clarify one thing. It appears Mr.
6 Champion is kind of -- pants falling down a little bit.
7 Does that look accurate to you?

8 A That's what it looks like.

9 Q This is kind of the -- I'm not going to call it a
10 beltline because I think it's like sweatpants or jogger
11 pants or whatever, but that's sort of like where the
12 waistline on the pants are, right?

13 A Possibly, yes, sir.

14 Q Well, let me move that. I want to be in agreement
15 here. Do you agree -- like we have sort of like the
16 sweatshirt line here, pants line there?

17 A That's the way it looks like, yes.

18 Q Do you see that right there?

19 A Yes, sir.

20 Q Isn't that what you identify as an object later on when
21 he's walking out?

22 A It could be an object, yes.

23 Q Could it, though? Wouldn't it just be suspended in his
24 sweatshirt if that were an object?

25 A I don't know.

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1 Q I mean, and this isn't a gotcha moment, right? We know
2 he has a gun.

3 MR. SHELDON: In fact, go forward. Stop. Go back,
4 sorry.

5 Q I just want you to watch his right hand and tell me if
6 you see a gun kind of go back in his hoodie. I just want it
7 to that one thing.

8 (The video was played.)

9 Q Do you see that gun in his right hand right there?

10 MR. SHELDON: Stop that.

11 Q I mean, that's not the gun, right?

12 A It appears he also has something in his hand as well.

13 Q You can't put a gun in your sweatshirt when your pants
14 are down here, right?

15 A It could also be he's wearing multiple layers of
16 clothing.

17 Q Is there any evidence that Mr. Champion has more than
18 one firearm?

19 A No, sir.

20 Q Is there anything that's suggests that at all?

21 A No, sir.

22 Q Could it be possible that when he fell on the ground
23 during the altercation that he just picked up something on
24 the back of his sweatshirt?

25 A That's a possibility.

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1 Q I mean, do you think that's the most realistic
2 possibility? Or do you think the most realistic possibility
3 there is he has multiple layers of pants on there that are
4 somehow hiked up at different angles, which we haven't seen
5 throughout the entire video?

6 A I don't know.

7 Q The State asked you a long time ago before lunch
8 whenever they ended their testimony whether Too Cool --
9 whether there was any evidence -- that anybody had said that
10 Tool Cool shot anyone; is that right?

11 A Yes, sir.

12 Q And the answer to that was no, right?

13 A Yes, sir.

14 Q But clearly he is there the whole time, right?

15 A Correct.

16 Q Clearly he is bouncing around. I think at one point he
17 even talks to Mr. Champion, doesn't he?

18 A Yes, sir.

19 Q Kind of bouncing around and he talks to Mr. Champion,
20 he talks to other people before or right after the initial
21 altercation, right?

22 A Yes, sir.

23 Q I think we saw on the video. But he isn't charged,
24 right?

25 A No, sir.

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1 Q And there's nobody also to that extent that says that
2 Mr. Champion shot anybody either, right?

3 A Not that I'm aware of.

4 Q Nor is there anyone that says that they have -- or that
5 they saw Mr. Champion shooting I should say. There's nobody
6 that said that. No witnesses said that during this trial.
7 You sat there the entire time, right?

8 A Correct.

9 Q Okay. And so other than Mr. Champion having a firearm
10 there and us knowing, which we'll get to later, that he
11 actually fires that gun three different times, right?

12 A Correct.

13 Q We know that. The jury may not know that, I'm telling
14 them now, that gun gets fired three times, doesn't it?

15 A Yes, sir.

16 Q There's absolutely no other evidence to suggest that he
17 and Mr. Stevens had any communication with each other
18 whatsoever, right?

19 A Not that I'm aware of, no.

20 Q No phone calls, no text messages, no Facebook posts, no
21 nothing, right?

22 A No, sir.

23 MR. SHELDON: Judge, I don't have anymore questions.

24 Thank you, sir.

25 THE COURT: Have you got any redirect?

BRAD WHITESIDES - REDIRECT

1 MS. CAMPBELL: Yes, sir.

2 THE COURT: Do you anticipate it being awhile?

3 MS. CAMPBELL: A few minutes, yes, sir.

4 THE COURT: Okay. Let's take a break. Go on back down
5 to the jury room, don't talk about the case. I'll get you
6 back out here as soon as possible.

7 (The jury left the courtroom.)

8 (A break was taken.)

9 (The jury returned to the courtroom.)

10 THE COURT: All right. Redirect, Madam Solicitor?

11 MS. CAMPBELL: Thank you, Your Honor.

12 REDIRECT EXAMINATION

13 BY MS. CAMPBELL:

14 Q Just a couple of questions on redirect. Mr. Belton,
15 who represents Mr. Stevens, was asking you some questions
16 about the gun that McIlwain picked up off the floor.

17 A Yes.

18 Q And that we never recovered that gun.

19 A No, ma'am.

20 Q Did you ever recover any of the guns from Mr. Breante
21 Stevens?

22 A No, ma'am.

23 Q And, in fact, were you able to find Breante Stevens?

24 A No, ma'am.

25 Q And how long did it take for y'all to even find Mr.

BRAD WHITESIDES - REDIRECT

1 Stevens after this happened?

2 A I don't recall an exact number of days, but it was a
3 lot.

4 Q And where was he when he was found?

5 A Ultimately he was arrested in Florida.

6 Q He's pointed out to you a lot of different guns that
7 Mr. Harris, Tavarus Harris had.

8 A Yes.

9 Q Mr. McIlwain picked up one. Mr. Colvin had a gun?

10 A Yes, ma'am.

11 Q Based on the shell casings, how many guns were actually
12 shot there that night?

13 A I don't recall the number of shell -- or --

14 Q Not the number of shell casings, the number of guns.

15 A Number of guns? Three.

16 Q Was there anything to prevent either Mr. Champion or
17 Mr. Stevens from leaving that bar that night?

18 A You said prevent them from leaving?

19 Q Uh-huh.

20 A No, ma'am.

21 Q At this point the door is locked for a short amount of
22 time; is that correct?

23 A That's correct.

24 Q But other than that 30 or 40 seconds, was there
25 anything to prevent either one of these men from walking out

BRAD WHITESIDES - REDIRECT

1 of that bar with their guns?

2 A No, ma'am.

3 Q Mr. Sheldon asked you a lot of questions about contact
4 between the parties, and he's consistently talking about
5 Mr. Stevens, Too Cool, and Champion; is that correct?

6 A Yes, ma'am.

7 Q I want to turn your attention to --

8 MS. CAMPBELL: Can you pull up channel number one? Go
9 around to 2:31 about even?

10 (The video was played.)

11 Q Do you see Too Cool?

12 A Yes, ma'am.

13 Q And at 231:08, who is he talking to?

14 A It appears to be Mr. Champion.

15 Q So there is a conversation between the two.

16 A Yes, ma'am.

17 Q I'm sorry, that was at 2:31 and 03. And from this
18 angle it continues until around 233:12.

19 (The video was played.)

20 Q Who is that?

21 A Mr. Stevens.

22 Q Where is he walking towards?

23 A He is walking from the ramp area going towards the
24 direction of the stage.

25 Q And then within seven seconds is that person with the

BRAD WHITESIDES - REDIRECT

- 1 shirt, and then who is that?
- 2 A Mr. Lindsay.
- 3 Q And then who falls in behind him?
- 4 A Mr. Champion.
- 5 Q Okay. Turning your attention to camera channel 11
- 6 around 2:33.
- 7 (The video was played.)
- 8 Q Specifically in about five or six seconds. Who is
- 9 that?
- 10 A Mr. Stevens.
- 11 MS. CAMPBELL: Let it go.
- 12 (The video was played.)
- 13 Q Who's that? The young man in the shirt and Too Cool?
- 14 A Yes, ma'am, Mr. Lindsay.
- 15 Q And who is just behind them walking towards the stage?
- 16 A Mr. Champion.
- 17 Q Towards the area where Mr. Colvin has been seen before
- 18 with a gun.
- 19 A Correct, yes, ma'am.
- 20 MS. CAMPBELL: Can you continue?
- 21 (The video was played.)
- 22 Q You see them go down.
- 23 MS. CAMPBELL: Stop it right there.
- 24 Q Who is that that's just fallen on the ground in the
- 25 left part?

BRAD WHITESIDES - REDIRECT

- 1 A To the left side? That's Mr. Stevens.
- 2 Q Okay. Who is that that falls right beside him?
- 3 A Mr. Champion.
- 4 Q And would that be consistent with having come off the
- 5 stage?
- 6 A Yes, ma'am.
- 7 Q And the man that they were referring to with the shirt,
- 8 what does he have in one hand?
- 9 A It looks like a hat.
- 10 Q And what's in the other hand?
- 11 A Possibly a bag.
- 12 Q Or a beer bottle.
- 13 A Or a beer bottle.
- 14 Q And finally turning on channel one. Let's start around
- 15 2:31:30. And just for clarification, 2:31:03 is when
- 16 Champion talks to Too Cool, right, on a different camera.
- 17 A Yes, ma'am.
- 18 (The video was played.)
- 19 Q And I believe that's Mr. Harris right there. And who
- 20 is next to Mr. Harris?
- 21 A Mr. Champion.
- 22 Q And where is he looking? Where is he facing?
- 23 A Mr. Champion?
- 24 Q Uh-huh.
- 25 A He's facing the direction kind of towards the door.

BRAD WHITESIDES - REDIRECT

- 1 Q And who has just gone out that door seconds before?
- 2 A Mr. Stevens.
- 3 Q Okay.
- 4 MS. CAMPBELL: Continue.
- 5 (The video was played.)
- 6 Q So at this point, where is Mr. Champion? He's waiting
- 7 at the door.
- 8 A Correct.
- 9 MS. CAMPBELL: Continue, please.
- 10 (The video was played.)
- 11 Q And then right there the security guard is coming back
- 12 towards the door?
- 13 A Yes, ma'am.
- 14 Q And Mr. Champion goes off to the right.
- 15 A Yes, ma'am.
- 16 Q Who is that?
- 17 A Is that what you're referring to?
- 18 Q Yes, sir.
- 19 A Mr. Lindsay.
- 20 Q And where does he go? Let's see.
- 21 (The video was played.)
- 22 MS. CAMPBELL: Stop it right there.
- 23 Q So does Too Cool ever go outside?
- 24 A It doesn't appear that he goes outside, no ma'am.
- 25 Q But as soon as Breezo walks in, where does he fall in?

BRAD WHITESIDES - REDIRECT

1 A He falls in right behind him.

2 Q And where is Mr. Champion at this point?

3 A (Indicates.)

4 Q And where is Breezo?

5 A (Indicates.)

6 Q And do they appear to be facing each other?

7 A They do.

8 Q And if there's any communication as far Mr. Champion's
9 part you can't tell.

10 A No, ma'am.

11 Q And then watch where they go now.

12 (The video was played.)

13 MS. CAMPBELL: That's all.

14 Q There are parts of the club that you can't see where
15 people are at times.

16 A Yes, ma'am, that's correct.

17 Q Like in the hallway and stuff?

18 A Yes, ma'am.

19 Q And then over next to the stage?

20 A Yes, ma'am.

21 MS. CAMPBELL: That's all I have, Your Honor.

22 THE COURT: All right. Mr. Belton?

23 MR. BELTON: Two questions.

24 RECROSS EXAMINATION

25

BRAD WHITESIDES - RECROSS

1 BY MR. BELTON:

2 Q Madam Solicitor ended by saying there are parts of this
3 club that we can't see, and over by the stage is one of
4 them, correct?

5 A Correct.

6 Q And that's where the shooting actually took place,
7 correct?

8 A Correct.

9 Q And as a trained law enforcement officer sitting in
10 here today you cannot say definitively what happened over at
11 that stage, can you?

12 A No, sir.

13 MR. BELTON: Thank you.

14 THE COURT: Mr. Sheldon?

15 MR. SHELDON: Thank you. Yeah, I've got some
16 questions, Judge. May it please the Court?

17 RECROSS EXAMINATION

18 BY MR. SHELDON:

19 Q You were asked by Solicitor Campbell if you ever found
20 Steven's gun; is that right?

21 A I didn't hear you, I'm sorry.

22 Q If you ever -- you were asked by the solicitor have you
23 ever found Mr. Stevens gun.

24 A Yes.

25 Q You were asked that question and the answer was no,

BRAD WHITESIDES - RECROSS

1 right?

2 A Yes, sir.

3 Q What about Mr. Champion's gun?

4 A Yes.

5 Q Yes what? Yes we have it?

6 A We have that gun.

7 Q Okay. You were asked by the solicitor about where was

8 Breante Stevens. How long did it take y'all to find him?

9 A It was awhile.

10 Q You were asked that question, right?

11 A Yes.

12 Q What about Mr. Champion? Where he was he at?

13 A Where was he located?

14 Q Yeah.

15 A I'm not sure exactly where he was located.

16 Q They found him at his house, didn't they?

17 A Possibly. I wasn't involved in that.

18 Q Okay. You were also asked if there was anything to
19 prevent Mr. Stevens and Mr. Champion from leaving; is that
20 right?

21 A Correct.

22 Q What about Mr. Colvin, anything preventing him from
23 leaving?

24 A No, sir.

25 Q Anything that required him to leave?

BRAD WHITESIDES - RE CROSS

1 A No, sir.

2 Q As a matter of fact from watching the video there was
3 no evidence that there was any reason for Mr. Champion to
4 even know there was a reason to leave, right? I mean, we
5 know he wasn't there for the initial altercation, don't we?

6 A Correct.

7 MR. SHELDON: Beg the Court's indulgence for one
8 second.

9 THE COURT: Yes, sir.

10 (Break in proceedings.)

11 MR. SHELDON: Go to 231:01, this frame, please.

12 (The video was played.)

13 Q Still the camera footage facing the door, right?

14 A Yes, sir, channel one.

15 (The video was played.)

16 MR. SHELDON: Stop it right there. Thank you.

17 Q So that's 230:20; is that right? He walks out the
18 door. You were asked a question about -- you agree that's
19 that Mr. Stevens walking out the door at 2:30 and 20; is
20 that right?

21 A Yes, sir.

22 MR. SHELDON: Please continue to press play,

23 Ms. McGinnis.

24 (The video was played.)

25 MR. SHELDON: Please stop there.

BRAD WHITESIDES - RECROSS

1 Q All right. You said seconds later Mr. Champion follows
2 around. This is eight seconds later and we still haven't
3 seen Mr. Champion yet, have we?

4 A No, sir.

5 Q Do you agree with that? But we do see this person,
6 this person, this person, this person, this person, this
7 person, this person, this person, this person, this person
8 and this person, right? You agree those are all people,
9 right?

10 A Correct.

11 Q All right. Got a lot of circles there.

12 MR. SHELDON: Keep going.

13 (The video was played.)

14 MR. SHELDON: Stop it right there, please.

15 Q 231:28, right.

16 A That's the time on the screen, yes.

17 Q Is that Mr. Champion?

18 A Yes, sir.

19 Q Seconds later. 88 seconds later, right?

20 A Correct.

21 MR. SHELDON: I don't have anymore questions.

22 THE COURT: All right. Thank you, sir, you can step
23 down. State can call its next witness.

24 MR. NEWMAN: State calls Jamarcus McIlwain.

25 THE COURT: All right. Jamarcus McIlwain.

JAMARCUS MCILWAIN - DIRECT

1 The witness, JAMARCUS MCILWAIN, was first duly sworn
2 And testified as follows:

3 THE COURT: Thank you, sir, you can take off your mask.

4 DIRECT EXAMINATION

5 BY MR. NEWMAN:

6 Q Please state your name for the record.

7 A Jamarcus McIlwain.

8 Q How old are you, Mr. McIlwain.

9 A I'm all right.

10 Q How old are you?

11 A Thirty-five.

12 THE COURT: Pull that microphone down. There you go.

13 Excuse me.

14 Q Mr. McIlwaine, were you at a party at the Old Skool
15 Night Club here in Lancaster on September 20, 2019?

16 A Yes, sir.

17 Q And do you remember what time you got there?

18 A It was kind of late.

19 Q Kind of late?

20 A Probably about 1:00 something.

21 Q Okay. Did you go by yourself?

22 A Yes, sir.

23 Q Were you there when a shooting occurred inside?

24 A Yes, sir.

25 Q Did you see anybody shooting?

JAMARCUS MCILWAIN - DIRECT

- 1 A No, sir.
- 2 Q Did you hear the shots?
- 3 A No, sir.
- 4 Q You didn't hear any shots being fired?
- 5 MR. BELTON: What was his answer the second time?
- 6 THE COURT: He said, no, sir.
- 7 A No, sir.
- 8 Q Do you remember telling Investigator Whitesides that
- 9 you heard six or seven gunshots?
- 10 A That's when I was going outside.
- 11 Q You didn't hear any gunshots on the inside?
- 12 A No, the music was on.
- 13 Q Did you see a bunch of people running?
- 14 A Yeah.
- 15 Q When people started running, did you see an individual
- 16 lying on the floor?
- 17 A I seen a couple of people laying down.
- 18 Q Okay. Did you find a gun on the floor that night?
- 19 A Yes, sir.
- 20 Q Where at?
- 21 A On the dance floor.
- 22 Q Okay. Do you know Mr. Lee Colvin?
- 23 A I done seen him around.
- 24 Q Did you find a gun near where Mr. Lee Colvin was lying?
- 25 A Well, he was in the vicinity, I guess. I found it on

JAMARCUS MCILWAIN - DIRECT

1 the floor.

2 Q Found it on the floor. Did you pick it up?

3 A Yes, sir.

4 Q What did you do with it?

5 A Sold it.

6 Q What did you do with it when you first picked it up?

7 A Looked at the clip and put it back in there and went
8 out the club.

9 Q Did you rack it?

10 A No. I just popped the clip and put it back in there.

11 Q Popped the clip and put it back? Did you take anything
12 out of that man's pocket?

13 A No, sir.

14 Q You say you sold it. Who did you sell it to?

15 A It was some dude I seen outside. One of them name was
16 Buck but I don't know the other one's name.

17 Q That's his nickname?

18 A I guess so.

19 Q You told all of that to law enforcement, correct?

20 A Yes, sir.

21 Q But do you remember telling them you didn't know their
22 real names?

23 A I didn't.

24 Q Mr. McIlwain, you've been charged by the State or by
25 the sheriff's office for taking that gun?

JAMARCUS MCILWAIN - DIRECT

1 A I went to court for it. I got locked up two times for
2 it.

3 Q Okay. Charge is still pending?

4 A Yes, sir.

5 Q Mr. McIlwain, anybody from my office, the solicitor's
6 office, make you any kind of offer in order to testify here
7 today?

8 A No, sir.

9 MR. NEWMAN: Beg the Court's indulgence.

10 THE COURT: Yes, sir.

11 (Break in proceedings.)

12 Q Mr. McIlwain, do you know -- can you tell us anything
13 about the gun other than the chip was sticking out?

14 A I told him it had an L-shape on it. I don't even know
15 what kind it was.

16 Q You don't know if was it an automatic or a revolver?

17 A No. I think it was an automatic, it had a clip in it.

18 Q But you don't know the brand?

19 A No, sir.

20 Q How long did you have it in your possession before you
21 sold it?

22 A Not even 30 minutes.

23 MR. NEWMAN: Beg the Court's indulgence.

24 THE COURT: Yes, sir.

25 (Break in proceedings.)

JAMARCUS MCILWAIN - CROSS

1 MR. NEWMAN: Please answer anything that the defense
2 may have, sir.

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

4 MR. BELTON: Thank you, Your Honor.

5 CROSS EXAMINATION

6 BY MR. BELTON:

7 Q Mr. McIlwain, good afternoon. You walked out -- you
8 picked the gun up off the floor?

9 A Yes, sir.

10 Q And you checked the clip of the gun.

11 A Yes, sir.

12 Q Was the clip in the gun or out of the gun?

13 A It was in the gun.

14 Q In the gun. So you popped it out? When you first walk
15 over to Mr. Colvin and you lean over, you had a conversation
16 with Mr. Colvin?

17 A I can't recall.

18 Q Okay. And so -- but then you see the gun. Did you see
19 that as just an opportunity?

20 A Yeah. I just seen a gun, I just picked it up. I was
21 drunk.

22 Q So you were drunk, so you pick up a gun with a man
23 dying there on the floor.

24 A I ain't know he was dying.

25 Q Okay. And you walk out the club with it.

JAMARCUS MCILWAIN - CROSS

1 A Yeah, I walked out the club.

2 Q And immediately when you got outside there was just a
3 random consumer out there who wanted to buy a gun.

4 A Yeah. It was a couple people standing around.

5 Q So did you run out waving it: Hey, I got a gun,
6 anybody want one? I've got one for sale.

7 A No.

8 Q So --

9 A I walked up on them boys and told them I've got a gun
10 for \$100.

11 Q And somebody in all of this chaos said: Yes, I'm going
12 to take it.

13 A Yeah.

14 Q And you have no idea who they are.

15 A No, sir.

16 Q After this incident happened, how long was it before
17 you spoke with law enforcement?

18 A About four days.

19 Q About four days later. And you gave them the name
20 Buck?

21 A Yeah. One of them name Buck, I don't know the other
22 dude's name.

23 Q And Buck -- Buck lives in Lancaster?

24 A I don't know.

25 Q Okay. You don't know where he lives.

JAMARCUS MCILWAIN - CROSS

- 1 A No, sir.
- 2 Q You only know a nickname. What kind of car was Buck
- 3 driving?
- 4 A I don't know.
- 5 Q You have no idea. Buck gave you \$100. In cash?
- 6 A Yes, sir.
- 7 Q And you went one way and Buck went the other way.
- 8 A Yes, sir.
- 9 Q You've never seen the gun again, never seen Buck again.
- 10 A No, sir.
- 11 Q All right. Two years later you've never seen Buck
- 12 again.
- 13 A No, sir.
- 14 Q All right. And to this day you have no idea where that
- 15 gun is?
- 16 A No, sir.
- 17 Q What kind of gun it is?
- 18 A No, sir.
- 19 Q Anyway. All right. Did you spend the \$100?
- 20 A Yes, sir.
- 21 Q All right.
- 22 MR. BELTON: No further questions, Your Honor.
- 23 THE COURT: All right. Mr. Sheldon?
- 24 MR. SHELDON: Very quickly, Judge.

25

CROSS EXAMINATION

JAMARCUS MCILWAIN - CROSS

1 BY MR. SHELDON:

2 Q Mr. McIlwain, I appreciate you being here this
3 afternoon. Just very briefly. So you walk outside of this
4 firearm and you sell it outside; is that right?

5 A Yes, sir.

6 Q And I think you said to the prosecutor that you heard
7 gunshots outside?

8 A When I was going out -- it's a ramp how you come out
9 the club, I heard some then.

10 Q Inside or outside?

11 A I was going outside. I don't know where it was coming
12 from, I told you I was drunk.

13 Q I got you. So you don't know if the shots were inside
14 or outside. When you got outside to sell the gun were
15 people shooting or no?

16 A No. I ain't hear it when I got to the car.

17 MR. SHELDON: Appreciate it. Thanks.

18 THE COURT: Any redirect?

19 MR. NEWMAN: Nothing from the State, Your Honor. Ask
20 that he be released from his subpoena.

21 THE COURT: All right. Thank you, sir, you're free to
22 step down and you're free to leave. The State can call its
23 next witness.

24 MS. MCGINNIS: Can we approach, Judge?

25 THE COURT: What?

1 MS. MCGINNIS: May we approach?

2 THE COURT: Yeah.

3 (A bench conference was held.)

4 THE COURT: We're talking scheduling. We're going to
5 run until 5:00 today. Okay. So again, we're going to have
6 a witness who gets up, doesn't get finished, which you can't
7 speak to anybody else during the middle of the testimony,
8 who will come back tomorrow and testify. I'll let you know
9 about that schedule once we conclude at 5:00 p.m. Okay?
10 Thank you. The State can call its next witness.

11 MS. CAMPBELL: The State would call Jeff Steele.

12 The witness, JEFF STEELE, was first duly sworn and
13 Testified as follows:

14 THE COURT: Make sure you speak loud in the microphone.

15 MS. CAMPBELL: May it please the Court?

16 THE COURT: Yep.

17 DIRECT EXAMINATION

18 BY MS. CAMPBELL:

19 Q Investigator Steele, where are you employed?

20 A Lancaster County Sheriff's Office.

21 Q And what do you do there, sir?

22 A I'm a crime scene investigator.

23 Q As a crime scene investigator, what do your duties
24 include?

25 A Respond to crime scenes, photograph and collect

JEFF STEELE - DIRECT

1 evidence, and make and aid in reconstruction of a series of
2 events.

3 Q I want to turn your attention back to the early morning
4 hours of September 21, 2019. Did you receive a phone call
5 that morning?

6 A I did.

7 Q And was it in regards to work?

8 A Yes, ma'am.

9 Q And as a result of that phone call -- or what were you
10 advised in that phone call?

11 A I was advised there was a shooting incident that
12 occurred at the Old Skool Bar and Grill.

13 Q And about what time of day was it when you got that
14 call?

15 A About 2:55 in the morning.

16 Q Did you then go to the scene?

17 A I did.

18 Q And about what time was it when you got to the scene
19 that morning?

20 A Around 3:32.

21 Q When you got to the scene, can you describe to the jury
22 what it was like?

23 A Pretty chaotic. I ended up having to park on 521. I
24 couldn't get over to the access road to the club. We had
25 multiple agencies on scene, so it was pretty chaotic when I

JEFF STEELE - DIRECT

1 arrive.

2 Q And when you got to the scene, did you get an initial
3 assessment as to whether or not you would additional help
4 with that scene?

5 A That is correct.

6 Q And what did you do?

7 A I contacted Investigator Ken Taylor in the beginning,
8 he was my secondary on-call, to make him of aware of where I
9 was at and to let him know that there may be additional help
10 needed. I also contacted Lieutenant Christy Rogers and
11 briefed her about my situation as well.

12 Q As you approached the scene, did you get approached by
13 a female patron there at the scene?

14 A I did.

15 Q And what was her demeanor like when she was walking
16 towards you?

17 A She was walking pretty quick from the club. She made
18 eye contact with me and asked me was I an investigator and I
19 told her I was, and she got close to me and said: Breezo
20 did it.

21 MR. BELTON: Objection, Your Honor.

22 THE COURT: Sustained.

23 MS. CAMPBELL: I can lay a foundation.

24 Q What was her demeanor like? What did she look like?

25 A Just like she was rushing to get out of the club, just,

JEFF STEELE - DIRECT

1 you know --

2 Q Was she you upset? Agitated?

3 A Yeah.

4 Q She was upset and agitated?

5 A Yes, ma'am.

6 Q And she approached you?

7 A Yes, ma'am.

8 MS. CAMPBELL: Your Honor, at this time we think it
9 would be admissible.

10 THE COURT: All right.

11 MS. CAMPBELL: Excited utterance, 803.

12 MR. BELTON: Your Honor, may we approach?

13 THE COURT: Well, yeah. I understand where you're
14 going with this, Madam Solicitor. Y'all come right here.

15 MS. CAMPBELL: I can move on.

16 THE COURT: What's that? Y'all come on.

17 (A bench conference was held.)

18 THE COURT: All right. The objection is sustained.

19 Q Who did you initially make contact with there at the
20 scene?

21 A Investigator Paul Lyons.

22 Q And without saying what information you had, did you
23 turn that information over to investigators?

24 A I did.

25 Q Did it take a period of time for the scene to become

JEFF STEELE - DIRECT

1 secure?

2 A Can you repeat that?

3 Q Did it take awhile for the scene to get secured that
4 morning?

5 A Yes, ma'am.

6 Q And as you approached, did you find it necessary to get
7 certain documents before you went in and actually started
8 doing what we call processing the crime scene?

9 A Yes, ma'am.

10 Q And what kind of warrants were you attempting to get
11 that morning before y'all went in?

12 A We try to get search warrants for the scene.

13 Q And why is it you get a search warrant for the scene?

14 A To secure -- you know, you've got to make sure what
15 you're doing inside the scene and make sure you don't
16 violate anybody's Fourth Amendment rights.

17 Q Any rights. So prior to doing that, was anybody on
18 your behalf attempting to get some of those warrants?

19 Search warrants?

20 A Yes, ma'am.

21 Q And who was trying to get the search warrant that
22 morning?

23 A Investigator Ken Taylor.

24 Q At some point did Lieutenant Rogers also show up on the
25 scene?

JEFF STEELE - DIRECT

1 A That's correct.

2 Q Shortly after getting there, did she then leave to
3 assist Investigator Taylor in getting the search warrants?

4 A That's correct.

5 Q While you were waiting for the search warrants to come,
6 did you make contact with some security guards that were
7 there at the scene?

8 A I did.

9 Q And do you remember what their names were?

10 A The people I contacted on scene?

11 Q The security guards on scene.

12 A Yeah. I have them as Myckel Neal and a Kendal
13 Benjamin.

14 Q Okay. And what if any testing did you do with them
15 that morning?

16 A Investigator Lyons asked me to assist him in collecting
17 GSR kits.

18 Q And at that point do you know whether or not -- the
19 video had not been secured yet, right?

20 A No, ma'am.

21 Q And did they both consent to that?

22 A Yes, ma'am.

23 Q And did you help him collect those kits?

24 A I did.

25 Q Later that morning did you make contact with

JEFF STEELE - DIRECT

1 Investigator Taylor again and tell him that by now that the
2 scene was secure and to get the search warrants?

3 A I did.

4 Q At some point did you also make contact with those
5 security guards to examine any kind of weapons they had
6 there at the scene?

7 A I did.

8 Q And what kind of weapons did each one of them have?

9 A Investigator Lyons actually inspected them and said
10 that they were a Glock 22, Mr. Neal had that. And Mr.
11 Benjamin had a Springfield XD 40.

12 Q While you were waiting for the search warrant, did you
13 also get consent from them to search their vehicles there at
14 the scene?

15 A I did.

16 Q And what kind of vehicles did they have?

17 A Mr. Neal had a white Ford F150 truck, there was no
18 defects noted. And Mr. Benjamin had a white colored Dodge
19 Journey.

20 Q And you mentioned that there were no defects noted.
21 You didn't notice anything like a bullet hole or anything
22 like that on those vehicles?

23 A No.

24 Q Around 7:00 that morning did they finally show up with
25 the search warrants?

JEFF STEELE - DIRECT

1 A That's correct.

2 Q And what did you do at that point once the search
3 warrants were executed by Lieutenant Rogers?

4 A Once the search warrant arrived on scene and it was
5 executed by Lieutenant Rogers, I just assisted her on the
6 outside of the club, you know, documenting things.

7 Q And you said you assisted her on the outside of the
8 club?

9 A Yes, ma'am.

10 Q While you were there at the scene, did you become aware
11 of anyone that was deceased outside of the club?

12 A I did.

13 Q And where was that body located?

14 A It was Aaron Harris.

15 Q And had anyone done anything to kind of cover him up
16 prior to y'all getting there?

17 A He was covered in a blue tarp.

18 Q Describe to the jury once you removed the tarp what how
19 he appeared.

20 A It was just a blue standard tarp that was laid over
21 somebody while he was laying out there. It's just to cover
22 him up so people don't see him on the scene.

23 Q And did you photograph and document his condition that
24 morning?

25 A I did.

JEFF STEELE - DIRECT

1 Q Once you had done that, did you also take some
2 measurements there at the scene with Lieutenant Rogers?

3 A I did.

4 Q And I think she documented those in her report.

5 A That's correct.

6 Q Did you also make an assessment of the interior of the
7 club, go inside?

8 A Yes, ma'am.

9 Q And what were you doing when you initially walked
10 inside?

11 A My initial walk-through was done with a video, we made
12 videos of the inside. So I started on the outside of the
13 club and worked my way into the club with the video.

14 Q What area of the club did you actually walk through?
15 The entire club?

16 A I walked through the entire club, going in the side
17 entrance doors and went through the entire club.

18 Q Okay. And at that point did you find a deceased male
19 inside the club?

20 A That's correct.

21 Q And where was he located?

22 A On the upper dance floor area up top.

23 Q And at this point are you just trying to memorialize
24 everything with the video as well as the photographs?

25 A Yes, ma'am.

JEFF STEELE - DIRECT

1 Q And at that time once inside the club, did you also
2 assist in taking some measurements as well?

3 A Originally we just created some reference points, and
4 then me and investigator -- me and Lieutenant Rogers went to
5 the outside of the club.

6 Q And once outside the club, were there several areas
7 that y'all then examined and photographed?

8 MS. CAMPBELL: Beg the Court's indulgence.

9 THE COURT: Make sure you talk up. Okay?

10 A Can you repeat that, please?

11 Q On the outside of the club did y'all take some
12 photographs and document the evidence found out there?

13 A We did.

14 Q And I want to show you what's been marked as State's
15 Exhibits 111 through 117 -- 118, excuse me.

16 MS. CAMPBELL: Your Honor, may I approach?

17 THE COURT: Yeah.

18 Q Do you recognize these photographs? First look at them
19 and them, and just tell me if you recognize them.

20 A I do.

21 Q And were those photographs taken by you or Lieutenant
22 Rogers that day when you were examining areas outside of the
23 club?

24 A Yes.

25 Q And do these fairly and accurately represent what you

JEFF STEELE - DIRECT

1 saw that day?

2 A Yes, ma'am.

3 MS. CAMPBELL: Your Honor, at this time we would offer
4 111 through 118 into evidence.

5 THE COURT: All right.

6 MR. BELTON: No objection.

7 MR. SHELDON: None, Your Honor.

8 THE COURT: Thank you. Introduced into evidence.

9 (State's 111-118 were received.)

10 Q And taking them one at a time. State's 111 and 112,
11 what area does that show of the building?

12 A The one on the left side here shows the address on the
13 mailbox of the club, and the other one shows what would be
14 the north side.

15 Q And was that an area which became of interest to you
16 when y'all located certain items there?

17 A No, ma'am.

18 Q Did you locate certain shell casings there?

19 A On the corner in the front section we did, which would
20 be the other side.

21 Q And specifically when y'all locate items, do you use
22 markers to help and stand out in pictures?

23 A That's correct.

24 Q And I'll show you State's Exhibit Number 115. What
25 items of evidence did y'all find there?

JEFF STEELE - DIRECT

1 A They are cartridge casings.

2 Q Cartridge casings? And tell the jury, what is a
3 cartridge casing?

4 A That is the bullet without the bullet inside, it's a
5 cartridge case. It's what's left after you fire the round.

6 Q Okay. So it's kind of the shell that goes around the
7 actual projectile?

8 A That's correct. The round is gone and the casing is
9 there.

10 Q And State's Exhibit Number 115, you say there are three
11 markers there outside the club? And those were items y'all
12 actually found out there that day?

13 A That's correct.

14 Q And then look at those individually I'm going to show
15 you State's Exhibits 116, 117 and 118. Are these closer-up
16 views of those three -- of the cartridge casings?

17 A Yes, ma'am.

18 Q So that shows -- and they were all found in close
19 proximity there at the scene on the corner of the building
20 of Old Skool.

21 A That is correct.

22 MS. CAMPBELL: Your Honor, permission to publish.

23 THE COURT: All right. Permission granted. Ladies and
24 gentlemen, just pass those around. Pay attention while
25 you're looking at them, though.

JEFF STEELE - DIRECT

1 Q In moving around the building, did you also document
2 the side where the -- I would call it the main entrance was
3 in this?

4 A That's correct.

5 Q And I'm going to show you State's Exhibits 119 through
6 123, and first ask if you recognize those?

7 A Yes, ma'am.

8 Q And do those fairly and accurately represent the
9 exterior of the side of the building where Old Skool, the
10 entrance is?

11 A It does.

12 MS. CAMPBELL: Your Honor, at this time I would offer
13 119 through 123.

14 MR. BELTON: Without objection.

15 THE COURT: All right. Introduced without objection.

16 (State's 119-123 were received.)

17 MS. CAMPBELL: Your Honor, may I publish?

18 THE COURT: Publish. Again, ladies and gentlemen, just
19 look through them as you wish, but please pay attention as
20 questions continue to be asked.

21 Q I want to show you what's been marked as State's
22 Exhibits 124-128, and first ask if you recognize those?

23 A Yes, ma'am.

24 Q And those are markers that were placed there by you or
25 Lieutenant Rogers; is that correct?

JEFF STEELE - DIRECT

1 A That's correct.

2 Q And why did y'all place those markers there in the
3 driveway on the sidewalk area?

4 A We noticed one of the markers actually marked where the
5 body was found, and the other markers are a blood drip trail
6 that we noticed was running outside of the club.

7 Q And you're aware at this time that a number of people
8 had been injured in this --

9 A That's correct.

10 MS. CAMPBELL: Your Honor, at this time we would offer
11 State's Exhibits 124 through 128.

12 MR. BELTON: Without objection.

13 MR. SHELDON: No objection, Judge.

14 (State's 124-128 were received.)

15 Q And in 124 this actually shows the area of the driveway
16 right next to the club; is that correct?

17 A That is correct.

18 Q And those markers have various items in them?

19 A That's correct.

20 Q And 125, which is on the porch, what does that show?

21 A That shows a RBS, or some blood stains on the pole.

22 Q What appears to be a reddish brown stain?

23 A Yes, that's correct.

24 Q And then on the driveway at Marker Number 45, which is
25 State's Exhibit 126?

JEFF STEELE - DIRECT

- 1 A That's a drip stain, RBS.
- 2 Q And then in Number 46?
- 3 A Also another drip stain.
- 4 Q And 48? And I believe one of these items was actually
- 5 a shoe.
- 6 A That's marked three.
- 7 Q Once you had photographed these after putting the
- 8 markers out, did you collect them in any way?
- 9 A We collected a swab sample of the blood.
- 10 Q From the red blood stains.
- 11 A That's right.
- 12 Q Or what appeared to be.
- 13 A That's right.
- 14 Q And just because it appears to be doesn't mean it
- 15 always is.
- 16 A That's correct.
- 17 MS. CAMPBELL: Your Honor, permission to publish?
- 18 THE COURT: All right. Those were put into evidence.
- 19 Q You mentioned that you located a deceased person
- 20 outside under the tarp. I'll show you 129 through 132 and
- 21 just ask if you recognize those?
- 22 A That's correct.
- 23 Q And do those fairly and accurately depict what y'all
- 24 found out there that day?
- 25 A Yeah.

JEFF STEELE - DIRECT

1 Q Except 130 and 132 are after the tarp has been removed?

2 A Yes, ma'am.

3 MS. CAMPBELL: Your Honor, at this time we would offer
4 them into evidence. Do y'all want to see these?

5 MR. BELTON: Without objection.

6 THE COURT: All right introduced.

7 (State's 129-132 were received.)

8 Q State's Exhibit Number 129, what does that show?

9 A That's a picture of Mr. Harris covered up with the
10 tarp.

11 Q And is that how it appeared when you first got there
12 that morning?

13 A That's correct.

14 Q And I notice that in some of these pictures you see
15 some yellow tape.

16 A Yes, ma'am.

17 Q And who would have put up the crime scene tape at this
18 scene?

19 A It was set up before we got there.

20 Q Before you got there? Typically that's something done
21 by patrol when they first get there?

22 A That's correct.

23 Q I want to show you State's Exhibit Number 135 (sic.)
24 What does that show?

25 A That's the lower torso of Mr. Harris.

JEFF STEELE - DIRECT

1 Q And how is his pocket here?

2 A It was turned out.

3 Q And then once you had done your initial assessment and
4 photographing, did you then turn over and were you able to
5 figure out where the -- he was injured?

6 A We did.

7 Q And I'll show you states Exhibits 131 and 132. Do
8 those show the wound?

9 A That's correct.

10 MS. CAMPBELL: Ask to publish these.

11 THE COURT: Permission to publish granted.

12 Q Were there a number of automobiles that were left in
13 the parking lot that morning?

14 A There were.

15 Q And specifically, did you become aware of a VW Passat
16 that was there in the parking lot?

17 A Yes, ma'am.

18 Q What, if anything, did y'all do in examining that?

19 A We searched the vehicle that was in the back parking
20 lot.

21 Q The ones you could get into?

22 A Yes, ma'am.

23 Q And I want to show you a series of photographs, 133
24 through 138. Do you recognize those?

25 A I do.

JEFF STEELE - DIRECT

1 Q And is that how that car appeared that day when you got
2 there?

3 A Yes, ma'am. This one is after we got in it.

4 Q And --

5 A And these are before.

6 Q So 133 through 135 represents the exterior of the car?

7 A That's correct.

8 Q And then once you got into it, it's 136 through 138; is
9 that correct?

10 A That's correct.

11 Q And is this in 134 --

12 MS. CAMPBELL: Your Honor, at this time we would offer
13 them all into evidence.

14 MR. BELTON: I want to see 136 through 138.

15 THE COURT: Okay.

16 (Break in proceedings.)

17 MR. BELTON: Without objection, Your Honor.

18 THE COURT: Without objection admitted into evidence.

19 (State's 133-138 were received.)

20 THE COURT: And that's a good place to stop. Since
21 they've been admitted onto evidence, Madam Solicitor, if you
22 would just hand those to my court reporter. Ladies and
23 gentlemen, take your time but keep looking through things.
24 Of course, you're going to have them back in the jury room
25 when you deliberate, but while you're out here go ahead and

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1 just pass them on around, take your time, then we'll recess
2 for the day. And Mr. Witness, you can step down. You
3 cannot talk to anybody about the substance or manner in
4 which you're testifying because you're still under oath and
5 you're still being examined by the State and have not been
6 tendered to the defense. Okay? Thank you, sir, you can go
7 ahead and step down.

8 (Break in proceedings.)

9 THE COURT: Let me tell you about your schedule. I
10 think y'all are aware of the situation tomorrow morning,
11 there's some matters we need to take up outside of this
12 trial and so y'all are not going to have to be here until
13 12:30 tomorrow, 12:30 p.m. Now, having said that, ladies
14 and gentlemen of the jury, I ran as fast and the lawyers
15 have been fantastic in putting things together for you to
16 make it as easy as possible for you. Okay? Having said
17 that be prepared to go late tomorrow. I'm trying to move
18 through this, trying to get in all of the evidence for both
19 the State and defense as much as possible. So we'll start
20 at 12:30. Go ahead and come here fed, have a belly full.
21 Okay? We'll take frequent of breaks as needed. Mr.
22 Bailiff, y'all get some good snacks, better than the durn
23 orange and peanut cracker things and stuff like that. Okay?
24 I plan on running well into the late afternoon, early
25 evening, to try to get as much done. Prepare yourselves

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1 accordingly and hopefully that will make our Wednesday go a
2 little bit better. Okay? But that's kind of where we are
3 right now. Things change as things develop. Thank you for
4 your patience. Thank you for your understanding. Y'all
5 have a great evening. Do not discuss this case, look up any
6 information on the case. We'll see you tomorrow at what
7 time? 12:30. Be here ready to roll. Okay. Thank you very
8 much.

9 (The jury left the courtroom.)

10 THE COURT: Down until tomorrow, I'll see you at 12:30.

11 (Court recessed for the day and resumed at 12:45 p.m.,

12 On Tuesday, October 26, 2021.)

13 THE COURT: Good afternoon, ladies and gentlemen. I
14 trust you enjoyed your half a day off, or morning off.
15 We'll jump right back in it again. Mr. Witness, if you'll
16 come back up. You're still under oath, just have a seat
17 back here. And ladies and gentlemen, I'll remind you, there
18 will be times when the lawyers ask for permission to publish
19 something that's come into evidence, and typically I'll
20 grant that with the understand that y'all pay attention
21 while you're passing stuff around. Okay? I mean, I'm used
22 to multitasking, and I'm sure y'all are as well, but you'll
23 see me typing on my computer or checking an email or
24 something, and I'll, you know -- I'm able to hear and pay
25 attention at the same time and look at something. Make sure

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1 you're able to do that as well. If you don't feel like you
2 can do that, you can look at it later on when you get back
3 and start deliberating. All right? You can resume your
4 questioning.

5 MS. CAMPBELL: May it please the Court?

6 THE COURT: Yep.

7 The witness, JEFF STEELE, remained under oath and
8 Testified as follows:

9 CONTINUED DIRECT EXAMINATION

10 BY MS. CAMPBELL:

11 Q Officer to make this a little bit easier I handed you a
12 number of photographs with defense permission, and I want to
13 refer to that first folder, which is going to be items
14 number 139 to 167. When y'all got to the club that day,
15 were there a number of automobiles on the exterior?

16 A There were.

17 Q And did y'all take any measures -- and that point did
18 you know what if any significance they may have?

19 A No, ma'am.

20 Q Okay. Did you document, though, what vehicles were
21 actually in the parking lot?

22 A We did.

23 Q And can you review photographs number 139 through 167?

24 And do those fairly and accurately represent the cars as you
25 photographed them that day in the parking lot?

JEFF STEELE - DIRECT

1 A Yes, ma'am.

2 MS. CAMPBELL: Your Honor, at this time we would offer
3 State's Exhibits Number 139 through 167.

4 THE COURT: Without objection?

5 MR. BELTON: Without objection.

6 MR. SHELDON: Without objection, Your Honor.

7 THE COURT: Introduced.

8 (State's 139-167 were received.)

9 MS. CAMPBELL: Your Honor, permission for those to be
10 published to the jury.

11 THE COURT: All right. Permission to publish granted.

12 MS. CAMPBELL: If the bailiff doesn't mind getting
13 those so I don't have to keep going in front of the jury.

14 Q Once y'all had basically photographed and determined
15 what was there in the parking lot on the outside of the
16 actual -- where the shooting occurred, did you proceed to
17 another parking lot nearby?

18 A I did.

19 Q And where was it located?

20 A There was an overflow parking lot beside the Old Skool
21 that was used for just overflow parking.

22 Q And was there a business across the road from Old
23 Skool?

24 A There was.

25 Q And what kind of business was that?

JEFF STEELE - DIRECT

- 1 A It use to be a Carolina Steak and Ribs restaurant.
- 2 Q Was it opened at the time this occurred?
- 3 A No, ma'am.
- 4 Q Did you proceed to that parking lot and collect certain
5 items of evidence from there?
- 6 A I did.
- 7 Q And what type of evidence did you find in the parking
8 lot across the street from Old Skool?
- 9 A It was cartridge casings.
- 10 Q And I want to turn your attention to photos number 168
11 through 179. What are those photos of, sir?
- 12 A It's the parking lot across the street along with the
13 evidence items we located.
- 14 Q And what type of evidence did you locate in that
15 parking lot?
- 16 A Cartridge casings.
- 17 Q Cartridge casings, or shell casings as they're
18 sometimes referred to?
- 19 A Yes, ma'am.
- 20 MS. CAMPBELL: Your Honor, at this time we would offer
21 State's Exhibits 168 through 179 into evidence.
- 22 MR. BELTON: Without objection.
- 23 MR. SHELDON: No objection.
- 24 THE COURT: All right. Introduced.
- 25 (State's 168-179 were received.)

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1 MS. CAMPBELL: And Your Honor, we would ask for
2 permission to publish.

3 THE COURT: Granted.

4 MS. CAMPBELL: Thank you.

5 Q You mentioned an overflow field where there was some
6 parking that was going on that night as well?

7 A That's correct.

8 Q And I want to turn your attention, did you find
9 something in that field that y'all basically marked with
10 Marker Number 41 in that open field?

11 A We did.

12 Q And what was the item that y'all found down there?

13 A The Marker 41 was marked to mark a shirt with
14 reddish/brown stains on it.

15 Q And I think there was a dollar bill and maybe something
16 else near it?

17 A Yeah. Some cash in an unknown amount.

18 Q And I want to turn your attention to items 180 through
19 183, and first ask if you recognize those?

20 A Yes, ma'am.

21 Q And do those fairly and accurately depict what y'all
22 found in that field that day?

23 A Yes, ma'am.

24 MS. CAMPBELL: Your Honor, at this time we would offer
25 State's 180 through 183 into evidence.

JEFF STEELE - DIRECT

1 MR. BELTON: Without objection.

2 MR. SHELDON: No objection.

3 THE COURT: Introduced.

4 (State's 180-183 were received.)

5 Q And finally I want to turn your attention to the actual
6 roadway that was further down the road. Approximately how
7 far was it from the Old Skool building, do you recall?

8 A I don't know the exact footage.

9 Q Was it more than a block?

10 A I would say about a block.

11 Q Okay. And what did y'all find in the roadway that day
12 when y'all were doing your examination of the surrounding
13 areas around Old Skool?

14 A We located a cartridge casing.

15 Q I want to turn your attention to photographs number 184
16 through 188. Do you have those with you?

17 A This is the cartridge casings I located.

18 Q And that was located in the roadway?

19 A Yes, ma'am.

20 Q And do those fairly and accurately depict what y'all
21 found that day?

22 A Yes, ma'am.

23 MS. CAMPBELL: Your Honor, at this time we offer
24 State's Exhibits 184 through 188 into evidence.

25 MR. BELTON: Without objection.

JEFF STEELE - DIRECT

1 THE COURT: All right. Admitted without objection.

2 (State's 184-188 were received.)

3 MS. CAMPBELL: Permission, Your Honor, to try and
4 publish those. Those are the last ones.

5 THE COURT: Permission granted.

6 Q And finally, sir, who was working with you that day and
7 collecting much of the evidence that day?

8 A Lieutenant Christy Rogers.

9 Q But you, I believe, did collect some of the slides from
10 the red -- the reddish/brown stains y'all found on the
11 driveway and on the sidewalk there?

12 A Yes, ma'am.

13 Q And did you turn those into evidence?

14 A I submitted the evidence that I collected.

15 Q Yes. And during the time that you had that in your
16 possession, did you alter, tamper with it or do anything
17 with it to change it?

18 A No, ma'am.

19 MS. CAMPBELL: Thank you. Please answer any questions
20 that the defense has.

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

22 CROSS EXAMINATION

23 BY MR. BELTON:

24 Q Captain Steele, did you collect or mark any of the
25 bullets, shell casings or any of those things or you just

JEFF STEELE - CROSS

1 did the blood?

2 A I marked with evidence markers but I didn't collect
3 anything except just the blood.

4 Q Okay. So you did mark some of the shell casings and
5 those things?

6 A Outside with my --

7 Q All right. Well, give me one second here. I'm just
8 trying to get an understanding. Do you have a list of the
9 markers that were done -- a list of the markers -- I'm just
10 trying to get an understanding of what you marked and what
11 Lieutenant Rogers marked and what Mr. Taylor marked. Okay?

12 A Yes, sir.

13 Q Do you have something in front of you where you can
14 differentiate that?

15 A On the outside.

16 Q Okay. Did you mark anything on the inside?

17 A No, sir.

18 Q Which marker numbers are yours on the outside?

19 A It would have been one with the blood trail, blood drip
20 trail.

21 Q Do you have a number?

22 A I do.

23 Q All right. Just take me through which marker numbers
24 are yours.

25 A Okay. It will be evidence number 43.

JEFF STEELE - CROSS

1 Q Okay.

2 A 44, 45, 46, 47, and 48.

3 Q Okay. 43, 44, 45, 46, 47 and 48. And I don't have
4 that in front of me, are all of those blood stains, the
5 RBS's?

6 A That's correct.

7 Q All right. None of those are shell casings.

8 A None of them.

9 Q Okay. And on the inside, did you collect anything --
10 did you mark anything on the inside?

11 A No, sir.

12 Q Okay. And did you collect any of the evidence on the
13 inside? Meaning you collected and packaged it up to take it
14 back to your facility.

15 A No, sir.

16 MR. BELTON: Okay. All right. I have no further
17 questions. Thank you, Captain Steele.

18 THE COURT: Mr. Sheldon.

19 MR. SHELDON: Very briefly, Your Honor. May it please
20 the Court?

21 CROSS EXAMINATION

22 BY MR. SHELDON:

23 Q Thank you, Investigator, for being here with us this
24 afternoon.

25 MR. SHELDON: Judge, may I approach?

JEFF STEELE - CROSS

1 THE COURT: Yes, sir.

2 MR. SHELDON: I'm looking for 133 through 139.

3 Q I'm going to hand you Exhibits 133 through 138. I
4 believe that you said you had examined that vehicle; is that
5 right? That's a Volkswagen.

6 A That is correct.

7 Q Okay. And so -- in your testimony yesterday you said
8 that you had examined this Volkswagen. What did you examine
9 it for?

10 A For us was DNA evidence and latent print evidence.

11 Q And how many swabs of that Volkswagen were taken for
12 DNA our latent print or things like that?

13 A I don't know the exact number, but we swabbed the
14 exterior doors of the passenger side.

15 Q Okay. And so all of the exterior doors of that were,
16 in fact, swabbed, and then once those are swabbed those are
17 put into evidence; is that right?

18 A That's correct.

19 Q And so let's just describe that process just very
20 briefly. When you -- you take it -- you basically -- is it
21 fair to say you take a swab and kind of swab around the door
22 handles of the door, right?

23 A That's correct.

24 Q And once you have that swab presumably if there's DNA
25 on it that DNA stays on the swab, right?

JEFF STEELE - CROSS

1 A That's correct.

2 Q And then you put it in some sort of airtight bag; is
3 that right?

4 A No, sir. I put it in a drying block or in a cardboard
5 box that is vented and let it air dry.

6 Q Okay. And so that goes in a box. Once it's air dried
7 what happens to it?

8 A You send it off to SLED or wherever you need to send it
9 for analysis.

10 Q Okay. So inside of a box; is that right?

11 A That's correct.

12 Q And so it would be essentially you take the swab, put
13 it in the box to air dry, and then you send it off for law
14 enforcement. You personally or somebody in your office
15 sends that off to SLED?

16 A Somebody in my office.

17 Q Okay. But certainly would never come out of that box,
18 right?

19 A I assume, I don't know.

20 Q Until it gets to SLED? I mean, that would be the
21 general practice, right?

22 A Yeah. It's not going to come out of there.

23 Q And so how many specific swabs did you take of that
24 Volkswagen?

25 A Again I think two or three, I can't remember, two or

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1 three or the pair two. You take a wet dry. You take tube
2 swabs of each place that you collect from.

3 MR. SHELDON: Beg the Court's indulgence for one
4 minute.

5 THE COURT: Yes, sir.

6 (Break in proceedings.)

7 Q Why is it important to -- why do those get sent to
8 SLED? And by SLED we're talking about, just in case the
9 jury doesn't know, the South Carolina Law Enforcement
10 Division; is that right?

11 A Yes, sir.

12 Q Sort of the central processing agency for DNA,
13 ballistics, thing like that; is that right?

14 A That's correct.

15 Q Why would something like those slides be sent to SLED?

16 A For analysis.

17 Q Okay. So basically the sheriff's department doesn't
18 have the -- is it fair to say the sheriff's department
19 doesn't have the in-house lab to perform that DNA testing?

20 A That's correct.

21 Q And so the lab would exist where SLED is in Columbia;
22 is that right?

23 A That's correct.

24 Q And does all evidence that -- who makes the
25 determination about whether something actually gets

JEFF STEELE - CROSS

1 submitted to SLED?

2 A Well, the case agent would usually confer with our
3 lieutenant and then they'll decide what needs to go to SLED.

4 Q Okay. And then -- so you don't -- are you -- do you
5 participate in that conversation or no?

6 A Usually not. Usually I'll collect it, bring it in, it
7 comes to the office, and then they discuss what needs to
8 be -- is pertinent for the case.

9 Q And so things -- so law enforcement makes the
10 determination if it's important for the case that it needs
11 to go to SLED.

12 A That's correct.

13 Q Okay. And then once it's at SLED we don't know what --
14 those people will come in later and tell us what happens to
15 it, but your job is to make sure it just gets in the mail.
16 Or your job is to make sure it gets to the police station to
17 get it in the mail.

18 A Yes, that's correct.

19 Q What about the inside of the car? Is there any
20 particular reason why the inside of the car wouldn't have
21 been swabbed?

22 A No, sir. We searched the inside of the car to look for
23 potential evidence in reference to the shooting, but we did
24 not collect DNA out of the car.

25 Q Why not?

JEFF STEELE - CROSS

1 A The decision was made not to collect DNA out of the
2 car.

3 Q Who made that decision?

4 A Really all of us, my lieutenant and my other
5 investigators on scene.

6 MR. SHELDON: Judge, can I approach again and see these
7 those photos? If you don't mind if I could have these
8 photos back.

9 Q And I'm going to show you what is State's 136 and 137
10 and also 138. And these aren't -- and I'm going to try to
11 turn these for the jury, too, so if you could see these kind
12 of while I'm showing them. Clearly you had access to the
13 inside of the car, right?

14 A That's correct.

15 Q And there are things inside the car like a Coke bottle
16 and cups and things like that, right?

17 A That's correct.

18 Q And here you see you had access to both sides of the
19 car pretty much; is that right?

20 A Yes, sir.

21 Q And you would agree --

22 MR. SHELDON: Judge, can I publish these to the jury?

23 THE COURT: Yes.

24 MR. SHELDON: They might be republished, I don't know
25 if they originally went around or not so.

JEFF STEELE - CROSS

1 Q So you certainly agree there were things inside of that
2 Volkswagen that could have potentially had DNA evidence on
3 them, specifically steering wheels and things like that,
4 right?

5 A That's correct.

6 Q Also those cups that we're looking at and that Coke
7 bottle and that center -- what I'm going to call the center
8 console area. Certainly if somebody is drinking out of a
9 cup or a Coke bottle that can also be DNA, right?

10 A It could be, yes, sir.

11 Q But there's no question that those items were not
12 swabbed, right?

13 A I don't believe they were.

14 Q And certainly there is if. There's DNA on a -- let me
15 back up. The reason that we could swab for inside the car
16 is that it's not necessarily going to tell us who is in the
17 car, right?

18 A No, sir.

19 Q But it is going to tell us whose DNA is in the car.

20 A That's correct.

21 Q And so law enforcement, nobody, certainly you or
22 anybody, can ever actually say from DNA whether that
23 individual was in that location, right?

24 A We can just say whatever the items we tested had their
25 DNA on it.

JEFF STEELE - CROSS

1 Q And certainly if the item tested like a steering wheel
2 or a door handle or even an item in the car has an
3 individual's DNA, law enforcement uses that to potentially
4 rule in people that were in that area, right?

5 A That's correct.

6 Q And in this case in that Volkswagen and those pictures
7 inside of that car there was nothing swabbed, right?

8 A Not that I'm aware of.

9 MR. SHELDON: I don't have anymore questions, Judge.
10 Thank you.

11 THE COURT: All right. Any redirect?

12 MS. CAMPBELL: No, sir.

13 THE COURT: All right. Thank you, sir, you can step
14 down. State can call its next witness.

15 MS. MCGINNIS: State would call Tanya Henderson.

16 The witness, TANYA HENDERSON, was first duly sworn and
17 Testified as follows:

18 THE COURT: You can lower your mask. Thank you. Just
19 speak loudly into that microphone.

20 DIRECT EXAMINATION

21 BY MS. MCGINNIS:

22 Q Good afternoon, Ms. Henderson. Can you state your name
23 for the record?

24 A Tanya Henderson.

25 Q And where do you live, Ms. Henderson?

TANYA HENDERSON - DIRECT

- 1 A Charlotte, North Carolina.
- 2 Q Is that where you're from?
- 3 A Yes.
- 4 Q Have you lived in Lancaster before?
- 5 A Uh-huh.
- 6 Q About what time period was that?
- 7 A Two years ago.
- 8 Q So around 2019?
- 9 THE COURT: You're going to have to speak up for me.
- 10 Okay?
- 11 A Yes.
- 12 Q Do you know a gentleman named Breante Stevens?
- 13 A Yes.
- 14 Q How do you know Mr. Stevens?
- 15 A We have a child together.
- 16 Q Okay. Were y'all in a romantic relationship at some
- 17 point?
- 18 A Yes.
- 19 Q And would that include the time period of
- 20 September 2019?
- 21 A Yes.
- 22 Q Okay. I want to turn your attention to the night of
- 23 September 20th, the early morning hours of September 21st of
- 24 2019. Do you recall that night?
- 25 A Yes.

TANYA HENDERSON - DIRECT

1 Q What do you recall about that night and early morning
2 hours?

3 A I received phone calls telling me to leave my home.

4 Q Who did you receive those phone calls from?

5 A Just close family members.

6 Q Did you get a call from Mr. Stevens?

7 A No.

8 Q Do you recall giving a statement to law enforcement
9 that Mr. Stevens called you and sounded like he was running?

10 A He -- I don't remember.

11 Q Okay. So what was in the phone calls? What did they
12 say to you in the phone calls?

13 A To leave my home.

14 Q Why was that?

15 A Because someone was going to come to my home.

16 Q Did you leave your house?

17 A I did.

18 Q Did you have your children with you at that point?

19 A I did.

20 Q You took them with you when you left?

21 A I did.

22 Q About what time of the day or night is this?

23 A This was like 2:00 or 3:00 in the morning.

24 Q Middle of the night?

25 A Yes.

TANYA HENDERSON - DIRECT

1 Q How old were your children at that point?

2 A Thirteen, five and four.

3 Q So you woke your young children up and took them out of
4 the house with you after you received these phone calls?

5 A Yes.

6 Q What happened to your house after you and the children
7 left and went somewhere else?

8 A Someone shot at my house.

9 Q Shot at your house?

10 A Yes.

11 Q Did those shots strike your house?

12 A Yes.

13 Q Where did y'all go when you left the house in the
14 middle of the night?

15 A We went to a family member's.

16 Q Did you go back to your house the next day?

17 A Briefly.

18 Q Did you see Mr. Stevens the next day?

19 A At some point, yes.

20 Q Did he come to your house or the family member's house?

21 A My house.

22 Q Your house where y'all lived?

23 A Yes.

24 Q Did Mr. Stevens live with you at that residence?

25 A Yes.

TANYA HENDERSON - DIRECT

- 1 Q Okay. How did Mr. Stevens get to your house?
- 2 A I don't know.
- 3 Q Okay. What kind of car did you drive back at this time
- 4 period?
- 5 A A Volkswagen.
- 6 Q Okay. Did you have another car as well?
- 7 A I did at one point but it was in an accident.
- 8 Q But it was --
- 9 A It was involved in a accident.
- 10 Q Okay. So at that point there was just a Volkswagen?
- 11 A Yes.
- 12 Q What kind of Volkswagen?
- 13 A Volkswagen Passat.
- 14 Q What color was that?
- 15 A Black.
- 16 Q And did you primarily drive that car?
- 17 A Yes.
- 18 Q Okay. Did you let anybody else drive it?
- 19 A Mr. Stevens sometimes.
- 20 Q Okay. Had Mr. Stevens been driving that car that
- 21 evening?
- 22 A Yes.
- 23 Q Okay. But he didn't come home in that vehicle.
- 24 A No.
- 25 Q When he got home, what did you and Mr. Stevens do?

TANYA HENDERSON - DIRECT

- 1 A We left.
- 2 Q What car did y'all leave in?
- 3 A I had a rental car.
- 4 Q Where was the Passat at that point?
- 5 A It was located at the crime scene.
- 6 Q So when you got in the rental car and left, where did
- 7 you go?
- 8 A We left Lancaster.
- 9 Q You left Lancaster and headed which direction?
- 10 A I guess south.
- 11 Q Okay. Where did you end up that day?
- 12 A Charleston.
- 13 Q Charleston, South Carolina?
- 14 A Uh-huh.
- 15 Q Where did you go when you got to Charleston?
- 16 A I guess it was a friend's.
- 17 Q Did you choose where you were going or did Mr. Stevens?
- 18 A I don't know anyone in Charleston, so --
- 19 Q Did he tell you where to go?
- 20 A Yes, his friend's.
- 21 Q He gave you directions to their home?
- 22 A Uh-huh.
- 23 Q Okay. Was it a house or an apartment?
- 24 A Apartment.
- 25 Q Okay. Was it a big apartment complex?

TANYA HENDERSON - DIRECT

- 1 A Yeah.
- 2 Q Mr. Stevens was able to direct you there?
- 3 A Yes.
- 4 Q And to a specific apartment?
- 5 A Yes.
- 6 Q Okay. But you don't know whose apartment it was?
- 7 A No.
- 8 Q Was it one person? Several people?
- 9 A It was more than one person.
- 10 Q Okay. A male or female?
- 11 A Both.
- 12 Q Okay. Any children in the apartment?
- 13 A Yes.
- 14 Q And did y'all stay there overnight?
- 15 A Yes.
- 16 Q For about how many days?
- 17 A Couple of days.
- 18 Q Maybe one or two nights?
- 19 A Yeah.
- 20 Q Did you at some point come back to Lancaster?
- 21 A Yes.
- 22 Q What did you drive back to Lancaster?
- 23 A The rental car.
- 24 Q Did Mr. Stevens come with you?
- 25 A No.

TANYA HENDERSON - DIRECT

- 1 Q Where was he?
- 2 A In Charleston.
- 3 Q He stayed in Charleston?
- 4 A Yes.
- 5 Q Okay. After you came back to Lancaster, did you talk
6 to Mr. Stevens?
- 7 A Briefly.
- 8 Q And how was that? On the phone? On face time? Text
9 messages?
- 10 A Phone.
- 11 Q Okay. Do you know where Mr. Stevens was when you
12 talked to him?
- 13 A No.
- 14 Q But the last place you saw him was in Charleston.
- 15 A Yes.
- 16 Q Okay. When you spoke with Mr. Stevens, did he tell you
17 he knew the police were looking for him?
- 18 A No.
- 19 Q Do you recall giving a statement to law enforcement
20 that he told you he knew the police were looking for him?
- 21 A No.
- 22 Q You don't recall giving that statement to Investigator
23 Whitesides and Investigator Dailey --
- 24 A I don't remember.
- 25 Q -- at the Lancaster County Sheriff's Office?

TANYA HENDERSON - DIRECT

1 A I don't remember.

2 Q Ms. Henderson, were you charged with anything in
3 relation to this incident?

4 A Yes.

5 Q What were you charged with?

6 A Accessory.

7 Q Accessory after the fact?

8 A Yes.

9 Q To a murder?

10 A Yes.

11 Q And was that for taking Mr. Stevens to Charleston?

12 A Yes.

13 Q Has anyone in my office, anyone in the solicitor's
14 office offered you anything in relation to your testimony
15 here today?

16 A No.

17 MS. MCGINNIS: Please answer anything that the defense
18 may have for you.

19 THE COURT: All right. Mr. Belton?

20 CROSS EXAMINATION

21 BY MR. BELTON:

22 Q Ms. Henderson, in fact, what was your address on
23 September 20th or September 21st the exact address?

24 A [REDACTED] West Meeting Street.

25 Q And so you were asked by Madam Solicitor whether or not

TANYA HENDERSON - CROSS

1 your house was hit. In fact, your house was actually shot
2 up, wasn't it?

3 A Yes.

4 Q As a matter of fact, someone was arrested and charged
5 with that crime, right?

6 A Yes.

7 Q And someone shot that house up pretty shortly after the
8 shooting at Old Skool, correct?

9 A Yes.

10 Q Did law enforcement -- and so technically you're a
11 victim of that crime, right?

12 A Yes.

13 Q So law enforcement would have contacted you and let you
14 know that they had made an arrest, correct?

15 A Yes.

16 Q Have they contacted you and let you know that they've
17 made an arrest?

18 A No.

19 Q All right. So you are not aware of whether or not
20 anyone has been arrested for that incident or not?

21 A I didn't learn about it until afterwards, but at that
22 time, no.

23 Q Right. But my question is as you sit here today are
24 you aware that someone has been arrested for shooting up
25 your house?

TANYA HENDERSON - CROSS

- 1 A Yes.
- 2 Q Okay. All right. Miss -- and so you -- how children
3 do you have?
- 4 A Three.
- 5 Q And all of you lived at that house.
- 6 A Yes.
- 7 Q And in the early mornings hours after the shooting at
8 Old Skool your house was shot up.
- 9 A Yes.
- 10 Q You left your house in the middle of the night with
11 your children in tow and went to someone else's house,
12 correct?
- 13 A Yes.
- 14 Q All right. And so the next day when you see Breante
15 you were his girlfriend at the time, right?
- 16 A Yes.
- 17 Q Were you at Old Skool the night this incident happened?
- 18 A No.
- 19 Q Did you have anything to do with it?
- 20 A No.
- 21 Q Do you have any knowledge of it prior to -- all right.
22 So you see Mr. Stevens the next day. Was Antonio Champion
23 with him?
- 24 A No.
- 25 Q Have you ever seen Antonio Champion?

TANYA HENDERSON - CROSS

1 A No.

2 Q How long have you and Mr. Stevens dated?

3 A Roughly eight, nine years.

4 Q How long have you all lived together at that address or
5 any other address?

6 A Roughly five, six years.

7 Q All right. And is it also fair to say that the people
8 who he hung out with, you would know the people he hung out
9 with.

10 A Not everybody.

11 Q Not everybody. Okay. So let's go back now to the
12 early morning hours of September 21st or sometime later on
13 in the day when you did see Mr. Stevens. Okay? You did
14 drive Mr. Stevens to Charleston, correct?

15 A I did.

16 Q And as you were driving Mr. Stevens to Charleston you
17 indicated that you were driving in a rental car. What had
18 happened prior to September the 20th, your other automobile,
19 what had happened to that other automobile?

20 A It was in a accident.

21 Q And had you planned to get a rental car prior to this
22 incident happening?

23 A Yes.

24 Q But, in fact, you did not get the rental car until
25 after the shooting at the club, correct?

TANYA HENDERSON - CROSS

1 A Yes.

2 Q And you drove Mr. Stevens to Charleston, you left Mr.
3 Stevens in Charleston. And you and Mr. Stevens did have
4 conversations in the car going to Charleston, correct?

5 A Yes.

6 Q And you did know that the police was -- at least on
7 Facebook there was some chatter initially that the police
8 was looking for Mr. Stevens, correct?

9 A Facebook.

10 Q All right. So I'm talking about in your conversation
11 with Mr. Stevens you did know that the police was looking
12 for Mr. Stevens, correct?

13 A Yes.

14 Q All right. And so, again, we know you're nervous to be
15 here today but it's important. All right? So you knew that
16 the police was looking for Mr. Stevens, you took him to
17 Charleston, you left him in Charleston and you returned back
18 to Lancaster.

19 A Yes.

20 Q All right. And from the time you returned back to
21 Lancaster until you see Mr. Stevens sitting in court today,
22 have you physically seen him in person to include at the
23 jail? Have you gone to the jail to see him?

24 A Yes.

25 Q Prior to the pandemic.

TANYA HENDERSON - CROSS

1 A Yes.

2 Q I guess since covid no one has seen anybody at the
3 jail, correct? All right. So prior to covid you have seen
4 him at the jail. But while he -- and so eventually, I'll go
5 ahead and tell you, Mr. Stevens eventually was caught down
6 in Florida. Did you take him to Florida?

7 A No.

8 Q All right. Did you go visit him in Florida?

9 A No.

10 Q Certainly I think it's fair to say, though, you
11 probably had conversations with him while he was in Florida,
12 correct, or wherever he was.

13 A Right.

14 Q Via telephone?

15 A Right.

16 Q Via Facebook, via messenger, via Tiktok, via every
17 social media app there is you guys were in constant contact
18 with each other, correct?

19 A Yes.

20 MR. BELTON: All right. Thank you, Ms. Henderson.

21 THE COURT: Mr. Sheldon?

22 MR. SHELDON: Your Honor, may it please the Court?

23 THE COURT: Yeah.

24 CROSS EXAMINATION

25

TANYA HENDERSON - CROSS

1 BY MR. SHELDON:

2 Q Ms. Henderson, good afternoon, thank you for being
3 here. I want to begin by showing you some photos.

4 MR. SHELDON: If I could have 133 to 138 again. Judge,
5 I'm going to approach, I'm sorry I didn't --

6 THE COURT: No, that's fine.

7 Q I'm going to show you what has been marked as State's
8 133 to 138 and I will slide those through there. Can you
9 take a look at those? Do you recognize that vehicle?

10 A Yes.

11 Q What vehicle is that?

12 A That's my vehicle.

13 Q That Volkswagen?

14 A Yes.

15 Q Is that the one that you had -- that's not the one that
16 was in an accident or anything, right? That's the
17 Volkswagen that we were just talking about, isn't it?

18 A Yes.

19 Q Did you ever tell law enforcement that they couldn't
20 swab anything on that vehicle or anything?

21 A No.

22 Q Did you go run to the club prior to going to Charleston
23 and go wipe that thing down and go wipe those cups down or
24 anything?

25 A No.

TANYA HENDERSON - CROSS

1 Q To the best of your knowledge, was that -- did you ever
2 see that vehicle between the time that it left your driveway
3 and got to Old Skool Club and the time that you went to
4 Charleston?

5 A No.

6 Q Okay. So that vehicle that is your vehicle sat in the
7 parking lot at Old Skool; is that right?

8 A Yes.

9 Q I want to ask you another question. You were asked by
10 Mr. Belton, I think, whether or not you know Antonio
11 Champion and you indicated you don't know who he is; is that
12 right?

13 A No.

14 Q And you have lived with Mr. Stevens I believe you said
15 for four years and had dated eight or nine years; is that
16 right?

17 A Yes.

18 Q And y'all -- and this is not four years today
19 obviously, but we're talking about four years from 2019
20 previous, right?

21 A Yes.

22 Q And in that time period you didn't -- Mr. Champion just
23 wasn't around, is that right? At least when you were there.

24 A Can you repeat that?

25 Q Mr. Champion wasn't around you --

TANYA HENDERSON - CROSS

1 A No.

2 Q -- in the span of those four years or anything.

3 A No.

4 Q Let me get those photos back. And did Mr. Stevens --
5 did y'all hang out together outside of your house? Like did
6 you guys go out and eat dinner, go to parties and things
7 like that?

8 A Yes.

9 Q And would people ever come over to your house and hang
10 out?

11 A Sometimes, yes.

12 Q And yet you still don't know who Antonio Champion is,
13 right?

14 A No.

15 MR. SHELDON: Thank you, Your Honor. No more
16 questions.

17 THE COURT: Any redirect?

18 REDIRECT EXAMINATION

19 BY MS. MCGINNIS:

20 Q Ms. Henderson, you stated when Mr. Belton was asking
21 you questions you didn't know everyone that Breante hung
22 around with, right?

23 A No.

24 Q You didn't spend 24 hours a day with him, seven days a
25 week?

TANYA HENDERSON - REDIRECT/RE CROSS

1 A No.

2 Q So he could have had friends that you had no idea
3 about.

4 A Yes.

5 Q Okay. And tell, me why didn't you drive the Passat to
6 Charleston?

7 A It was at the crime scene.

8 Q Why didn't you go get it?

9 A I don't know.

10 Q But Mr. Stevens left your house driving that car the
11 evening of September 20th.

12 A Yes.

13 Q Did not come back in it.

14 A No.

15 Q And as far as you know it was left at the crime scene
16 but y'all chose not to go back and get that vehicle.

17 A Yes.

18 Q And you told Mr. Belton, I believe, that you had seen
19 Facebook chatter and y'all knew that the police were looking
20 for Mr. Stevens.

21 A By Facebook, yeah.

22 Q But you had knowledge of that.

23 A Yes.

24 MS. MCGINNIS: Nothing further.

25 RE CROSS EXAMINATION

TANYA HENDERSON - REDIRECT/RECROSS

1 BY MR. BELTON:

2 Q And one last question, Ms. Henderson. You are frankly
3 involved in all of this because you were in love with
4 Mr. Stevens, correct?

5 A Yes.

6 MR. SHELDON: May it please the Court?

7 RECROSS EXAMINATION

8 BY MR. SHELDON:

9 Q Ms. Henderson, you were just asked by Ms. McGinnis that
10 you didn't know all of his friends. Did you know a guy that
11 goes by the name of Too Cool?

12 A Yes.

13 Q And when -- would he hang out with Breante a lot?

14 A Yes.

15 Q Did you see -- do you know who Breante left to go to
16 the club with? Did he just left the house or were people
17 over there?

18 A He left by himself.

19 Q Say that --

20 A He was by himself.

21 Q Okay. But you do know Too Cool he would hang out with
22 him.

23 A Yes.

24 MR. SHELDON: Thank you. No more questions.

25 THE COURT: All right. Thank you, ma'am, you can step

CHRIS KOSTREZCHA - DIRECT

1 down. State can call its next witness.

2 MS. MCGINNIS: State would call Investigator Chris
3 Kostrezcha. Judge, we ask that Ms. Henderson be excused
4 from her subpoena.

5 MR. BELTON: No objection.

6 MR. SHELDON: No objection.

7 THE COURT: All right. Thank you, ma'am, you're free
8 to leave.

9 The witness, CHRIS KOSTREZCHA, was first duly sworn
10 And testified as follows:

11 THE COURT: Sir, you can take your mask off. Thank
12 you. Madam Solicitor?

13 DIRECT EXAMINATION

14 BY MS. MCGINNIS:

15 Q Good afternoon, Deputy. Can you state your name for
16 the record?

17 A Christopher Kostrezcha.

18 Q Can you spell Kostrezcha for Mr. Court Reporter here?

19 A Sure. It's K-o-s-t-r-z-e-c-h-a.

20 Q And where are you employed?

21 A Broward County Sheriff's Office in Florida.

22 Q In Florida? What city is that? What's the major city?

23 A The major city in Broward County is Fort Lauderdale.

24 Q Fort Lauderdale. How long have you been employed down
25 there?

CHRIS KOSTREZCHA - DIRECT

1 A Twenty-four and a half years with the department.

2 Q With the sheriff's office?

3 A Yes, ma'am.

4 Q And over that time period, have you been employed in
5 several different capacities down there?

6 A Yes.

7 Q Can you just kind of walk me through a little bit what
8 you've done with the Broward County Sheriff's Office?

9 A Sure. Previously I was assigned to the jail, I worked
10 in the jail for three years. Transferred to road patrol and
11 worked on road patrol for several years. Became a field
12 training officer, a property crimes detective, street crimes
13 detective and member of the SWAT team for 17 or so years.
14 Dive Team since 2005, I'm still currently doing that. And
15 presently I was assigned to the Fugitive Unit which was made
16 up of our full-time SWAT element. We were also Task Force
17 Officers with the U.S. Marshals Service. After that
18 assigned to the Bomb Squad where -- that's where presently I
19 am now.

20 Q And back in September of 2019, were you on that
21 Fugitive Unit?

22 A Yes, ma'am.

23 Q And what were your duties on that Fugitive Unit?

24 A The main job for us was to apprehend violent criminals
25 that had warrants --

CHRIS KOSTREZCHA - DIRECT

1 MR. BELTON: Objection, Your Honor.

2 THE COURT: Objection overruled.

3 MR. BELTON: Your Honor, may we approach?

4 THE COURT: Yeah.

5 (A bench conference was held.)

6 THE COURT: The Court sustains the objection. Ladies
7 and gentlemen of the jury, disregard the comment the officer
8 made alleging a violent criminal. Okay? Just disregard
9 that. All right. Go ahead.

10 Q Officer, when you're arresting people, are these based
11 on arrest warrants?

12 A Yes. Everybody that is apprehended or we go after has
13 an active arrest warrant for various crimes.

14 Q And these are crimes they're accused of but have not
15 been convicted of.

16 A Correct.

17 Q Okay. And particularly I want to turn your attention
18 to September 29th of 2019. Did you become involved in the
19 apprehension of Mr. Breante Stevens?

20 A Yes.

21 Q And just briefly, how does your agency, and
22 specifically your unit, become aware that your assistance is
23 needed?

24 A We received a collateral lead from here in South
25 Carolina in regards to the defendant who had active warrants

CHRIS KOSTREZCHA - DIRECT

1 for his arrest and his last known whereabouts were within
2 our county. The case was assigned to a detective that's the
3 case agent, and then we all went out to assist him in
4 apprehending the defendant.

5 Q Okay. Are you given the last known location of that
6 particular individual?

7 A Yes. We were given intelligence on the defendant. We
8 had received pictures of what he looked like and his last
9 known whereabouts according to the information received from
10 here.

11 Q Okay. When you received that information, what did
12 your unit do?

13 A We responded to the location and set up surveillance on
14 the structure, which was an apartment building in a series
15 of apartment buildings. It's a two story structure. And we
16 sat so that we could see the doors of that apartment
17 building, both top and bottom floors.

18 Q And then you said you were given a photo of what Mr.
19 Stevens looked like?

20 A Yes.

21 Q And did you conduct surveillance on that location?

22 A Yes. The entire unit conducted surveillance on that
23 location, and the defendant eventually stepped outside of
24 the apartment building.

25 Q And you recognized him based on the photograph?

CHRIS KOSTREZCHA - DIRECT

1 A Yes. I did not see him, other detectives saw him and
2 called. They had what we with call the eye, somebody was
3 watching the doors of the apartment. He identified the
4 defendant as he stepped outside and then let us know that he
5 was stepping outside and was standing on the second floor
6 balcony.

7 Q Okay. What did y'all do then?

8 A The plan was that we were going to apprehend him from
9 both stairwells. He was somewhere in the middle of the
10 apartment building on the second floor and we had team
11 approach from both stairwells so that he didn't have any
12 place to go, or he could have jumped off the second floor
13 and we were prepared for that as well.

14 Q But in this case he did not jump.

15 A No, he did not. As we approached we called out to him
16 to get on the ground, which he did, he got down on the
17 ground, put his hands behind his back, and then I physically
18 placed him in handcuffs.

19 Q Okay. What did you do with Mr. Stevens once he was
20 placed in handcuffs?

21 A Once he was secured we checked to make sure he didn't
22 have any weapons on him or anything, walked him downstairs
23 to the parking lot where we were doing surveillance, sat him
24 on the back of the tailgate of the pickup truck, which is
25 one of our unmarked cars, and we stood by waiting for a

CHRIS KOSTREZCHA - DIRECT

1 transport unit to respond to the location so that he would
2 be taken to jail.

3 Q Okay. Did he identify himself as Breante Stevens?

4 A Yes.

5 Q And at this time did y'all wear department issued body
6 worn cameras when you were on the job?

7 A Yes. In this particular instance we were wearing body
8 cameras.

9 MS. MCGINNIS: May I approach the witness, Your Honor?

10 THE COURT: Yes.

11 Q I'm going to hand you what has been marked as State's
12 Exhibit 252 for identification. Were you able to review
13 this video earlier this morning?

14 A Yes.

15 Q And what does that disc contain?

16 A The disc contains the video of my body camera from that
17 incident that occurred on that day.

18 Q And that would be September 29th of 2019?

19 A Yes, ma'am.

20 Q Does it fairly and accurately depict what -- the events
21 that happened that day?

22 A Yes.

23 MS. MCGINNIS: Judge, at this time we would move
24 State's 252 into evidence.

25 MR. BELTON: Objection subject to the pretrial ruling.

CHRIS KOSTREZCHA - DIRECT

1 THE COURT: Yeah. Objection noted, objection
2 overruled.

3 (State's 252 was received.)

4 MR. BELTON: Your Honor, may Ms. McGinnis and I
5 approach quickly?

6 THE COURT: Yeah.

7 MR. SHELDON: I guess and Mr. Sheldon?

8 THE COURT: Yeah.

9 (A bench conference was held.)

10 THE COURT: Permission to publish granted.

11 MS. MCGINNIS: Thank you, Your Honor.

12 MR. SHELDON: I have no objection to it coming in
13 either, Judge, just in case anybody was wondering.

14 THE COURT: All right. Thank you.

15 MS. MCGINNIS: Beg the Court's indulgence for just a
16 moment while I get it set up.

17 THE COURT: Yeah.

18 (Break in proceedings.)

19 (At this time the body cam was played.)

20 Q Deputy, to the best of your knowledge, was Mr. Stevens
21 returned to South Carolina after y'all apprehended him that
22 day?

23 A Yes.

24 MS. MCGINNIS: Thank you. I don't have anything
25 further. If you'll answer anything Mr. Belton has.

CHRIS KOSTREZCHA - CROSS

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

2 CROSS EXAMINATION

3 BY MR. BELTON:

4 Q Deputy, you've had -- beyond what we just saw here in
5 the last 24 minutes, you had no other involvement in this
6 case, correct?

7 A Correct.

8 Q All right. And your video is accurate here. I think
9 the date of arrest in Florida was September the 29th, 2019?

10 A Yes.

11 Q And so that's roughly a week after the incident
12 happened, correct?

13 A Sure.

14 Q All right. Not some long period of time, is it?

15 A No.

16 Q All right. And as we saw here on the video Mr. Stevens
17 was very compliant and sat there until you were able to take
18 him wherever you took him, correct? Or whomever took him
19 wherever they took him.

20 A Yes.

21 Q No problems with him whatsoever.

22 A No.

23 Q Just wanted to make sure he wasn't killed by the
24 officers there, right?

25 A That's right.

CHRIS KOSTREZCHA - CROSS

1 MR. BELTON: All right. Thank you. No further
2 questions.

3 THE COURT: Mr. Sheldon?

4 MR. SHELDON: Very briefly.

5 CROSS EXAMINATION

6 BY MR. SHELDON:

7 Q Deputy, thank you for being here this afternoon. That
8 was quite the video of that takedown. I just have a couple
9 of questions for you. Tell me what -- where did you arrest
10 Antonio Champion that day?

11 A I'm sorry, say again?

12 Q Where did you arrest Antonio Champion that day?

13 A We didn't arrest Antonio Champion.

14 Q Been on the Dive Team for 17 years, you didn't have to
15 go diving for him or anything like that down there in
16 Florida, did you?

17 A I'm not understanding your question.

18 Q Did you arrest Antonio Champion in Florida?

19 A I said no.

20 MR. SHELDON: No questions, Judge.

21 THE COURT: All right. Anything else?

22 MS. MCGINNIS: No, Judge. We ask that the deputy be
23 released from his subpoena.

24 THE COURT: All right. Thank you, sir, you are free to
25 leave.

CHRIS KOSTREZCHA - CROSS

1 THE WITNESS: Yes, sir, thank you.

2 THE COURT: Have a safe flight back.

3 THE WITNESS: Thank you.

4 THE COURT: All right. Let's take a briefly recess,
5 ladies and gentlemen. Don't talk about the case.

6 (The jury left the courtroom.)

7 THE COURT: Anything before we break?

8 MS. MCGINNIS: No, sir Your Honor.

9 THE COURT: Okay.

10 (A break was taken.)

11 (The jury return to the courtroom.)

12 THE COURT: Thank you, ladies and gentlemen. The State
13 can call its next witness.

14 MR. NEWMAN: Thank you, Your Honor. State calls
15 Lieutenant Chris Johnson.

16 The witness, CHRISTOPHER JOHNSON, was first duly sworn

17 And testified as follows:

18 DIRECT EXAMINATION

19 BY MR. NEWMAN:

20 Q Good afternoon, Lieutenant.

21 A Yes, sir.

22 Q Can you state your name for the record?

23 A Christopher Johnson.

24 Q Where are you employed, Mr. Johnson?

25 A South Carolina State Law Enforcement Division.

CHRISTOPHER JOHNSON - DIRECT

1 Q And how long have you been with SLED?

2 A 18 years.

3 Q What do you do there?

4 A I am currently one of the supervisors over our Fugitive
5 Team.

6 Q How long have you been in that position?

7 A I have been in that position right at ten years.

8 Q Okay. What does that entail, being supervisor of the
9 Fugitive Team? What do you do?

10 A So we receive requests from various agencies; local,
11 state, federal, to assist in apprehending individuals who
12 have warrants for their arrest that are believed inside the
13 state of South Carolina.

14 Q Okay. Now, did you receive a request in September of
15 2019 to assist Lancaster County Sheriff's Office in finding
16 Breante Stevens?

17 A Yes, sir, I did.

18 Q And do you remember what date that was?

19 A That was on the 21st of September around 11:30 that
20 morning.

21 Q Now, can you kind of walk me through and tell me what
22 you did from your standpoint as part of the Fugitive Team,
23 what efforts you made to locate Mr. Stevens?

24 A Yes, sir. So the initial request they indicated that
25 they felt like he had fled the area and provided me with

CHRISTOPHER JOHNSON - DIRECT

1 a -- we had talked about his social media usage. And so
2 they had acquired a search warrant for his Facebook account
3 and forwarded that to me. I in turn served it to Facebook,
4 and then based off their return of records, you know, we
5 were able to identify a telephone number that was listed as
6 well as various IP addresses that were used to access the
7 account.

8 Q And how quickly do you get those results from Facebook?

9 A Because of the circumstances behind the case we asked
10 that they expedite the request, and so I received the
11 results back around 3:35 on the 21st as well.

12 Q The same day?

13 A Yes, sir.

14 Q Okay. So you got Facebook info, you get a phone
15 number, and where do you go from there?

16 A So we looked at the phone number, we looked at the IP
17 address. Verizon was able to confirm that that IP address
18 came back to the same telephone number that was listed. And
19 so at that point we done an exigent request to Verizon for
20 the call detail records for that telephone number to look at
21 not only who they talked to but what towers they may be
22 accessing when they make those phone calls.

23 Q And what did you find?

24 A We found that it looked like that phone had not had any
25 usage on it since the night of the 21st, or night of the

CHRISTOPHER JOHNSON - DIRECT

1 20th, 21st morning, there had been no activity on it. And
2 so at that point we held on to those records and started
3 looking at some other avenues, one of those being that we, I
4 think, had one of the other fugitive guys in the field had
5 talked with the girlfriend and had interviewed her who
6 provided a separate number that was an 843 number. We
7 pulled those phone records as well, and that phone -- we
8 received that number on the 25th of September, and it quit
9 being used on the 25th of September. Not only that, she
10 changed her telephone number and that phone began -- or quit
11 being used on the 25th. At that point we went back to the
12 original telephone number that we had and run what was
13 called a top calls list. And so what we do is we look at
14 who they talked to the most off of that telephone number.
15 We have a program called PenLink that will sort it and count
16 every one of those transactions and it tells me, you know,
17 they talked with this person 100 times, they talked with
18 this person 90 times, they talked with this person 80 and so
19 on and so on. Once we realized that Mr. Stevens was dumping
20 telephones and they were changing numbers, we figured we
21 could look at the top call numbers and done search warrants
22 on those phones and got just their usage information, not
23 necessarily worried about where they're located but just who
24 they're talking to. And so what you end up doing is you
25 take the phone records that you get back on those top call

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1 numbers and you look for a new number that shows up. And so
2 if say for this one, it was the 2241 number, when that
3 number stops being used on the 25th and a new number shows
4 up on all of those other phone records, that typically is
5 going to be your bad guy's new phone number. And so from
6 that point we obtained a search warrant for the new number
7 and we received that number -- or received the legal process
8 for that one on the 28th at 2:54 p.m., and when we got it
9 back that phone was showing in Florida. We started looking
10 at who they were talking to, looked at some text message
11 content that came in from Verizon, and some of the content
12 indicated that it very well may be associated with the crime
13 that was being investigated. And we flipped one of the
14 telephone numbers, or ran one of the telephone numbers
15 through some open source databases on the internet, came
16 back with an apartment address in Broward County, Florida,
17 which matched up to what we were seeing with the cell phone
18 towers that the phone was using at the time. And so I
19 reached out to a Sergeant William Cunning with Broward
20 County Sheriff's Office and talked the case over with him,
21 told him what we had, what we had done up to point and sent
22 him a copy of the BOLO on Mr. Stevens as well as a copy of
23 the CDR records. And then they picked the case up from
24 there and started working the fugitive aspect locally at
25 their level. And I was contacted on the 29th at 1:50 p.m.

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1 and advised that they had Mr. Stevens in custody at that
2 apartment complex.

3 Q Okay. Now, let's go back. You said you gave them a
4 copy of the BOLO. What is a BOLO?

5 A The be-on-the-lookout. So it was basically a PDF
6 version of some pictures and all of Mr. Stevens' pertinent
7 information; pictures of him, his name, date of birth, some
8 very concentrated details of the crime, what had occurred,
9 why he was being sought, the violent nature behind the
10 shootings, that type thing. That was all forwarded to him
11 so they knew who they were looking for. My understanding
12 while they were conducting surveillance they were able to
13 locate him.

14 Q And you were not there in Florida so you don't know
15 what went on down there.

16 A No, sir.

17 Q Now, you mentioned you had to receive legal process on
18 those phone numbers. What is that?

19 A It's -- so it varies between search warrants and some
20 court orders. Some of the stuff that we did in the very
21 beginnings were based off of exigent circumstances, because
22 there were some ongoing violence that was occurring in
23 relation to the shootings. And so for that reason we felt
24 like there was a need, you know, to kind of move a little
25 bit swifter in locating them. But as that time kind of

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1 waned on that exigency kind of levels off, and at that point
2 we couldn't swear that there was an immediate threat
3 anymore. So at that point we start obtaining search
4 warrants or court orders.

5 Q If there's no immediate threat you've got to get a
6 search warrant on each number that --

7 A Right. If we can't swear that there's an immediate
8 threat to life or death then we have to have a search
9 warrant, some type of legal process to get these records.

10 Q Okay. Now, talk about this -- you're just checking
11 phone numbers and see where it registered to, correct? Just
12 basically this Broward County apartment.

13 A Right. So, again, we looked at the telephone numbers
14 for this telephone number. There was an 803 number, but at
15 the same time, which is a South Carolina area code, but we
16 started looking at where it was located, which was in
17 Florida. We started looking at Florida telephone numbers
18 that were being called, and that's the ones that we sought
19 at first to try and identify and that's how we found that
20 apartment address.

21 Q But you don't have like a computer screen, GPS in your
22 office that can ding where each phone is and things like
23 that.

24 A No, sir. I wish we did.

25 Q Just a lot of work on your end digging up information

CHRISTOPHER JOHNSON - CROSS

1 on each phone.

2 A Yes, sir. You just have to get used to looking at
3 those patterns on phone records and looking for, you know,
4 that new number that pops up that shows the change with the
5 dates and when the other numbers stopped being used, that
6 type thing.

7 Q Yes, sir.

8 MR. NEWMAN: Beg the Court's indulgence.

9 (Break in proceedings.)

10 MR. NEWMAN: Lieutenant, that's all I have. Please
11 answer anything that the defense may have.

12 THE COURT: Mr. Belton?

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

15 THE COURT: Yes, sir.

16 CROSS EXAMINATION

17 BY MR. BELTON:

18 Q Lieutenant, you indicated when you first started kind
19 of looking for Mr. Stevens that you started with an 843
20 number?

21 A I started with a 803 --

22 Q And you don't have to read the entire number.

23 A Okay. It was a 289 number initially. And then we were
24 provided an 843 number that was supposedly -- it was told to
25 me that it was confirmed by the girlfriend that that number

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1 was the one that they were talking to Mr. Stevens on, so we
2 obtained records on them.

3 Q But is it fair to say from the -- when you got involved
4 in this case until a week later, or eight days later when
5 Mr. Stevens is apprehended in Florida there were several
6 different numbers that you were tracking or associating with
7 Mr. Stevens.

8 A That's right, yes, sir.

9 Q All right. And is it fair to say you had no other
10 involvement in this case other than helping law enforcement
11 track down Mr. Stevens' numbers and where he may be located?

12 A Yes, sir. My only involvement was apprehending him.

13 Q Okay. Were you one of the officers that drove back
14 from Florida or was it just Lancaster County?

15 A No, sir.

16 Q All right. The exigent circumstances that you talked
17 about, and we don't have to go into any details about those,
18 but you had no evidence or no information at that time that
19 Mr. Stevens was involved in any of that, correct?

20 A We had no idea. We were just told that there were some
21 ongoing violence that was associated due to the shooting
22 that occurred at the Old Skool and that --

23 Q But at this point you're tracking Mr. Stevens, correct?

24 A Yes, sir.

25 Q And at this point we know Mr. Stevens is not in

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1 Lancaster at this point?

2 A I did not, no, sir. I did not know that -- I didn't
3 know that until he was apprehended. We did not feel like he
4 was there on the 25th when I got phone records back from the
5 2241 number and it had been down in Charleston, South
6 Carolina for several days.

7 Q Okay. Then at some point when Mr. Solicitor asked you
8 about a tracking you said that you had a hit in Florida,
9 correct?

10 A Right. That was when we developed the new number on
11 the 28th.

12 Q Okay. So at some point we know we've got Mr. Stevens
13 moving from Lancaster to Charleston and then to Florida, at
14 least what you think may be Mr. Stevens.

15 A Right.

16 MR. BELTON: All right. No further questions. Thank
17 you, Your Honor.

18 THE COURT: Mr. Sheldon?

19 MR. SHELDON: Thank you, Your Honor. May it please the
20 Court?

21 CROSS EXAMINATION

22 BY MR. SHELDON:

23 Q Lieutenant, so just help me understand this a little
24 better. So basically you had -- you started with Mr.
25 Stevens' Lancaster number; is that right?

CHRISTOPHER JOHNSON - CROSS

1 A I started with his Facebook account.

2 Q Okay. But eventually got his Lancaster phone number.

3 A Yes, sir.

4 Q And that phone was making calls to specific numbers
5 with some frequency; is that right?

6 A Yes, sir.

7 Q And then when he gets to Charleston, I think you said,
8 then he's no longer making calls on that phone, he switches
9 to a different phone.

10 A He stopped using that phone the night of the incident.
11 I didn't have a new number for him until we were actually a
12 day behind it. By the time I obtained the 2241 number it
13 had already been dumped as well.

14 Q And then but that -- but when you got that information
15 you're looking for frequent phone numbers from one phone
16 record to the other; is that right?

17 A That's correct, yes, sir.

18 Q And kind of go that way, and you just -- so you're
19 essentially following essentially not necessarily him but
20 you're following the phone number making a consistent call;
21 is that right?

22 A Right. I'm following the records that are consistent
23 with what was identified as his number and following those
24 patterns on out, which in my experience would lead back to
25 our suspect.

CHRISTOPHER JOHNSON - CROSS

1 Q And you're going with -- and you're looking --
2 specifically when you're doing these search warrants, is it
3 right, that you're looking -- or when you're asking for
4 exigent circumstances, whatever it may be, the top five most
5 frequent called numbers.

6 A I am not asking the phone companies for that. I am
7 asking for simply for their call detail record on those
8 numbers. We utilize software through a company known as
9 PinLink that he will sort these records in various different
10 formats to provide the reports that I'm looking for.

11 Q But when you're requesting those records the basis for
12 that request is based off of a specific number being one of
13 the top five called numbers.

14 A On the search warrants that I did for the top call
15 numbers that were on his list, yes, that was the basis for
16 requesting those records.

17 Q And who were those people?

18 A Honestly I don't have them all identified. We just
19 know that they were -- if we identified them as top call
20 numbers then based off of our experience then those numbers
21 are important to him regardless of who they are. If you're
22 talking to somebody 100 times versus the other folks on your
23 list that you only talk to once, they are not as important.
24 And so we don't necessarily worry about who they are but how
25 important it appears on the phone records that they are to

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1 the person that we're looking for.

2 Q So you didn't identify any of the people that he was
3 talking to?

4 A I think we had some of them identified just because we
5 knew the girlfriend, and I think one may have been his
6 father. But like I say, we weren't interested who they were
7 so much at the time as we were locating Mr. Stevens.

8 Q When you talk about the text messages, were you getting
9 the content of the text messages or simply the actual
10 numbers?

11 A No. We could get the actual content from Verizon on a
12 handful of dates. They don't keep them very long.

13 Q And then -- they don't keep them long at all, do they?

14 A No, sir.

15 Q Maybe how long would you say?

16 A Five days.

17 Q Okay. So you -- but you were able to get the content
18 coming in as best as possible as long as it's in that five
19 days.

20 A That's right, yes, sir.

21 Q And so you had access to all of that content at the
22 time that you were doing this.

23 A Yes, sir.

24 Q Okay. And you still have access to that content today.

25 A We have them --

CHRISTOPHER JOHNSON - CROSS

1 Q From in the past, right?

2 A Yes, sir, that were obtained that day.

3 MR. SHELDON: Yeah. Appreciate it. Thank you. No
4 more questions.

5 THE COURT: Any redirect?

6 MR. NEWMAN: Nothing further. Ask that Mr. Johnson be
7 released from his subpoena.

8 THE COURT: All right. Thank you, sir, you can step
9 down, you're free to leave. All right. The State can call
10 its next witness.

11 MS. CAMPBELL: Your Honor, if we could do our last
12 virtual witness.

13 THE COURT: Yep. I've just started my virtual
14 courtroom so if you could let the witness know. Ladies and
15 gentlemen, the next State's witness by consent is appearing,
16 again, virtually just like we did yesterday on my virtual
17 courtroom. It's just as if the witness is appearing live in
18 court, and don't draw any inference into the witness not
19 actually being here, because virtual court is the same as
20 real court, it's just some witnesses aren't able to be here
21 for various reasons.

22 (Break in proceedings.)

23 THE COURT: What I'm going to do is I'm going to swear
24 in the witness real quick and then I will hand it over to
25 the Solicitor, and we'll use his volume so as not to have

CHRISTINE ROGERS - DIRECT

1 any feedback. All right. The State can call its witness.

2 MS. CAMPBELL: The State will call Lieutenant Rogers.

3 (Break in proceedings.)

4 The witness, CHRISTINE ROGERS, was first duly sworn

5 And testified as follows (via Webex):

6 DIRECT EXAMINATION

7 BY MS. CAMPBELL:

8 Q Good afternoon, Lieutenant. Where are you employed?

9 A I'm employed at the Lancaster County Sheriff's Office.

10 Q And what does your dues include there?

11 A I supervise the Crime Scene and Evidence Unit.

12 Q And how long have you been working in the crime scene
13 area and in law enforcement?

14 A In law enforcement all together it's over 24 years. I
15 have worked in crime scene since 2001, and then full-time
16 with the Crime Scene and Evidence Unit since October of
17 2009, I believe.

18 Q And as a crime scene investigator, can you tell the
19 jury a little bit about your training and your education in
20 that area?

21 A Yes, ma'am. Well, I have a Bachelors of Arts Degree
22 with a Chemistry focus. And then beyond that on the job
23 training in more specifically related to Forensic Science.
24 I attended the National Forensic Academy in Tennessee, I
25 graduated from there in 2011, and have attended many, many

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1 other courses that are related to the field.

2 Q And during the course of being the supervisor over this
3 unit as well as working in this unit, do you regularly
4 attend trainings to keep yourself up to date?

5 A Yes, ma'am, we do.

6 Q And have you been qualified before as an expert in
7 crime scene investigation?

8 A Yes, ma'am.

9 MS. CAMPBELL: Your Honor, at this time we would just
10 offer her as an expert in crime scene investigation.

11 THE COURT: All right. Any further voir dire on
12 qualifications?

13 MR. BELTON: No, Your Honor.

14 THE COURT: All right. She's qualified as an expert.
15 Thank you.

16 Q Lieutenant, I want to turn your attention back to the
17 early morning hours of September the 21st of 2019. Did you
18 receive a call in reference to this case that morning?

19 A I did. Investigator Jeff Steele notified me of the
20 call that he was already at the Old Skool Club.

21 Q And approximately what time was it when you were
22 contacted?

23 A I received the call at 4:16 that morning.

24 Q Once you got that call, was anyone already out at the
25 crime scene where you got that call?

CHRISTINE ROGERS - DIRECT

1 A Investigator Steele was already there, and before my
2 arrival Investigator Taylor had also responded to assist.

3 Q What did you do once you finished that call?

4 A I got ready and went on to the club and met with
5 Investigator Steele briefly and got briefed, and when I
6 learned that we would need to pursue three different search
7 warrants to cover the area that we would need to search I
8 responded to our office and met with Investigator Taylor.

9 Q And what three different areas were you required to
10 search that morning?

11 A We were going to search, of course, the club, the
12 parking lot, and the area there, and then adjacent property
13 that I was told was used for overflow parking. And then the
14 third location would be the old restaurant, which is now
15 Adela's, which would be across Old Charlotte Road from the
16 club.

17 Q And were you able to obtain, or was someone in your
18 department able to obtain search warrants that morning?

19 A Yes, ma'am. Investigator Taylor actually obtained the
20 warrants.

21 Q And he would have obtained those from a local judge or
22 magistrate?

23 A That is correct.

24 Q And once he obtained those warrants, did he bring them
25 back to the scene?

CHRISTINE ROGERS - DIRECT

1 A Yes. We then responded to the scene and met with
2 Investigator Taylor and other units there.

3 Q And prior to entering any of these areas to do your
4 search, did you execute these search warrants, or attempt
5 to?

6 A Yes, ma'am, I did. One in particular for Old Skool I
7 executed by reading it allowed to the McGriffs, the owners
8 of the property. And for the other two search warrants
9 there was no one on scene to execute by reading them allowed
10 to, so we just used the same execution time for all three.

11 Q And you followed up with trying to execute those later
12 on after all of this happened.

13 A Yes, ma'am. We did try to contact the owners.

14 Q When you got back and had read the search warrants to
15 the owners of the club, what did you do then?

16 A I talked briefly with Captain Miller to get some
17 understanding of what may need to be done first in our
18 search, and he informed me that as soon as we could he would
19 like for us to get a purse that was inside the club that was
20 the property of Ms. McGriff. And then, of course, we were
21 concerned about the two victims that were still on scene,
22 the deceased victims.

23 Q And where were the two deceased victims located?

24 A One was located outside the club pretty near the main
25 entry doors to the club in the parking lot, and then the

CHRISTINE ROGERS - DIRECT

1 other victim was still inside the club.

2 Q So just walking this jury through it, can you tell us
3 what you did there at the scene as far as your involvement?

4 Just briefly.

5 A Well, briefly, just as we were discussing just now the
6 kind of priorities to start off with, we decided to first
7 try to document the position of victim Harris, who was
8 outside the club. We took photographs and measurements, and
9 that would allow the coroner's office to then retrieve the
10 body.

11 Q So you started with Mr. Harris, who was on the
12 exterior?

13 A Yes, ma'am.

14 Q And when you're basically documenting location and
15 areas, do you establish what's called reference points?

16 A We do. We use reference points, which are pretty much
17 two fixed points at the scene that we can use to measure
18 from to kind of denote the location of evidence items, or in
19 this case the victim.

20 Q Okay. I want to show you what's been marked as State's
21 Exhibit 195. Is that a photograph that includes the
22 reference points you used involving measurements involving
23 Mr. Harris?

24 A That is correct. Those are the reference points used.

25 Q And I'm going to show you an actual chart of those

CHRISTINE ROGERS - DIRECT

1 measurements. Is this the chart you created? Or can you
2 see it?

3 A I'm having a hard time seeing it..

4 THE COURT: Hold it all the way up to the camera, which
5 is on top of the -- yeah, there you go.

6 A Yes, ma'am. That does look like the chart that we
7 used.

8 MS. CAMPBELL: Your Honor, at this time we would offer
9 State's Exhibits 195 and 200 into evidence.

10 MR. BELTON: Without objection.

11 MR. SHELDON: Without objection.

12 THE COURT: Without objection admitted into evidence.

13 (State's 195 and 200 were received.)

14 Q And again, when you're there at the scene you're just
15 trying to document everything you can, because you don't
16 know what's going to be important or not maybe later on.

17 A Well, yes, ma'am.

18 Q Once you had documented -- and the
19 photographs Investigator Steele has already testified, so
20 they were photographs also taken there of Mr. Harris as
21 well, right?

22 A Yes, ma'am.

23 Q And those have already been entered into evidence, but
24 you were there when those were being taken.

25 A Yes, ma'am, I was.

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1 Q Once you had finished documenting everything, part of
2 the reason you want to go to the bodies first is so that the
3 coroner's office can come in and remove them?

4 A Yes, ma'am.

5 Q Once you had finished with Mr. Harris where did you go?

6 A We went inside the club and we were able to get to the
7 area where -- well, first of all Investigator Steele and
8 Investigator Taylor entered before me and took some general
9 photographs, and I believe Investigator Steele did a video
10 of the scene, so before I ever entered that was done. And
11 then as soon as I could I made my way to the bar area to
12 secure Ms. McGriff's purse.

13 Q And once you secured the purse did you find anything
14 inside the purse?

15 A Yes, ma'am. We did find a Derringer gun inside the
16 purse that we secured, we took into evidence for the time,
17 and I explained to Ms. McGriff our need to hold on to that
18 for the time being.

19 Q And when we're referring to Ms. McGriff, she's one of
20 the owners of the club?

21 A Yes, ma'am.

22 Q Okay. Did you use reference points inside -- once you
23 had gotten that, did you then move on to Mr. Colvin?

24 A Yes, ma'am, we did.

25 Q And did you use reference points inside the club as far

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1 as Mr. Colvin was involved?

2 A We did.

3 Q And where were those reference points? And I'm going
4 to get to a chart with another witness.

5 A Sure. Reference point one was identified as the
6 northwest corner of the main club floor, and this would be a
7 partial wall that includes bench seating. And then
8 reference point two was a corner to the right to the stage
9 area, and it was a corner that involved a partial wall that
10 separates the stage area from what we identified as a DJ's
11 area.

12 Q As the DJ's area?

13 A Yes, ma'am.

14 Q And did you document some measurements as far as where
15 Mr. Colvin's body was related to those two reference points?

16 A We did. We documented Mr. Colvin's location as well as
17 a few evidence items that were in the same area that we
18 identified as things that we would have to remove before the
19 coroner's office came inside to remove the body.

20 Q And I'm going to show you what's been marked as State's
21 Exhibit Number 199. Is this the chart that was generated?

22 A Yes, ma'am. That does appear to be the chart.

23 MS. CAMPBELL: Your Honor, at this time we would offer
24 State's Exhibit 199, which they've reviewed.

25 THE COURT: Without objection admitted into evidence.

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1 (State's 199 was received.)

2 Q And I believe in State's Exhibit 199 you made some
3 measurements like from the center of Mr. Colvin's
4 forehead -- forehead, excuse me, from his left and right
5 hand and from the top of his foot?

6 A Yes, ma'am, the top of the right foot.

7 Q And was there also an item at Evidence Marker Number 5
8 that you measured as well?

9 A What was at Evidence Marker 5 was identified as a
10 projectile.

11 Q And tell this jury, what's a projectile? When we're
12 talking about ballistics, what is a projectile?

13 A A lot of times you call that the bullet, or what is
14 expelled from the end of the barrel after the gun is fired.

15 Q And how it references in this case to cartridge casings
16 or shell casings, what part of the bullet is that?

17 A For the whole cartridge it is only the part that is
18 ejected from a semiautomatic pistol after it's fired. So
19 it's what was holding the rest of the bullet together before
20 it was fired.

21 Q Kind of wrapping around the bullet, would that be fair
22 to say?

23 A Yes, ma'am.

24 Q And in this case a projectile -- it was a projectile at
25 Evidence Marker 5. And when you use the term projectile,

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1 are you always going to get the entire bullet that's
2 expelled from the end of the gun?

3 A We usually -- if we get what we think is the entire or
4 most of it we call it a projectile. If it is just pieces,
5 if it's fragmented then we usually refer to that as bullet
6 fragments.

7 Q And did you also find a 9-millimeter cartridge at
8 Evidence Marker 6 that you documented?

9 A Yes, ma'am, we did.

10 Q And when you say a 9-millimeter cartridge, what are you
11 saying? Is that a -- is there a difference between a fired
12 bullet or cartridge and a unfired?

13 A When we say cartridge we're talking about the whole
14 piece of ammunition. This is something that has not been
15 fired by a gun.

16 Q Thank you. And then finally at Marker Number 23, what
17 was that item?

18 A We also identified that as a projectile.

19 Q And then the last item, I believe, is number -- Marker
20 Number 24, which was a deformed bullet with copper jacking?

21 A Yes, ma'am.

22 Q And that would be consistent with some type of
23 projectile?

24 A That's correct.

25 Q And when we're talking about these markers, explain to

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1 the jury, when y'all first come in do you do anything to
2 document the evidence before you put the markers down?

3 A Yes, ma'am. We'll always take a series of photographs
4 without the markers in place before we add anything to the
5 scene, and then we put those markers in place to help to
6 view or visualize exactly where those evidence markers are
7 in relation to other things at the scene.

8 Q Okay. So those would have been placed there by you or
9 one of the people you were working with.

10 A Yes, ma'am, by one of the CSI's.

11 Q While you were inside, did you collect certain items of
12 evidence?

13 A Yes, ma'am, I did. I assisted in collecting evidence
14 items that were around victim Colvin's body before the
15 coroner's office came in.

16 MS. CAMPBELL: Beg the Court's indulgence. Sorry.

17 THE COURT: All right.

18 (Break in proceedings.)

19 Q And is it fair to say that basically different people
20 collect evidence as you're going along?

21 A Yes, ma'am.

22 Q I want to talk about first --

23 THE COURT: Do you mind taking your mask off?

24 MS. CAMPBELL: Sorry.

25 THE COURT: Thank you.

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1 Q State's Exhibit 20 -- I think that's a 4. It's a
2 projectile at evidence marker item, that was one of the
3 items that we just referred to?

4 A Yes, ma'am.

5 Q And then the projectile at Evidence Marker Number 24,
6 which is State's Exhibit 203 was one of the items you
7 collected?

8 A Yes, ma'am.

9 Q And then finally a 9-millimeter cartridge or unfired
10 bullet that you collected from Evidence Marker 5?

11 A That was Evidence Marker 6, yes, ma'am.

12 Q Excuse me, 6. And that's going to be evidence
13 marker -- State's 206. And those were all items you
14 collected so that the body could be moved.

15 A I missed the last part of the question.

16 Q Those were items you collected so the body could be
17 moved by the coroner's office?

18 A Yes, ma'am, that's correct.

19 MS. CAMPBELL: Your Honor, at this time we offer these
20 into evidence?

21 MR. BELTON: Without objection, Your Honor.

22 THE COURT: All right, without objection --

23 MR. SHELDON: Judge, I don't have an objection, but if
24 I could see State's 206. I just -- that's one that I just
25 wanted to look at.

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1 (Break in proceedings.)

2 MR. SHELDON: Without objection, Your Honor.

3 THE COURT: All right, admitted.

4 (State's 203, 204 and 206 were received.)

5 MS. CAMPBELL: Sorry, Your Honor.

6 THE COURT: You're fine.

7 Q In addition, while you were in the club, did you also
8 collect a number of cell phones that were around the club?

9 A Yes, ma'am. Later on when we returned to the club from
10 dealing with some evidence items that were outside.

11 Q Okay. And that would include Markers 31, 30, and 29
12 were all items that you recovered inside? And that's going
13 to be State's Exhibits 223, 222 and 221.

14 A Yes, ma'am. I collected two phones from Evidence
15 Markers 30 and 31.

16 MS. CAMPBELL: Your Honor, at this time we would offer
17 them into evidence.

18 MR. BELTON: Without objection, Your Honor.

19 THE COURT: All right. Admitted without objection.

20 (State's 221-223 were received.)

21 Q And later on when you went back in did you also collect
22 a white towel with what appears to be a blood stain on it?

23 A I did that was from Marker 32.

24 Q I'm sorry, I didn't mean to speak over you. From
25 Marker Number 32?

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1 A Yes, ma'am.

2 MS. CAMPBELL: Your Honor, that's State's Exhibit 224.

3 I believe without objection, Your Honor.

4 THE COURT: All right. Admitted without objection.

5 (State's 224 was received.)

6 Q And I kind of skipped around a little on you, I'm
7 sorry. Lieutenant, did you end up doing a lot of the
8 documenting and processing outside in the other areas that
9 we mentioned earlier?

10 A Yes, ma'am. Investigator Jeff Steele and I went out to
11 deal with a number of things that were located as potential
12 evidence items.

13 Q And on the -- is this the northwest -- on one corner of
14 building on the front, did you find some items that you did
15 measurements on?

16 A Yes, ma'am, it was the northwest corner. Not very far
17 away from the corner, which would have been the kind of the
18 front of the building facing Old Charlotte Road there were
19 three .40 caliber cartridge casings located there.

20 Q And did you use measurements on those as well as some
21 other items using reference points three and four, or excuse
22 me, C and D?

23 A Yes, ma'am, we did.

24 Q And I'm going to show you State's Exhibit Number 196.
25 Is this -- is this the reference points that you're

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1 referring to that you document?

2 A Yes, ma'am.

3 Q Ad then I'm going to show you State's Exhibit Number
4 201. Were those measurements of various cartridge casings
5 you found outside?

6 A Yes, ma'am.

7 MS. CAMPBELL: Your Honor, I would offer at this point
8 State's Exhibit 196 and 201.

9 MR. BELTON: No objection.

10 MR. SHELDON: No objection, Your Honor.

11 THE COURT: Admitted without objection.

12 (State's 196 and 201 were received.)

13 Q And just to be sure, you were doing measurements for
14 three .40 caliber cartridge casings that you found at
15 Evidence Markers 33, 34, and 40?

16 A Yes, ma'am.

17 Q And again, where were those located?

18 A They were close to the -- I think it's the northwest
19 corner of the structure Old Skool.

20 Q And again, those were photographed. You and
21 Investigator Steele photographed those, which are already in
22 evidence?

23 A Yes, ma'am, they were.

24 Q And then finally Evidence Markers 35, 36, 37, and 38.
25 Where were those located?

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1 A They were across Old Charlotte Road from the Old Skool
2 property, so it would have been what is now Adela's in the
3 parking lot there, kind of closer to Charlotte Highway.

4 Q And finally I want to show you State's Exhibit Number
5 197. Do you recognize that?

6 A Yes, ma'am. That's the restaurant that we're referring
7 to.

8 Q That's now Adela's that was a Steakhouse or something I
9 think back then.

10 A At one time, yes, ma'am.

11 MS. CAMPBELL: Your Honor, at this time I would offer
12 State's Exhibit 197.

13 THE COURT: All right. Admitted without objection.

14 (State's 197 was received.)

15 Q And the final reference points I'm going to talk about.
16 And in State's Exhibit 197, you actually found several shell
17 casings there as well?

18 A Those reference points were used to measure the
19 location of a single cartridge casing that was found at the
20 restaurant.

21 Q Okay. And then finally, State's Exhibit Number 198.
22 Do you recognize those?

23 A Yes, ma'am, I do.

24 Q And what is this?

25 A That's a picture showing the location of a single 9

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1 millimeter cartridge casing that was located in the roadway,
2 and that would be Old Charlotte Road.

3 MS. CAMPBELL: Your Honor, at this time we would offer
4 State's Exhibit 198.

5 MR. BELTON: Without objection.

6 MR. SHELDON: No objection.

7 THE COURT: Introduced into evidence.

8 (State's 198 was received.)

9 Q Did you collect certain types of the evidence that we
10 were discussing outside, did you collect some of those items
11 as well?

12 A Yes, ma'am.

13 MS. CAMPBELL: Beg the Court's indulgence.

14 (Break in proceedings.)

15 Q Was one of the items that you collected a white cell
16 phone?

17 A Yes, ma'am.

18 Q And where did you collect that from outside?

19 A This was a field that would be located to the south of
20 the Old Skool Bar. We were told that it was used for
21 overflow parking.

22 MS. CAMPBELL: Your Honor, at this time we would offer
23 State's Exhibit 216.

24 MR. BELTON: No objection, Your Honor.

25 MR. SHELDON: No objection.

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1 THE COURT: Admitted.

2 (State's 216 was received.)

3 Q Did you also in that same field at Marker Number 41
4 find several items?

5 A Yes, ma'am.

6 Q And did that include a white shirt with what appeared
7 to be blood on it?

8 A Yes, ma'am, it did.

9 MS. CAMPBELL: Your Honor, at this time we would offer
10 State's Exhibit 217 into evidence.

11 MR. BELTON: Without objection.

12 MR. SHELDON: Without objection.

13 THE COURT: Admitted.

14 (State's 217 was received.)

15 Q Also in the exterior of the club, were there several
16 vehicles that had been left there when y'all got there?

17 A Yes, ma'am.

18 Q And on top of one of those vehicles, did you find a
19 Samsung cell phone?

20 A Yes, ma'am.

21 Q And did you collect that?

22 A I believe so. Yes, ma'am, I did.

23 MS. CAMPBELL: And that, Your Honor, would be State's
24 Exhibit 228.

25 THE COURT: She couldn't hear you. Repeat it.

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1 MS. CAMPBELL: Your Honor, we would offer State's
2 Exhibit Number 228.

3 THE COURT: All right. Any objection?

4 MR. BELTON: No objection.

5 MR. SHELDON: No objection.

6 THE COURT: All right. Admitted.

7 (State's 228 was received.)

8 MS. CAMPBELL: And on the record we would offer the
9 projectiles she indicated she collected earlier. Those
10 would be items 204, 205, 214, 215, 212 in this first batch,
11 Your Honor.

12 MR. BELTON: Without objection, Your Honor.

13 THE COURT: Admitted without objection.

14 (State's 204, 205, 212, 214 and 215 were received.)

15 MS. CAMPBELL: And then we would offer 267, 268, 216,
16 211 and 212. Your Honor, if I may.

17 MR. BELTON: Without objection, Your Honor.

18 MR. SHELDON: No objection, Judge.

19 THE COURT: Admitted.

20 (State's 267, 268, 216, 211 were received.)

21 Q Once you had made certain measurements outside,
22 Lieutenant, did you go back inside and make some more
23 measurements as well?

24 A We went back inside to assist Investigator Taylor, yes,
25 ma'am.

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1 Q And did you then document some measurements from those
2 same reference points you referred to earlier and make a
3 chart of those as far as measurements?

4 A Some of those measurements were collected by
5 Investigator Taylor, but I assisted in making the chart,
6 yes, ma'am.

7 Q I'm going to show you what's been marked as 264. Do
8 you recognize that?

9 A Yes, ma'am.

10 Q And then State's Exhibit 255. Do you recognize that?

11 A Yes, ma'am.

12 Q And do these document some of the ballistics evidence
13 in this case?

14 A Yes, ma'am.

15 MS. CAMPBELL: Your Honor, at this time we would offer
16 these into evidence.

17 MR. BELTON: No objection, Your Honor.

18 MR. SHELDON: No objection.

19 THE COURT: Admitted.

20 (State's 255 and 264 were received.)

21 Q Finally -- well, not finally. Lieutenant, did you also
22 take a photograph of the scene and kind of document what
23 type of cartridge casings or shell casings were recovered
24 from the -- near the stage area?

25 A Yes, ma'am, I did.

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1 Q And I want to show you this item. Do you recognize it?

2 A I do, yes, ma'am.

3 Q And is this one of the photographs from the interior of
4 the crime scene?

5 A It is. It's a photograph that I have added that the
6 markers as far as describing with the casings what caliber
7 and what manufacturer head stamp was on each.

8 Q So this -- you created this document?

9 A I -- yes, ma'am. I used the picture to create that,
10 that's correct.

11 MS. CAMPBELL: Your Honor, at this time we offer
12 State's Exhibit 253.

13 MR. BELTON: No objection.

14 THE COURT: Admitted without objection.

15 (State's 253 was received.)

16 MS. CAMPBELL: Your Honor, if I might publish these?

17 MR. BELTON: What number is that, Madam Solicitor?

18 MS. CAMPBELL: 253.

19 MR. BELTON: 253.

20 Q In this document, Lieutenant, did you document the
21 caliber of the shell casings that you found in these and
22 kind of -- and that's the part you added in on this
23 photograph?

24 A Do you mind showing me that again to make sure I'm
25 talking about the same thing? Yes, ma'am. All I did was

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1 add text and lines to show what each marker was, which
2 casing was collected.

3 Q What the caliber casing that was collected?

4 A The caliber, yes, ma'am, and what was on the head
5 stamp.

6 Q Okay. Thank you.

7 MS. CAMPBELL: Your Honor, permission to publish.

8 THE COURT: Permission granted. Y'all remember, keep
9 paying attention.

10 Q Lieutenant, I want to talk a little bit on these shell
11 casings that you collected. Did you process them for DNA?

12 A I didn't process any of the casings that were collected
13 from the scenes for print or DNA, no, ma'am.

14 Q And why is that, ma'am?

15 A Just from knowledge that it's very unlikely that we can
16 get a good fingerprint or usable DNA from the casings that
17 are fired from a fired gun.

18 Q And in order for someone to leave a fingerprint on
19 something, this surface, does it have to have a certain --
20 tell the jury -- like if I go up and touch something, am I
21 necessarily going to leave a fingerprint?

22 A No, ma'am, not necessarily, not something that we could
23 see later on.

24 Q And in your experience, are you able to get
25 fingerprints off shell casings?

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1 A I have never been able to successfully get them off of
2 any evidence casings, no, ma'am.

3 Q Okay. Lieutenant, in your expertise as a crime scene
4 investigator you documented where all of these shell casings
5 were. Tell the jury generally, when someone fires a
6 weapon -- let me start with this. What's the difference
7 between a semiautomatic and a revolver?

8 A A semiautomatic is just the way that it actions. A
9 revolver, all of the cartridges are loaded into the cylinder
10 at one time, and then the cylinder revolves when it's fired
11 to load or put another cartridge under the hammer. In a
12 semiautomatic typically there's a magazine or some other
13 type of mechanism and the gun will load a new cartridge
14 after every time it's fired, and, of course, the casing is
15 expelled.

16 Q So in a semiautomatic the casings is expelled. And
17 generally in a semiautomatic handgun, how does the casing
18 come out of the chamber as it's being fired?

19 A Of course, there's a lot of things that can affect
20 that, but in my experience shooting on the range most often
21 they come out to the right and a lot of times slightly back.

22 Q To the right and slightly back typically?

23 A Yes, ma'am.

24 Q And again, can you say with any certainty where a shell
25 casing is going to end up?

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1 A No, ma'am.

2 Q But if you go to a crime scene and see a crime scene
3 where there's just a single shell casing that may not give
4 you a lot of information?

5 A It may not.

6 Q But if you see groupings of shell casings, what can
7 that possibly, unless somebody has tampered with them and
8 put them on the same area, show you?

9 A It can give us a piece of information. It can
10 certainly tell us about potentially where the shooter was
11 standing, an area.

12 Q And the more shells casings you find potentially the
13 more information that may give you.

14 A Yes, ma'am, I would say that's fair.

15 Q And in this case I believe there were 16 total shell
16 casings inside that you found?

17 A Yes, ma'am.

18 Q And how many different caliber shell casings did you
19 find?

20 A There were three different caliber.

21 Q And what were those calibers, ma'am?

22 A 45's, 9's and 380's.

23 Q Are you able to, when you go to a crime scene,
24 necessarily account for every projectile that may go with
25 that shell casing? Can you find them all?

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- 1 A No, ma'am, not necessarily.
- 2 Q And what are some of the reasons for that, Lieutenant?
- 3 A A lot of times the bullets will fragment when they
- 4 strike surfaces, they become deflected, of course, when they
- 5 hit a target. They can also -- if there's a lot of traffic
- 6 they can be carried away in footwear in the tread. I mean,
- 7 there's a lot of things that could account for us not being
- 8 able to account for every single projectile that was fired.
- 9 Q A few just follow-up questions. In this club, did you
- 10 note what kind of flooring was in the main dance area or
- 11 upper area? I don't know what you call it.
- 12 A In the area where Mr. Colvin's body was you had a
- 13 raised stage, then you had a carpeted floor that was close
- 14 to where that bench seating was. And then there was I guess
- 15 what you would call a dance floor that was kind of a tiled
- 16 area that was separate.
- 17 Q That was separate kind of in the middle of all of that?
- 18 A Yes, ma'am, and against one wall.
- 19 Q You found the shell casings in and around that stage
- 20 area, is that correct, on the interior?
- 21 A Yes, ma'am. Most of them were right around the stage
- 22 area.
- 23 Q Did you find a number of projectiles in other areas?
- 24 A We found some, yes, ma'am.
- 25 Q And what areas did those include?

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1 A As we've already talked about there was some around Mr.
2 Colvin's body, and then we did end up finding some
3 projectiles and bullet fragments kind of on the other side
4 of a partial glass wall. This would have included the
5 hallway that led to the main doors and into the kind of
6 entryway of a pool room that was there in the club.

7 Q When y'all were doing your investigation that day and
8 documenting everything, did you look throughout that whole
9 inner building, that whole area we've been talking about as
10 far as trying to find what are called defects? And what is
11 a defect?

12 A Yes, ma'am. We were certainly looking for any area,
13 any surface that a projectile may have struck, so we call
14 those bullet defects.

15 Q And were those documented, the ones you were able to
16 find?

17 A Yes, ma'am, they were.

18 Q Specifically did you check the area behind the stage?

19 A Yes, ma'am. We checked all over that area.

20 Q And right behind the stage area, what is that? Is that
21 a wall? Or what is that behind the stage?

22 A Just behind the stage there is a window that had I
23 believe it was some blinds over it.

24 Q A window? And you checked it?

25 A Yes, ma'am.

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1 Q And did it have any apparent defects or ricochet marks
2 or anything of that sort?

3 A We didn't note any what we could identify as defects in
4 that area.

5 Q Did you also check the DJ booth that was next to the
6 stage?

7 A Yes, ma'am.

8 Q And were you able to find any defects, ricochet marks
9 or anything of that sort?

10 A No, ma'am, we did not.

11 Q And, in fact, in what area did you actually see where
12 the bullets went through the wall?

13 A We have located two defects and they were in the area
14 bench seating and in the partial glass wall.

15 Q And that would have been the glass wall -- if the stage
16 is right here, over here? The wall would have been --

17 A If you're facing the stage and facing behind the stage
18 it would be to your left.

19 Q To the left. The wall running down to the left.

20 A Yes, ma'am.

21 Q Later on did you return the search warrants to the
22 magistrate?

23 A I did.

24 Q And then at a later date did you also release Ms.

25 McGriff's gun back to her?

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1 A Yes, ma'am.

2 Q And what caliber was Ms. McGriff's gun?

3 A I believe it was a .38. Yes, ma'am. It was a .38
4 Special Barrier.

5 Q Was there any .38 caliber shell casings found at the
6 scene?

7 A No, ma'am, there were not.

8 MS. CAMPBELL: Thank you. I don't have anything
9 further.

10 THE COURT: All right. Mr. Belton?

11 MR. BELTON: Your Honor, we all agree we probably need
12 to take a break right now.

13 THE COURT: Okay. All right let me have the thing.
14 Madam Witness, we're going to take a brief recess. Don't
15 leave. I mean, you can do what you need to do but come
16 right back, don't close your computer.

17 THE WITNESS: Yes, sir.

18 THE COURT: Ladies and gentlemen, head on back to your
19 jury room. Don't talk about the case.

20 (The jury left the courtroom.)

21 (A break was taken.)

22 MR. BELTON: I want to make sure I can pull something
23 out of an evidence bag. She can't see through that so I can
24 pull it out and I can ask the witness about it, I'm assuming
25 that's okay. It is in evidence, I can use it. I just want

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1 to make sure we're all on the same page on that.

2 THE COURT: I mean, what are you wanting to do?

3 MR. BELTON: Well, I mean, how can -- she can't look at
4 something that's in a bag.

5 THE COURT: I understand.

6 MR. BELTON: I want to be able to pull a bullet out of
7 the bag.

8 THE COURT: But if like there's a firearm or something
9 in evidence, you know.

10 MR. BELTON: No. I'm not going to load the firearm and
11 make sure it shoots, Your Honor. But these -- all of these
12 little fragments that are in evidence, I just want to make
13 sure there's no dispute over that, so --

14 THE COURT: I mean, just make sure everybody sees you
15 doing it and, you know, not to mess up the integrity of the
16 evidence, which is something the jury can determine.

17 MR. BELTON: Right.

18 MS. CAMPBELL: We probably have extra gloves he can
19 wear while doing that.

20 THE COURT: Yeah. You've got to wear gloves when
21 you're doing stuff like that for retrial purposes in the
22 event, you know, that kind of issue.

23 MR. BELTON: Right.

24 THE COURT: For the record, I specifically order that
25 the defense be allowed to do that in preparation for their

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1 expert witness testimony.

2 MR. BELTON: Okay. The last thing, Judge, and this is
3 just again for record preservation, if she could just please
4 identify who's in the room or coming in and out of the room.
5 I just want to make sure we are aware of that.

6 THE COURT: All right. I will ask that. Lieutenant
7 Rogers, correct?

8 THE WITNESS: Yes.

9 THE COURT: Are you -- is there anybody in the room
10 with you?

11 THE WITNESS: No, sir. There's no one in the room with
12 me.

13 THE COURT: Okay. Thank you. If somebody comes in you
14 will let me know, correct?

15 THE WITNESS: Yes, sir. My evidence custodian has come
16 in a couple of times to ask me about a break, I think that
17 was something they were trying to figure out, if I needed a
18 break.

19 THE COURT: If you ever need to say anything like that
20 to me, do that.

21 THE WITNESS: Yes, sir.

22 THE COURT: Okay. All right. We're ready for the
23 jury? Yeah, bring them on down.

24 (The jury returned to the courtroom.)

25 THE COURT: All right. Mr. Belton?

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1 MR. BELTON: Thank you, Your Honor. May it please the
2 Court?

3 THE COURT: Yes, sir.

4 CROSS EXAMINATION

5 BY MR. BELTON:

6 Q Lieutenant Rogers, great to see you again.

7 A Yes, sir.

8 Q If you don't mind I'm going to put the recorder here,
9 I'm going to move you so I can stand up over here. Can you
10 see me fine?

11 A Yes, sir.

12 Q Can you hear me fine?

13 A I can.

14 Q All right. At any point if you can't hear me let me
15 know. Okay?

16 A Yes, sir.

17 Q Lieutenant Rogers, certainly, as I often say, I am
18 simply a lawyer, not a scientist so you're going to have to
19 help me walk through some of this. Okay? So I'm asking you
20 some questions, certainly not got-me questions, I want to
21 understand and the want the jury to understand. Okay?

22 A Yes, sir.

23 Q So when you got here to the scene you got on the scene
24 that night in the early morning hours after it happened.

25 What -- about what time did you arrive?

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1 A I arrived on the scene initially I believe at 4:54 a.m.

2 Q All right. How long were you on the scene?

3 A I wasn't on scene long initially before learning about
4 needing the three search warrants, and I left to go to our
5 office to help Investigator Taylor with the search warrants.

6 Q So it's fair to say that you're recognizing you needed
7 to process the scene, so you got the search warrants prior
8 to starting your investigative scientific forensic work; is
9 that correct?

10 A Yes, sir. We got the search warrants first.

11 Q And about what time did you arrive back at the scene?

12 A 7:18, about then.

13 Q Okay. And how long did you stay at the scene with
14 Investigator Taylor and others processing and collecting and
15 photographing and doing all of the work you were doing?

16 A It was many hours. I noted we left the scene at
17 2:53 in the afternoon.

18 Q Is it fair to say that you walked throughout the scene
19 kind of looking at things? Certainly I know your other
20 colleagues were taking pictures, but did you kind of survey
21 the interior and exterior of what now is a crime scene?

22 A Yes, sir.

23 Q Okay. As you're walking through the interior and
24 exterior, is it also fair to say that as a scientist you
25 want kind of after a crime -- are you having a hard time

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1 hearing me? I see you leaning in.

2 A Yes, sir. When you turn away I lose some of what
3 you're saying.

4 Q All right. I will try to stay closer, so throw your
5 hands up or something and give me sign because I want you to
6 hear me. Okay?

7 A Yes, sir.

8 Q Okay. All right. So is it fair to say as an expert in
9 crime scene analysis that you want a crime scene to stay in,
10 for lack of a better word, as much intact, or maintain the
11 integrity of that crime scene as much as possible?

12 A Yes, sir.

13 Q All right. And so is it also fair to say -- let's now
14 turn our attention to September 21st. As part of keeping a
15 crime scene intact it's important as much as possible for it
16 not to be contaminated by things that are not connected with
17 the crime; is that correct?

18 A Yes, sir, it is.

19 Q All right. And there are different ways that things
20 can be contaminated, correct?

21 A Yes, sir.

22 Q I think when Madam Solicitor was asking you questions
23 you said one of those ways is people can carry things away
24 on the bottom of their shoes certainly; is that correct?

25 A Yes, sir, it is.

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1 Q And certainly we're not -- I'm not inferring that
2 anyone did anything malicious in these questions, but the
3 reality of it is innocent people can end up disturbing the
4 crime scene, correct?

5 A Yes, sir.

6 Q People who are in mourning when someone is there
7 deceased that disturbs a crime scene, correct?

8 A Yes, sir.

9 Q People who are walking through looking for cell phones,
10 that disturbs a crime scene.

11 A Yes, sir.

12 Q People who are allowed to stay inside the club and get
13 bottles of water for people and other things, that disturbs
14 a crime scene, correct?

15 A Yes, sir, it could.

16 Q People allowing others to come in to use the restroom
17 or for whatever other reason, those things can disturb the
18 crime scene.

19 A Yes, sir.

20 Q And as a crime scene expert, when you get to a crime
21 scene it's extremely important that you're trying to
22 document what's there, because later you're going to test,
23 correct, or try to test and get what you can?

24 A Yes, sir. We will collect evidence that may be sent
25 off for analysis.

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1 Q All right. And some of the evidence that you test for
2 in cases like this would be the ballistics, right?

3 A Yes, sir. We would send those to SLED.

4 Q All right. And I think Mr. Sheldon, it was mentioned
5 earlier -- and SLED, that's the South Carolina Law
6 Enforcement Division, correct?

7 A Yes, sir.

8 Q And Lancaster sends things to SLED because you don't
9 have an in-house processing center, correct?

10 A Yes, sir. We don't have a laboratory.

11 Q Okay. All right. And so you're trying to collect
12 things that may or may not be associated with the crime in
13 question. And in this case we're talking about the shooting
14 at Old Skool.

15 A Yes, sir.

16 Q All right. And some of the -- and at this point when
17 you're there the day investigating the crime certainly a
18 suspect had been developed, but you were a long way from
19 solving the crime at that point, right?

20 A Yes, sir.

21 Q When you're there you're simply there as -- certainly
22 you're law enforcement but you're a scientist as well,
23 right?

24 A Yes, sir.

25 Q And science requires integrity, right?

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1 A Yes, sir.

2 Q And science requires accuracy, right?

3 A Yes, sir.

4 Q And there's a science -- and there's a saying in the
5 science field: Good information in, good information out,
6 right.

7 A I'm not familiar with that, but --

8 Q Well, would you agree then when you get good
9 information in, you get good information out?

10 A Yes, sir.

11 Q Bad information in, you get bad information out to the
12 inverse of that, right?

13 A I'm not sure what bad information would be, but --

14 Q Okay. So -- fair enough. If you were to send
15 something -- and let's not talk about as a scientist, you
16 have been qualified as an expert in chemistry. If your test
17 tube gets contaminated, you're running that test, then it
18 could contaminate and you could get data back from that test
19 tube that's not accurate, right? Because it was
20 contaminated.

21 A Yes, sir.

22 Q All right. So bad information in, bad information out.

23 A All right.

24 Q Fair enough. So when you get to this crime scene --
25 excuse me, when you get to the crime scene that morning

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1 there were lots of pictures that were taken, and at some
2 point we'll talk about those. Did you take any of those
3 pictures?

4 A No, sir.

5 Q Okay. All right. So -- and you put down some markers
6 and Investigator Taylor put down some markers, correct?

7 A Yes, sir.

8 Q It's also true when you first arrived on the crime
9 scene your first priority was the gentleman who was deceased
10 outside, correct?

11 A Yes, sir.

12 Q You want to get that area marked and get him covered,
13 because you didn't want spectators and others to see the
14 deceased body outside, correct?

15 A Yes, sir. That was part of the concern.

16 Q All right. Absolutely. Absolutely. And so you
17 handled that. And then once you were done there you went
18 inside, correct?

19 A Yes, sir. After Investigator Taylor and Investigator
20 Steele enter.

21 Q And so the information that was submitted by your
22 department to SLED, have you seen the report that came back
23 from SLED?

24 A Which report?

25 Q The forensics report that came back where it identified

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1 the marker numbers that you all sent and the analysis that
2 was done, have you seen -- I know you didn't concoct the
3 analysis, but have you seen the report?

4 A Are you talking about the ballistics report from
5 firearms?

6 Q I'll get the official title for the report. The
7 official title is the South Carolina Law Enforcement
8 Division Forensic Services Laboratory Report Firearms
9 Department supplement dated September 27th of 2021. I know
10 you didn't produce it, I'm just asking have you seen it.

11 A Yes, sir.

12 Q All right. Have you had an opportunity to review it?

13 A I have.

14 Q Have you had an opportunity to cross reference it to
15 your notes?

16 A I didn't do that, no, sir.

17 Q All right. Thank you. All right. So you collected
18 some things and Investigator Taylor collected some things.
19 Lieutenant Rogers, so if you don't mind I'm going to -- let
20 me back up for a second. When you had an opportunity to
21 review the SLED report -- again, I recognize you didn't
22 generate that report. Okay? But when you had an
23 opportunity to review it, when you all collect items you
24 call them a marker, correct, marker number?

25 A Yes, ma'am. We identify them by the marker they were

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1 collected from.

2 Q But when SLED sends it back, SLED sends it back as an
3 item number, correct?

4 A Yes, sir, they do.

5 Q And the item number and the marker number can be -- in
6 this particular case the item number and the marker number
7 are different, correct?

8 A Yes, sir.

9 Q All right. Now, certainly I know you can't -- again, I
10 recognize you didn't do the report, but what I want you to
11 help me do is correspond your marker number to the item
12 number. Can you help me do that? Just the things that you
13 marked. Do you have the SLED report there with you?

14 A I do not.

15 Q All right. Do you have your marker number there with
16 you -- do you have your markers -- do you have the items
17 that you identified by marker number?

18 A The ones that I collected, yes, sir.

19 Q And that's all I'm asking you for, not for the things
20 that were collected by Investigator Taylor. Okay? Give me
21 one moment, I'll get a chart so you can help me chart this.
22 Okay? Is that okay?

23 A Yes, sir.

24 Q Obviously we haven't had a chance to practice this so I
25 recognize Zoom and other things, so if you can't see just

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1 let me know. Okay?

2 A Yes, sir.

3 Q Hopefully that will stay. Let me get my list here.

4 You have my list. So tell me your marker numbers that
5 you -- and so I got -- we don't have to worry about my left
6 column that says SLED number, we'll talk to SLED about that,
7 I just want you to help me fill in your marker numbers.

8 Okay? So tell me --

9 A Yes, sir. I can't see the chart. I see that it's
10 there but I don't see what's written on it.

11 Q Okay. I don't know how it make it better for you.

12 THE COURT: You're going to have to get up to the
13 camera.

14 Q We're going to figure it out. Okay?

15 A Yes, sir.

16 Q So we'll get through it, then we'll kind of going go
17 through it. At the end I will read the numbers off to it
18 just to make sure I am accurate. Okay?

19 A Yes, sir.

20 Q All right. So tell me your -- so tell me your first
21 marker number.

22 A The first on my list is Marker Number 5.

23 Q Marker Number 5. Okay. Let me find it on my list
24 because I have it by SLED items number. It may take us a
25 minute to get through this but it's important that we get

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- 1 through this. So you have Marker Number 5. What do you
2 have it listed as?
- 3 A I have projectile from club floor.
- 4 Q What's your next one? Maybe we can speed it up a
5 little bit.
- 6 A I have Number 23.
- 7 Q And what do you have that as?
- 8 A Projectile from club floor near victim Colvin.
- 9 Q What's your next one?
- 10 A Number 6.
- 11 Q And what do you have that one as?
- 12 A 9 millimeter cartridge.
- 13 Q Fired or unfired?
- 14 A That would be unfired.
- 15 Q Thank you. And where was that located?
- 16 A Near left side of victim Colvin.
- 17 Q Okay. Next number.
- 18 A Number 33.
- 19 Q 33. Which one is that?
- 20 A It would be a .40 caliber cartridge casing from parking
21 lot near northwest corner of business, or Old Skool.
- 22 Q All right. What's your next number?
- 23 A 34.
- 24 Q So that one was 36, right?
- 25 A No, sir. The one before was 33.

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1 Q So that was 33. And our next one -- what's our next
2 one?

3 A 34.

4 Q And what is that?

5 A And it's another .40 caliber cartridge casing from
6 ground near the northwest corner of Old Skool, or the
7 business.

8 Q All right. Your next number?

9 A 40.

10 Q What is that?

11 A That the third .40 caliber cartridge casing from ground
12 near northwest corner of the business.

13 Q The next number?

14 A 35.

15 Q Okay. What is that?

16 A 9 millimeter casing from the parking lot.

17 Q Did you specify what kind of 9 millimeter in your
18 report?

19 A In my report I have it listed as having the head stamp
20 of WMA, and then the numbers one and nine.

21 Q Okay. So 9 millimeter in the parking lot. All right.
22 And what's your next number?

23 A 36.

24 Q Just for the sake of expediency, did you have 35, 36,
25 37 and 38, and 42?

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- 1 A I'm looking for 42. I definitely have 35 through 39.
- 2 Q Okay. Well let's get 35 --
- 3 A And 42.
- 4 Q -- let's get 36. And 36. And what is 36 again? Are
- 5 all of these 9 millimeters from the parking lot, 35, 36, 37
- 6 be 38?
- 7 A Yes, sir.
- 8 Q All right. Let me get those down. And then we're
- 9 almost there. All right. So that's -- I've got here
- 10 through 38. What is your next one?
- 11 A 42. Oh, I'm sorry, 39.
- 12 Q 39. That one is out of order. So let me find that 39.
- 13 All right. What is 39?
- 14 A 39 is a 6.35 millimeter cartridge casing from the
- 15 restaurant parking lot.
- 16 Q What was 39 again?
- 17 A A 6.35 millimeter cartridge casing.
- 18 Q From the parking lot?
- 19 A From the restaurant parking lot, yes, sir.
- 20 Q The restaurant parking lot across the street.
- 21 A Yes, sir.
- 22 Q Okay. All right. Your next one, please.
- 23 A Number 42.
- 24 Q All right. And what's Number 42?
- 25 A A 9 millimeter cartridge casing from the roadway Old

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1 Charlotte Road.

2 Q 9 millimeter from roadway?

3 A Yes, sir.

4 Q Okay. All right. Your next number?

5 A Number 41.

6 Q And I know this is painstaking but it's important
7 because they come back different, right, from item number
8 and we need to understand this. So you say your next number
9 is what?

10 A Number 41.

11 Q 41. What is 41?

12 A It was used to mark the location of three different
13 items that were found in the field south of Old Skool.

14 Q All right. Let's only talk about the casings and the
15 bullets. Are these the -- are you finished with all of your
16 casings and bullets? Certainly I know you marked some other
17 things, but I want to just simply focus on the casings,
18 bullets, projectiles, anything associated with a firearm.

19 A I think there may be one more, I'm trying to make sure.

20 Q Okay. Take your time.

21 A Item 24.

22 Q Item 24. So tell me about Item 24.

23 A I believe that's the deformed bullet that we said that
24 had copper jacketing near the -- on the club floor near the
25 right knee of victim Colvin.

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1 Q Deformed bullet near the right knee of -- so -- all
2 right. Is that all that you collected?

3 A Yes, sir. I believe that's all that I collected as far
4 as the ballistics, casings or projectiles.

5 Q Okay. All right. Thank you. So Lieutenant Rogers --
6 we'll come back to that later. So Lieutenant Rogers, you
7 also collected another weapon there from the scene as well,
8 correct? Is that -- I think you were asked by the solicitor
9 did you collect another weapon there from the scene?

10 A Yes, sir.

11 Q And you identified that weapon, and you identified it
12 as a .38, correct?

13 A That's correct.

14 Q And that -- who did you identify that .38 as belonging
15 to?

16 A Lisa McGriff. It came from her purse, but she said the
17 gun actually belonged to her husband.

18 Q Okay. And so was Lisa McGriff or her husband tested
19 for GSR?

20 A Not by me, no, sir.

21 Q Okay. To your knowledge as one of the scientists and
22 experts there on the scene, to your knowledge did any of
23 your colleagues test Lisa or Joe McGriff for GSR?

24 A Not to my knowledge.

25 Q Certainly GSR means gunshot residue, right?

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1 A Yes, sir, it does.

2 Q And that's one of the ways that scientists can
3 determine whether or not someone has fired a firearm,
4 correct?

5 A That's a piece of information they could use, yes, sir.

6 Q And at that point when this weapon was seized -- and so
7 if I were to show you this weapon, would you remember what
8 this weapon looked like?

9 A I've seen a picture of it since then.

10 Q Okay. Well, I'm going to show you what I'm going to
11 mark as whatever number I am on. I'm going to show you what
12 has been marked as DS3. Are you able to see that?

13 A Yes, sir, I can.

14 Q All right. Is this a fair and accurate representation,
15 or do you remember this as the gun that you collected from
16 Lisa McGriff's purse?

17 A It looks like it, yes, sir.

18 Q All right. Is it a fair and accurate representation of
19 what you believe that gun to be?

20 A It does look like it, yes, sir.

21 Q All right.

22 MR. BELTON: Your Honor, I move to move DS 3 into
23 evidence.

24 THE COURT: Any objection?

25 MS. CAMPBELL: None.

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1 THE COURT: All right. Without objection introduced.

2 (DS 3 was received.)

3 MR. BELTON: I move to publish.

4 THE COURT: All right. Publish it -- granted, please.

5 Permission granted, excuse me.

6 MR. BELTON: Thank you.

7 BY MR. BELTON:

8 Q And, in fact, you collected that gun from Lisa McGriff
9 that night, correct?

10 A That gun was taken from the purse, yes, sir.

11 Q All right. On the scene where this had taken place.

12 A Yes, sir.

13 Q All right. And, in fact, it was released back to the
14 McGriffs on the 27th of September, correct?

15 A I'm sorry, I couldn't hear the question.

16 Q It was released back to the McGriffs on September 27th,
17 2019, correct?

18 A I know it was released, I don't have the exact date in
19 front of me.

20 Q Okay. But you don't disagree that it was released
21 within a week of this incident at Old Skool.

22 A Again, I don't recall the date. I know that it was
23 released back to them.

24 Q Okay. But would you also -- or would you agree then
25 that it certainly was never sent to SLED and tested?

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1 A To my knowledge it was not sent to SLED.

2 Q Okay. All right. The last thing that I'm going to ask
3 you, we talked about Marker Number 24. And please tell us,
4 again, what Marker Number 24 is that you collected at the
5 scene.

6 A Yes, sir. In my notes I have that 24 was a deformed
7 bullet with copper jacketing.

8 Q A deformed bullet. And it was found where?

9 A On the club floor near the right knee of victim Colvin.

10 Q Was that bullet sent to SLED?

11 A As far as I know it was.

12 Q Okay. So that bullet to your knowledge was sent to
13 SLED.

14 A As far as I know.

15 Q Okay.

16 A I would have to look back at the report.

17 Q But we can agree that in order to accurately -- in
18 order to accurately process a crime scene we collect these
19 projectiles and they need to go and be tested.

20 A Yes, sir.

21 Q Okay.

22 MR. BELTON: No further questions. Thank you,
23 Lieutenant.

24 THE WITNESS: Yes, sir.

25 MR. SHELDON: Thank you, Your Honor. May it please the

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1 Court?

2 THE COURT: All right. Mr. Sheldon? Mr. Sheldon is
3 now going to cross examine you. Thank you.

4 CROSS EXAMINATION

5 BY MR. SHELDON:

6 Q Investigator, can you hear me okay?

7 A Yes, sir, I can.

8 Q Perfect. Give me one second, I'm going to grab just a
9 couple of exhibits. Okay?

10 (Break in proceedings.)

11 Q Thank you, Investigator. I want to talk -- I'm going
12 to try to not double up too much on what Mr. Belton has
13 already talked about. So essentially the items that you
14 listed off with Mr. Belton, those are the items that you
15 personally collected; is that right?

16 A Yes, sir, that's correct.

17 Q And in that includes several cartridge casings from
18 outside of the club; is that right?

19 A Yes, sir.

20 Q And in there I believe there was a .40 caliber
21 cartridge -- there were couple of .40 calibers, a couple of
22 9 millimeters, a 6.35 millimeter and things like that.
23 There were several set of shell casings found in the club;
24 is that right?

25 A Yes, sir.

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1 Q Okay. Let's talk about what you found inside the club.
2 And first I want to make sure that I understand exactly
3 what's going on. So you indicated that in general a .380
4 shoots -- or the casings will be expelled from the firearm
5 right and rear; is that right?

6 A In my experience just from shooting, yes, sir.

7 Q What about 9 millimeters and .45's? Is it similar
8 trajectories, or no?

9 A I don't know of any differences --

10 Q So --

11 A In 9's and 40's.

12 Q In general they're going to -- bullets from those
13 handguns are going to -- I'm sorry, casings, shell casings
14 are going to project right and rear; is that right?

15 A In my experience, yes, sir.

16 Q But there's certainly times -- well, let me back up.
17 There are certainly instances where casings may not project
18 right and rear; is that right?

19 A Yes, sir.

20 Q And that depends on how we're holding the firearm,
21 doesn't it?

22 A It would depend on the firearm itself and how it's
23 held, absolutely.

24 Q So I am not a gun expert and certainly not a gun guy,
25 but is there a standard stance that you would consider sort

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1 of -- I don't know what the expert term for it is, but
2 essentially straight on pointed like this would be a
3 traditional firing position; is that right?

4 A It could be, yes, sir.

5 Q And that -- and if that could be something like along
6 these lines that's essentially -- when we're talking about
7 right rear, would you say that's the normal -- this would be
8 the normal -- what we're talking about is when the gun is
9 held this way.

10 A Yes, sir, when it's oriented that way.

11 Q What about when it's tilted sideways?

12 A It would certainly change how it would be ejected.

13 Q What about if -- is there a difference to how it would
14 be projected out of the weapon or expelled from the weapon
15 whether somebody is stationary or moving?

16 A If you changed the position of the shooter then, yes,
17 sir, it would change where the casing ended up being
18 ejected.

19 Q Okay. So when we say right rear, we're -- I mean, in
20 general that's just kind of the way it works, right? But
21 that depends on many other variables.

22 A Yes, sir.

23 Q And those variables are relatively important in
24 determining -- in terms of analyzing a crime scene, because
25 it can actually change trajectories, it could change paths

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1 and things like that, right?

2 A Yes, sir.

3 Q Okay. And, of course, you're coming in after the fact.
4 So when you're collecting the evidence you don't have any
5 way to know at that time how the gun was held or anything
6 along those lines that we just talked about, right?

7 A No, sir.

8 Q You can simply just tell where the shell casing is at
9 the time that you're picking it up off of the floor, or out
10 of whatever objects you're picking it up from. It doesn't
11 have to be a floor.

12 A I didn't understand the last part of the question.

13 Q I said picking it up off the floor, but essentially
14 collecting it from wherever it is, whether it's outside,
15 inside, floor, wherever it may be, right?

16 A Yes, sir.

17 Q And so -- and the casings that you found in this
18 particular instance are simply the casings that where they
19 existed at the time that you came by; is that right?

20 A That's correct.

21 Q Okay. And certainly other things that can essentially
22 change positions of casings are people moving them, right?

23 A Yes, sir.

24 Q Whether intentionally or inadvertently, right?

25 A Yes, sir.

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1 Q And in this particular case a lot of the casings, not
2 necessarily the ones that you collected, but you certainly
3 drew this wonderful diagram for us that -- and I don't know
4 what exhibit number it is, but it's essentially the one that
5 has all the different I think you said lines and types of
6 casings with the reference numbers; is that right?

7 A Yes, sir.

8 Q And in there they're all kind of -- all of the shell
9 casings that you found, at least the majority of them,
10 seemed to be gathered around what we would call a stage or a
11 platform; is that right?

12 A Yes, sir, most of them were.

13 Q And some were found on the stage, it looks like maybe
14 something was found under the stage, and right around the
15 stage; is that right?

16 A Yes, sir. One was found under the stage.

17 Q And, of course, if people had been walking through
18 there or people had been on the stage, people had been
19 sitting on the stage or touching the stage or moving things
20 from the stage that could have impacted the position of the
21 shell casings at the time that you found them.

22 A Yes, sir.

23 Q I want to talk about Item 24, which you just discussed.
24 So this is State's Exhibit Number 3. And I think this is a
25 deformed bullet; is that right?

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1 A That's what I have in my notes -- or the item collected
2 from Marker 24 is a deformed bullet with copper jacketing.

3 Q And you also have in your notes that that was sent to
4 SLED?

5 A That's the question that I believe Mr. Belton asked me
6 and I assumed that it was. I don't know without looking at
7 the report for sure if it was.

8 Q Which report?

9 A A SLED report.

10 Q Okay. So if it's not in SLED's report then it wasn't
11 sent? Or you don't know.

12 A It could have been sent and not been in their report if
13 they did not analyze it. I would have to see the complete
14 list of everything that was sent to SLED to know for sure.

15 Q Who would have sent it to SLED?

16 A My unit would have sent it to SLED.

17 Q Like who literally would have placed it in the mailbox
18 from your unit?

19 A Most of the time our evidence custodian, Ann Horton,
20 delivers evidence to SLED.

21 Q Okay. So essentially you collect it, it goes back to
22 the sheriff's department, it's sort of logged into evidence
23 at that time, and then a custodian of evidence sends it off
24 to SLED. Is that sort of how it works? And if it's not I
25 generally don't know, so --

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1 A Generally that's correct.

2 Q Okay. So -- well, we'll come back to Item 24 later.

3 I'm assuming that there's going to be people from SLED here

4 at some point. Let's talk about item number -- your Item

5 Number 6, which is Exhibit Number 206. But your Item Number

6 6, your Marker Number 6, what exactly is that?

7 A What was collected from Marker Number 6 I have listed

8 as a 9 millimeter cartridge.

9 Q And I see 9 millimeter cartridge from club near left
10 side of victim Colvin; is that right?

11 A Yes, sir.

12 Q How close to victim Colvin was that 9 millimeter
13 cartridge found?

14 A To my recollection it was very close. We have the
15 measurements of the body and also the measurements of where
16 the location of the item collected at Marker Number 6.

17 Q I mean, very close is a term -- something that sounds
18 like I would say. But certainly scientific scrutiny placed
19 on this, do we have exact measurements of how close? Very
20 close to me might mean something much different than what it
21 means to you or within the field of your expertise.

22 A Yes, sir. We have the measurements of where the victim
23 Colvin's body was and the measurements to that item.

24 Q And how close was that to victim Colvin's body?

25 A I'm looking at -- from reference point one -- just for

CHRISTINE ROGERS - CROSS

1 instance we have the center of Mr. Colvin's at nine foot-one
2 inches. And then from that same reference point to the
3 case -- or the cartridge rather, we have 11 -- I'm sorry,
4 10 feet even.

5 Q So is it fair to say that this is about 11 inches from
6 his head?

7 A Yes, sir.

8 Q And Mr. Colvin is lying -- obviously lying on the
9 ground flat where Marker 6 is with his left arm extended.
10 So it's essentially found 11 inches from his head below his
11 left arm; is that right?

12 A I would have to look at the picture, but I know it was
13 on his left side.

14 Q Okay. And all of that stuff is in evidence. But if I
15 told you that it was on his left side 11 inches from his
16 head, that would be somewhere around his arm anyways just
17 naturally, right?

18 A Yes, sir.

19 Q And there's only so many directions 11 inches can go.
20 And that, I believe you mentioned, is an unfired cartridge;
21 is that right?

22 A Yes, sir, it is.

23 Q What does that mean?

24 A It is what I described earlier as the whole piece of
25 ammunition, it's not gone -- I'm sorry, it's not been fired

CHRISTINE ROGERS - CROSS

1 through a gun. The casing is still there, the bullet is
2 still there, the primer, everything is still intact.

3 Q And so -- and you don't know -- so it's essentially
4 what you put in the gun before you shoot it; is that right?

5 A That's correct.

6 Q Okay. And you don't know how -- you don't know -- that
7 could have come from a pocket, but that also could have come
8 from the gun, right?

9 A Yes, sir. Unfired, but yes, sir, it could have come
10 from the gun.

11 Q Certainly. So we have -- I guess from start to finish
12 we have an unfired cartridge that goes in, and then at some
13 point that cartridge expels a projectile with what we're
14 calling projectiles, bullets or bullet fragments, and then
15 also it expels the cartridge, right? Or the casing.

16 A The casing.

17 Q Casing. I'm sorry.

18 MR. SHELDON: Judge, if I could publish -- I'm not
19 going to take it out of the bag right now, but publish
20 Number 206 to the jury, please.

21 THE COURT: They can pass around the pouch but you're
22 not taking it out, right?

23 MR. SHELDON: I'm not, just in the bag.

24 THE COURT: All right.

25 MR. SHELDON: And Judge, I'm just going it point out,

CHRISTINE ROGERS - CROSS

1 too, it kind of rattles around, but it's essentially right
2 here at this point.

3 THE COURT: Sure. All right. Y'all keeping listening,
4 though, while you're passing it around. Okay?

5 Q Investigator Rogers, I just sent that to the jury. I'm
6 going to show you Exhibit 203 just simply so you can explain
7 what that round circle is. Like why are those in each of
8 these?

9 A I can't read what's on the tin.

10 Q And I'm just asking you what the tin is. Like that's
11 obviously not the shell casings, right? I just -- why do we
12 have tins in those in general?

13 A I'm sorry, I couldn't hear the question.

14 Q I'm sorry. Why do we have tins in these evidence bags
15 in general?

16 A We use the tins to protect ballistic evidence for
17 analysis later on so we don't add anything or damage the
18 casings or the projectiles in anyway. It's just a way to
19 preserve it.

20 Q So we don't send the bullet to SLED in bags, we send
21 them in these tins; is that right?

22 A We typically use tins, yes, sir. We don't always but
23 we typically do.

24 Q And then at some point when they're being prepared for
25 trial or after SLED gets them, at some point when we get

CHRISTINE ROGERS - CROSS

1 them back we keep the tin in a bag, but then that way you
2 could see the actual fragment or bullet or things like that,
3 right?

4 A Yes, sir.

5 Q That's after it's been tested. It certainly goes down
6 secure in that tin, though, right?

7 A Yes, sir.

8 Q Now, I want to talk to you -- you said that you
9 don't -- that you didn't swab any of these casings for
10 fingerprints or things like that; is that right?

11 A We didn't process them for fingerprints or swab them
12 for DNA.

13 Q And the reason -- how hot are these cartridges coming
14 out of the -- being expelled from the chamber of a gun?

15 A I don't know the exact temperature, but I know from
16 experience that they're hot.

17 Q And when you have things that are hot -- I mean, is one
18 of the main reasons you think, and if you disagree or don't
19 know just let me know, that it's uncommon to find DNA on
20 things like this is because of essentially just the
21 temperature that it's being expelled at?

22 A Prints and DNA both are affected by friction and heat,
23 and that's something you'll certainly see happening when a
24 gun is fired and that casings is expelled.

25 Q What about the bullets and bullet fragments? Were

CHRISTINE ROGERS - CROSS

1 those tested for DNA?

2 A No, sir.

3 Q Why is that?

4 A That's just a decision that's made to send them to
5 ballistics for analysis.

6 Q So does -- but when you send the ballistics for
7 analysis, do they then test for the DNA and the
8 fingerprints? Or no.

9 A No, sir, firearms would not.

10 Q And this is, I guess, my question: So who made that
11 decision?

12 A It would be probably a combination between the
13 investigators and crime scene.

14 Q If you have -- and here -- I mean, I don't know what
15 else to say, but 16 casings inside, inside the club. You
16 agree that there were 16 different casings; is that right?

17 A Yes, sir.

18 Q That's a lot of shots, isn't it?

19 A It's a lot of casings, yes, sir.

20 Q And at the time that you got there, certainly you may
21 not have known the extent of the injuries to anyone, but
22 certainly you knew that people were injured, right?

23 A Yes, sir.

24 Q Those injuries essentially make it the crime scene that
25 it is to be processed, right? I mean, that's the reason why

CHRISTINE ROGERS - CROSS

1 y'all are there, isn't it?

2 A Yes, sir.

3 Q And so if you have -- if there's the potential that
4 several people have been shot, wouldn't some of those
5 fragments and bullets potentially have their DNA on it?

6 A It could, yes, sir.

7 Q And that is different than talking about shell casings,
8 right?

9 A Yes, sir, it is.

10 Q Because when we want to test a shell casing for DNA or
11 fingerprints we're really essentially saying we want to test
12 that casing for whoever put that casing in the gun, right?

13 A Yes, sir. That's what we would be looking for.

14 Q But when you're testing a bullet fragment or a bullet
15 for DNA you are really essentially testing for who that
16 bullet hit, right?

17 A Yes, sir, if you were looking at a projectile.

18 Q And knowing who a bullet hit, or if a bullet hit
19 anyone, would be important to determine which gun hit which
20 victim, wouldn't it?

21 A Yes, sir, I understand.

22 MR. SHELDON: Judge, I don't have anymore questions for
23 this witness. Thank you. Thank you so much for being here.

24 THE WITNESS: Yes, sir.

25 THE COURT: All right. Redirect?

CHRISTINE ROGERS - REDIRECT

1 MS. CAMPBELL: Just a couple.

2 REDIRECT EXAMINATION

3 BY MS. CAMPBELL:

4 Q He was asking you about the casings --

5 THE COURT: Hang on, she can't hear you.

6 MS. CAMPBELL: Sorry.

7 Q Hey, Lieutenant. He was asking you about the casings
8 outside, specifically referring to the .40 caliber casings
9 that were found at the corner of the Old Skool building
10 outside?

11 A Yes, sir. Yes, ma'am, sorry.

12 Q Did you notice anything in your report about the
13 condition of those bullets?

14 A Yes, ma'am. I noted that they looked like they could
15 be from a previous incident. Some of them looked weathered,
16 one looked tarnished, and then one we kind of had to get out
17 of the dirt a little bit and it had dirt inside of it, so I
18 made that notation.

19 Q But they appeared to be old and weathered.

20 A Yes, ma'am.

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

23 THE COURT: Any recross based on that redirect?

24 MR. BELTON: No, Your Honor.

25 MR. SHELDON: No, sir, Your Honor.

CHRISTINE ROGERS - REDIRECT/RE CROSS

1 THE COURT: All right. Thank you.

2 MR. BELTON: Well, I'm sorry, I do have one based on
3 the outside bullet.

4 THE COURT: All right.

5 RE CROSS EXAMINATION

6 BY MR. BELTON:

7 Q And Lieutenant Rogers, but you also found that 6.35
8 caliber bullet outside as well, right?

9 A 6.35 millimeter cartridge casings, yes, sir.

10 Q Is that a rifle or -- what type of gun is a 6.35?

11 A I think it's an equivalent of a .25 caliber, so that
12 would be a handgun.

13 Q A .25 caliber handgun.

14 A Yes, sir, I believe so.

15 MR. BELTON: Thank you, Lieutenant.

16 THE COURT: Mr. Sheldon?

17 MR. SHELDON: No, sir, Your Honor.

18 THE COURT: All right. Hang on. All right. Thank
19 you, Lieutenant, that concludes your testimony.

20 THE WITNESS: Yes, sir.

21 THE COURT: All right. I'm going to end the virtual
22 recording. Y'all good? Do you need a quick break before
23 they do another witness or just roll with another witness?
24 All right, keep it going. Call your witness.

25 MS. CAMPBELL: Agent Preston Simpson.

PRESTON SIMPSON - DIRECT

1 The witness, PRESTON SIMPSON, was first duly sworn and
2 Testified as follows:

3 DIRECT EXAMINATION

4 BY MS. CAMPBELL:

5 Q Agent Simpson, where are you employed?

6 A The South Carolina Law Enforcement Division.

7 Q And what do you do there, sir?

8 A I work with the fugitive team.

9 Q The fugitive team?

10 A The fugitive team, yes, ma'am.

11 Q How long have you been at SLED?

12 A Since March of this year.

13 Q Prior to working there where were you employed?

14 A I was with the Lancaster County Sheriff's Office.

15 Q And in September of 2019, were you working there?

16 A Yes, ma'am.

17 Q And what would your duties include there?

18 A I was a -- I guess specifically I was an investigator
19 at that time.

20 Q Did you become involved in the investigation in this
21 case?

22 A Yes, ma'am.

23 Q In a limited capacity?

24 A Yes, ma'am.

25 Q And specifically turning your attention to September

PRESTON SIMPSON - DIRECT

1 23rd of 2019, what did you do that day?

2 A Regarding --

3 Q This case.

4 A This case? I was asked to conduct an interview. I
5 think we had a confidential informant identify a subject in
6 the club as Antonio Champion, and we responded to what we
7 believed his residence and conducted an interview with him.

8 Q And where did you go to make contact with him?

9 A I believe it was on 14th Street, either 12th or 14th
10 Street.

11 Q And that's here in Lancaster?

12 A Yes, ma'am.

13 Q Okay. And when you got to that residence, what did you
14 find?

15 A We knocked on the front door, I believe his mother came
16 to the door. We asked to -- if basically Mr. Champion was
17 there. Very quickly we discovered he was, I think he was on
18 a couch or something, and he stood up and actually kind of
19 walked towards us. And we explained to him that we needed
20 to -- or wished to speak with him about this incident.

21 Q So you made contact with his mother first?

22 A Yes, ma'am. If I recall I think she answered the door.

23 Q And then where was he located when you got there?

24 A I believe it was like a couch or something in a
25 hallway, but it was very close to the front door.

PRESTON SIMPSON - DIRECT

1 Q And at this point, what's the purpose of you being
2 there trying talk to Mr. Champion that day?

3 A To -- I think a lot of the other investigators had
4 obviously reviewed a tremendous amount of video from what my
5 understanding was, he was identified as somebody in the club
6 potentially being with Mr. Stevens as I think they had moved
7 around the club at that point. And so obviously him being
8 there, I think the goal was to get an account of what he was
9 doing there and what had happened, or what had transpired
10 inside the club.

11 Q Once you made contact with him, did he get up off the
12 couch?

13 A He did. We asked if we could speak to him. I think he
14 said he had reached out to law enforcement or something
15 along those lines, I guess, prior to us being there, and we
16 asked if he would go out to our vehicle to speak with him
17 about this case.

18 Q Okay. And why are you taking him out to your vehicle
19 rather than just talking to him in the house?

20 A I mean, we obviously wanted to talk to him one on one.
21 You know, his mom was there. We would like to get, I guess,
22 an uninvolved third party, I guess, that we knew of at this
23 time, and try to get ultimately, you know, his account, I
24 guess, in more of intimate nature.

25 Q And did he indicate whether or not he was willing to

PRESTON SIMPSON - DIRECT

1 talk to you that day?

2 A He didn't seem like he was, I guess, uninterested. He
3 had made the comment, I guess as he was kind of stepping out
4 or stepping to the front door, that he had already reached
5 out to somebody to, I guess, discuss being at the club.

6 Q Were you aware of anyone he had reached out to?

7 A I was not. I think I had asked him who it may be and I
8 don't recall if he ever responded to that or not.

9 Q Were you alone that day when you went out to meet with
10 him?

11 A I was not. I was with another investigator.

12 Q And what was his name?

13 A Investigator Mahadeen.

14 Q Once y'all got back to your patrol vehicle what, if
15 anything, happened?

16 A So he got into the passenger seat, and I think
17 Investigator Mahadeen was sitting behind him, I was sitting
18 in the driver's seat, and then we ultimately conducted an
19 interview with him.

20 Q And without getting into the details of that interview,
21 did he give you information pertinent to what he said he did
22 that night in the club?

23 A Yeah, I guess so. I mean, I think he explained he was
24 there and provided some details about, I guess, what he was
25 doing there and just there to hang out so to speak.

PRESTON SIMPSON - DIRECT

1 Q At some point did either you or Investigator Mahadeen
2 confront him with some video evidence from the club?

3 A Correct. So he had, you know, discussed obviously Mr.
4 Stevens being there, that there was an altercation. He
5 indicated that there was another shooter inside there. We
6 ultimately kind of got through that, you know, whether what
7 he was saying was true or not that was -- we were still kind
8 of working through that process. I believe at one point we
9 had a picture, a still photograph. He -- I believe he had
10 kind of described what he was wearing, but later we showed
11 him this picture and he indicated that was him. And whether
12 this was explained to me I guess before, I wasn't listening,
13 you know, I'm not real sure, but ultimately Investigator
14 Mahadeen played him a clip and he had already denied, I
15 think, having a gun in the club, explained that he was on
16 probation and not allowed to have one at that time. Anyway
17 the -- as the video played I think it was pretty clear that
18 it looked like Mr. Champion was in possession of a firearm
19 inside that club.

20 Q And at that point did he give you some additional
21 information?

22 A Correct. So, you know, obviously, you know, there was
23 two people shot and multiple other people and I was, you
24 know, unsure of his involvement at this point, but now we
25 knew he also had a firearm. I think the goal was to -- you

PRESTON SIMPSON - DIRECT

1 know, we were trying to determine whether this firearm was
2 used in the incident or not. He had indicated to us that he
3 did not fire inside the club, and ultimately we requested
4 him show us where this firearm was. He said he could find
5 it, said it wasn't at his house and led us to a location
6 where we were able to later -- or not me but some other
7 investigators, I believe, recovered the firearm that he was
8 speaking of.

9 Q So he gave you information as to where the firearm was
10 that he said was in the club with him that night.

11 A Correct. We drove him, and I want to say it was off of
12 Wiley Park. I don't remember the specific numerics where it
13 was recovered, but it was a friend of his -- or
14 acquaintance, friend, whatever, he gave us the name, and I
15 think we were able to locate through law enforcement records
16 an address with that individual.

17 Q And you weren't the one that actually recovered the
18 gun.

19 A No, ma'am.

20 Q While you were talking to him that day, did anyone have
21 a body cam on?

22 A We did. I don't know about Investigator Mahadeen, I
23 had mine on initially and then took it off to record it in
24 the vehicle.

25 Q And I'm going to refer to State's Exhibit 265. The

PRESTON SIMPSON - DIRECT

1 body cam recorded everything that was said that day while
2 y'all were in the truck?

3 A I hope so.

4 MS. CAMPBELL: Your Honor, at this time we offer
5 State's Exhibit 265 into evidence.

6 THE COURT: All right. Without objection admitted.

7 MR. BELTON: Without objection.

8 (State's 265 was received.)

9 MS. CAMPBELL: Your Honor, permission to publish?

10 THE COURT: Yeah, permission granted.

11 (At this time the body cam was played.)

12 MR. SHELDON: Judge, at this time I'm going to object.

13 THE COURT: All right. Stop the video. What?

14 MR. SHELDON: I'm going to object real quick.

15 (A bench conference was held.)

16 THE COURT: We're talking schedule. We'll let the
17 video finish and then we're going to take a brief recess.
18 Time wise, I know y'all can see the clock, I'm not naive,
19 remember what I told you earlier today, and I -- we are
20 running a little bit longer than we normally would. After
21 this witness is through there's one more witness, okay, and
22 then that will conclude the day. I don't know when -- I
23 don't anticipate being in here through the night or
24 anything. Okay? I just want to make sure y'all understand
25 that. But we're going to finish this video and then we're

PRESTON SIMPSON - DIRECT

1 going to take a recess, come back out and finish the
2 examination of this witness and go from there. Okay? Thank
3 you. All right.

4 (The video was to played.)

5 MR. SHELDON: Judge, same objection.

6 THE COURT: Yeah. Objection sustained, just move on --
7 this guy in the back, number one, he can't be heard anyway.
8 I can't hear anything he's saying, but just fast forward it
9 to when Investigator Simpson, since he's the witness, starts
10 talking. Ladies and gentlemen, to the extent you heard
11 anything that the guy in the back said, disregard that, he's
12 not in evidence. Listen to what the guy in the front says,
13 he is here to testify. Thank you.

14 (The video was played.)

15 MR. SHELDON: Judge, until the investigator up front
16 starts speaking -- the objection has been sustained now
17 three times, I think.

18 THE COURT: Right.

19 MS. CAMPBELL: Trying to find to where --

20 (The video continued to play.)

21 THE COURT: Is that it for the video? All right.

22 Let's take a break. Don't talk about the case.

23 (The jury left the courtroom.)

24 MS. CAMPBELL: -- witness not go into this in front of
25 the jury, so with Mr. Sheldon's permission I did approach

PRESTON SIMPSON - DIRECT

1 and tell him not to go into that, and we're just going to
2 finish it with this at the end that he took him back to the
3 office and he was arrested later that day for an unlawful
4 weapons charge and that will be the extent of it. I'll kind
5 of lead him through it just to make sure we don't violate
6 any of his rights.

7 THE COURT: That will be fine.

8 MS. CAMPBELL: The other thing I would note, Your
9 Honor, and his objections on this video. We had a whole
10 hearing on this at which time he had the right to place any
11 objections to anything, and Mr. Sheldon indicated he was
12 fine with the whole thing coming in, so I just wanted to put
13 that on the record.

14 THE COURT: You are correct. But for the purpose of
15 the --

16 MR. SHELDON: Your Honor, I --

17 THE COURT: Hang on, I'm talking. You are correct,
18 Madam Solicitor, I recall that. That was the hearing that
19 you couldn't attend, that was a Wednesday or something down
20 in -- well, I don't know if that was the -- not -- that was
21 the Monday --

22 MS. CAMPBELL: He was there for Fairfield.

23 THE COURT: But it was the video and I had to determine
24 whether or not this statement was to be offered to the jury,
25 the potential admissibility. Right. And I do recall that.

PRESTON SIMPSON - DIRECT

1 However, I did sustain his objection to the officer in the
2 back seat talking with his client. Number one, I don't
3 think anybody can hear what he was saying anyway, I know I
4 certainly couldn't, and I'm up here with all the fancy
5 speakers and stuff. Number two, you know, the witness --
6 that witness was not -- I don't know if that witness is
7 going to testify or not, but I didn't -- anyway, I think it
8 is hearsay. Okay. So you're are protected, Mr. Sheldon.

9 MR. SHELDON: Thank you.

10 THE COURT: All right. Y'all said y'all had a
11 stipulation about a piece of evidence or something before
12 the jury comes back down?

13 MR. SHELDON: We did it yesterday. But just so now
14 that we're on the record, DC2, which is was Defendant
15 Champion 2, is just the pictures that were taken off of the
16 main video yesterday using the computer. It's a flash
17 drive. I forgot to put that into evidence. Those pictures,
18 it's my understanding that are now in evidence as Defendant
19 Champion 2 and nobody had any objection to it.

20 THE COURT: Is that correct?

21 MS. CAMPBELL: Yes, sir.

22 THE COURT: So ordered. That's fine, they're admitted.
23 Also, and I'll just tell the lawyers at this time, obviously
24 I'm aware of the time and, you know, the jury is aware of
25 the time and I don't want to hamper anybody's presenting

PRESTON SIMPSON - DIRECT

1 your case or defending your case, what the case may be, but
2 for the purpose of moving this trial along I'm going to
3 allow leading questions. Okay? I mean, I'll give y'all the
4 same leeway when and if y'all call witnesses or whatever,
5 but to facilitate testimony and to move this thing along we
6 need to do that. But for the most part y'all have been
7 doing that, and thank y'all for not objecting all the time
8 because the State has been leading. But we've got to get
9 through this. Okay? I want to get back on track where we
10 can finish this tomorrow as y'all told me we could. All
11 right? So bring the jury down.

12 (The jury returned to the courtroom.)

13 THE COURT: All right. Yes, ma'am?

14 CONTINUED DIRECT EXAMINATION

15 BY MS. CAMPBELL:

16 Q Agent Simpson, once he did -- he actually -- at the end
17 he was directing you where he had taken the gun?

18 A So that was just prior to that. At the end of I
19 believe we are actually heading towards the office at that
20 point.

21 Q Just prior to that he had told you -- he had identified
22 it was shutter, shades or something?

23 A Correct. If I remember correctly the way that road and
24 those houses were kind of set up there was a couple around,
25 and I think that's why -- there was a couple that you could

PRESTON SIMPSON - DIRECT

1 actually see and then one or two sets behind them, so I
2 can't remember if they were one or like two room apartments
3 or whatnot, and I think that's why I asked him if -- there
4 must have been one with red shutters or one with gray
5 shutters.

6 Q And ultimately you weren't the one that actually went
7 in and retrieved the gun.

8 A Was I the one -- no, ma'am, I'm sorry.

9 Q So you passed on that information to other
10 investigators.

11 A Correct. See, I think it took us a little while to
12 maybe figure out whose name he gave, Carston Degraffenreid,
13 but I think we ended up having a previous kind of report and
14 look him up in our system, don't know of any involvement,
15 but that kind of gave us an address.

16 Q You passed that information along to investigators who
17 were able to go get the gun.

18 A Yes, ma'am.

19 Q Once you took him back to the office later that day,
20 was the decision made just to charge him with the gun
21 charge?

22 A That's correct.

23 MS. CAMPBELL: Thank you. I don't have anything
24 further.

25 THE COURT: All right. Mr. Belton?

PRESTON SIMPSON - CROSS

1 MR. BELTON: I have no questions for Agent Simpson.

2 THE COURT: All right.

3 MR. SHELDON: Thank you, Judge. May it please the
4 Court?

5 THE COURT: Yes, sir.

6 CROSS EXAMINATION

7 BY MR. SHELDON:

8 Q Good afternoon, Agent Simpson, how are you?

9 A Good, sir.

10 Q All right. So this interview was done on
11 September 23rd; is that right?

12 A That's correct, yes, sir.

13 Q So probably -- I mean, roughly two days after the
14 shooting, right?

15 A Yes, sir.

16 Q The shooting was the morning of the -- early, early
17 morning of the 21st.

18 A Yes, sir.

19 Q Between two and three days after the shooting.

20 A Sure, yes, sir.

21 Q And at that point you -- I think you indicated that you
22 had viewed the surveillance footage; is that right?

23 A I had seen portions of it. I wouldn't say at this
24 point I was well versed in all of the ins and outs of it. I
25 think there was I want to say multiple hours probably that

PRESTON SIMPSON - CROSS

1 was reviewed in connection with this case.

2 Q But you said that on several different occasions he
3 could be seen hanging out with Breezo or talking to Breezo
4 and things like that.

5 A Right.

6 Q I'm going to hand -- this is State's 13. Were you in
7 court yesterday or no?

8 A No, sir.

9 Q Well, I have here State's 13, it's all that video. I'm
10 going to go ahead and put it on for you. You go ahead and
11 point out all of those several different occasions where
12 they're hanging out. You tell me where to go and I'll go
13 there. Do you have that written down in your notes?

14 A No, sir.

15 Q Okay. What do you mean no? Well, you told him that.
16 You don't disagree that that's what you said.

17 A I don't disagree that that was -- my understanding is
18 that they were, I guess, seen in close association inside
19 the club is, like I said, one of the reasons you go speak
20 with him regarding this incident.

21 Q You understand from whom?

22 A Speaking with other investigators.

23 Q So you didn't actually -- have you seen -- to this day
24 have you seen him and Breezo hanging go out at the club
25 several times?

PRESTON SIMPSON - CROSS

1 A I don't remember specifically. I thought at one point
2 they had maybe entered together or something.

3 Q Thought they entered together?

4 A Yeah. My understanding I guess they had left and then
5 reentered together or something like that. Like I said, I'm
6 not saying I've seen it. If you're going to come up here
7 and show me that that doesn't happen, that's fine. That's
8 what I'm telling you, during my interview that was my
9 understanding while I was speaking to him.

10 Q And you got that understanding not from actually
11 watching the tape of the club but from other investigators?

12 A That may be correct, yes, sir.

13 Q Other investigators who had presumably watched the tape
14 of the club, right?

15 A Like I said, I think, yeah, it was my understanding
16 that the video was pretty important to this investigation.

17 Q In terms of connecting the two defendants; is that
18 right?

19 A Well, that who was there, you know, present, I guess,
20 timeline of kind of what all had happened.

21 Q And if at anytime you believe that I'm not being fair
22 to you in representing what you said just let us know. I
23 mean, fortunately we do have it all on tape.

24 A Sure.

25 Q And so if you think that you can show me several

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1 different occasions where they're hanging out and talking,
2 we have until at least 7:00 tonight and then as much time as
3 we need to find that.

4 A Sure. I've got you. And like I said, you've probably
5 had more opportunity to review it as well. I realize I'm
6 not sure a way that I would characterize that they were
7 together. That was my understanding during that interview.

8 Q And you also said that we don't want to leave here and
9 leave something out; is that right?

10 A I'm sure that was --

11 Q We want the whole story.

12 A Correct.

13 Q That's what you said to Mr. Champion when he was giving
14 his statement. Mr. Champion just flat out lied to you,
15 didn't he?

16 A During pieces of it, yes, sir.

17 Q I mean, certainly he had a gun in the club, we knew
18 that going into it, didn't we? Well, you did anyways,
19 right?

20 A I guess -- I don't recall if I made -- that was one of
21 the portions of, you know, that as in looking at it again is
22 that I guess I really realized we were watching. He had
23 to -- he did have a firearm in there. I'm not 100 percent
24 sure if I knew that going in, didn't listen to it, but I
25 think it was just as much as a kind of an awkward moment

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1 that we learned what we were looking at together.

2 Q Kind of like an a-ha moment you had just now when I
3 asked you to show me what you told him, right?

4 A I'm sorry, ask that again.

5 Q Would you agree or disagree that it's very similar to
6 the reaction that you just had when I said show me where all
7 of these several hangouts are.

8 A Understood, yes, sir.

9 Q Because we want the whole story. That's what we want
10 as law enforcement, right?

11 A Yes, sir.

12 Q Didn't you collect his phone that day, too?

13 A I did.

14 Q I'm going to show you what's been marked -- well, if I
15 could go -- I'm going to end up marking this as DC3 right
16 now.

17 (Break in proceedings.)

18 Q So in addition to interviewing -- while we're waiting
19 here for a second for me to put these gloves on. In
20 addition to interviewing Mr. Champion you also took his
21 phone that was there at the house, right?

22 A Yes, sir.

23 Q Where was that at?

24 A I don't specifically really -- I know I spoken -- went
25 back in to grab a pair of shoes, and I'm presuming it was

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1 somewhere where he was. I don't know if it was on the
2 couch, somewhere. I mean -- but I assume somewhere because
3 I don't recall walking around the house looking for it.

4 Q So is it fair to say it was near him?

5 A Near where he was prior to him coming out.

6 Q Okay.

7 MR. SHELDON: If I could approach the witness, Judge.

8 THE COURT: Yes, sir.

9 MR. SHELDON: If we can mark this for ID purposes DC3.

10 Q I'll pass through this glass what's been marked as
11 Defendant Champion Exhibit Number 3, and just simply because
12 I have the gloves on, does that look to you like the phone
13 that you took that day?

14 A I don't recall exactly what it was, but if we're
15 establishing that came from his house I believe that to be
16 it.

17 Q And you -- there's certainly no disagreement that you
18 did, in fact, take his phone.

19 A Correct.

20 Q Okay.

21 MR. SHELDON: Judge, at this time --

22 Q And this hadn't been -- to the best of your knowledge
23 this has been bagged in this. It hasn't been changed or
24 altered in any way or anything that you know of, right?

25 A Correct.

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1 MR. SHELDON: Judge, move this in as Defense Champion

2 3.

3 THE COURT: All right.

4 MS. CAMPBELL: Yes, Your Honor, we're going to offer it
5 in.

6 THE COURT: All right. Introduced.

7 (Defendant Champion 3 was received.)

8 Q And so two days after the shooting we have the
9 defendant Champion's phone, right? Mr. Champion's phone.
10 And so -- and certainly at that point -- and why does law
11 enforcement take phones? I mean, what's the purpose of
12 doing something like that?

13 A What is the purpose?

14 Q Yeah.

15 A I think that, you know, with this case, and I'm sure
16 there was a lot of, you know, social medial presence, and
17 obviously for law enforcement to see, you know, clearly if
18 he had communication before and after, whether it be media,
19 something along those lines that surrounded the event of a
20 crime can, you know, help establish timelines, or who was in
21 touch with who, you know, develop further people to talk to.

22 Q It's certainly a helpful tool.

23 A Sure.

24 Q When was Mr. Champion in touch with Mr. Stevens before?

25 A I'm unaware of anything as far as what was on the

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1 phone. You're talking about from that phone?

2 Q Yeah. You got it two days after. What about after?

3 When was Mr. Champion in touch with Mr. Stevens in the two
4 days after the crime?

5 A I'm unaware of when that may have been. I believe
6 during the interview I asked if I think he had a way to get
7 in touch with him and he said he did not.

8 Q But you also asked him what the result of a polygraph
9 would be if he were to take a polygraph regarding him having
10 a gun; is that right?

11 A I believe that was in relation to him firing it inside
12 the club.

13 Q Sure. And at that point -- so why didn't you ask him
14 what the result of a polygraph would be if he had contact
15 with Mr. Stevens two days before or two days after, anytime
16 before or anymore after. Why didn't you ask him that
17 question?

18 A I would say, you know, at that point I think it became
19 pretty, I guess, crucial for us to know. Now you have
20 somebody that, you know, has a firearm in that club that
21 ultimately he did not, you know, fire that weapon. I mean,
22 that's pretty important, and I think I explained that.
23 There's a difference -- it may be a problem for him to be in
24 possession of it inside the club, but at the same it's not,
25 you know, trying to establish somebody who pulled the

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1 trigger inside the club.

2 Q And you're trying to gather as much evidence as
3 possible, right? In any investigation you want as much
4 evidence as you can possibly get, right?

5 A Yeah. I mean -- but I think -- I mean, at least to try
6 to be fair, and I think that I explained that to him as
7 well. But yes. If you have a case against somebody, the
8 best way to either prove or solve that case is to have a --

9 Q And we know that you specifically said that you had it
10 again on camera on several different occasions, right? We
11 know that you said that. We know that you told him that.

12 A Understood.

13 Q And I think he might have acknowledged that to be true,
14 right?

15 A Sure.

16 Q Okay. Well, do you think that's true today?

17 A That he was on camera?

18 Q Hanging out with Mr. Stevens several different times
19 like you said, do you believe that to be true today? What
20 you said.

21 A After your presentation I can't say I 100 percent -- I
22 haven't seen it. Like I said, my understanding during that
23 interview was that they had -- and whether that be a
24 misunderstanding -- I thought -- a misunderstanding, I
25 thought I had learned it from some other investigators that

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1 they were in close proximity. And I think during the
2 interview he actually put them during this incident wherever
3 shots were fired they were standing beside each other,
4 whether that's by chance on video I'm not sure. But if
5 you're asking 100 percent if I believe that, I think you've
6 viewed that probably more than I have to know that that may
7 not be accurate.

8 Q Well, let's talk about what else he said. He also said
9 that Mr. Colvin was firing the firearm; is that right?

10 A That's correct.

11 Q We know from all of the testimony that we've heard and
12 everything we've learned about this case there are three
13 different types of bullets fired in a club that night,
14 right?

15 A Yes, sir. I don't know -- yeah. I mean, I think that
16 I heard testimony earlier that there were three different
17 caliber casings if that's what you're referring to.

18 Q It also says that -- Mr. Champion also says it looked
19 like he was pointing at me.

20 A Yes, sir.

21 Q Okay. And he acknowledges that he's standing next to
22 Breezo, right?

23 A Yes, sir.

24 Q I believe he said to the left of Breezo and behind, or
25 to the right of Breezo and behind, right?

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1 A I think he said to the left if I'm not mistaken, but I
2 could be wrong.

3 Q And that it was -- I think that it was scary as hell,
4 he was scared as hell, something along those lines.

5 A Yeah.

6 Q He also indicated when you asked him about the initial
7 altercation from that -- he told you what he saw, right?

8 A Yes, sir.

9 Q That they appeared to be sort of arguing or something.

10 A Yes, sir, that's correct.

11 Q But that he was standing near the bar, right?

12 A Right.

13 Q And the initial altercation was up at the stage, right?

14 A I'm not sure of the layout, but yes, sir. I agree that
15 he observed this from it sounds like a distance.

16 Q Okay. So at least from what it sounds like one of the
17 many instances that you have him on camera hanging out with
18 Breezo from the way he tells it was not at the time of the
19 that initial altercation, was it?

20 A I guess ask me that again now.

21 Q At least from the way that he tells it, he meaning Mr.
22 Champion, one of the several times you have them hanging out
23 on video in that video was not at the time of the initial
24 altercation, was it?

25 A Like I said, I'm not that well versed in the video,

PRESTON SIMPSON - CROSS

1 so --

2 Q I'm just asking you what Mr. Champion said, your video.
3 Not this video, your video.

4 A Oh, yeah. My understanding, I guess, of that would be
5 that, yeah, they were not side by side. He did observe the
6 altercation but I'm not sure if we ever got a clear answer
7 of what precipitated that altercation.

8 Q And you leaned on him and you said: I don't want to
9 leave here and leave something out again, we want the whole
10 story, right? You wanted to get the whole story from Mr.
11 Champion; is that right?

12 A Yes, sir, that's correct.

13 Q You wanted help trying to resolve these issues, right?

14 A Yes, sir.

15 Q Well, let me ask you this -- I'm just going to kind of
16 run through this over here, I'm going to try and stand out
17 of the way of everybody. Did you ask him for help whether
18 or not he wanted this tested for DNA?

19 A Did I ask him that?

20 Q Yeah.

21 A No, sir.

22 Q Did you ask him if he wanted this tested for DNA?

23 A No, sir.

24 Q Did you ask him if he wanted this tested for DNA?

25 MR. SHELDON: And I'm pointing at State's Exhibits,

PRESTON SIMPSON - CROSS

1 Judge, just so you know. This is 208.

2 A No, sir.

3 Q Did you ask him if he wanted this tested?

4 A No. The casings, no, sir.

5 Q Any of these tested for DNA?

6 A No, sir.

7 Q Did you ask him if he wanted to test any bullet
8 fragment or casings for potential DNA in this case at all?

9 A I did not. And he had indicated he did not fire a
10 weapon so I can't see why he would, you know, want me to
11 test something that he had advised he had not fired.

12 Q Well, I mean, isn't it possible that -- I mean, because
13 we don't want to leave anything out, right?

14 MS. CAMPBELL: Objection, Your Honor, asked and
15 answered.

16 THE COURT: All right. Sustained.

17 MR. SHELDON: All right, Judge, I'll move on.

18 Q Where was Mr. Champion at when you went to interview
19 him?

20 A I believe it was his home. I'm not saying -- his mom
21 was there and I was presuming that was his residence.

22 Q He didn't run out the backdoor or anything, did he?

23 A No, sir, he did not.

24 Q We have the whole camera, like we have the picture kind
25 of on video there of when you walk in and walk up and things

PRESTON SIMPSON - CROSS

1 like that, right?

2 A Yes, sir.

3 Q He wasn't in Florida.

4 A No, sir.

5 Q He got -- he left his house, got in your car and went
6 with you; is that right?

7 A That is correct, sir.

8 Q And ultimately led you to the information that led to
9 the collection of the .380 firearm that he had, right?

10 A Correct. I think he had advised it was a .32 caliber,
11 but the firearm we ended up recovering was a .380 -- I think
12 a .380, I believe.

13 Q And at one point he had said, I think, in the interview
14 that when he was first walking out that he had tried to call
15 y'all. Do you remember hearing that?

16 A Yes, sir, that's correct. He had indicated that -- I
17 think he actually -- you may have pretty close to what he
18 said. He said: I tried to call somebody with y'all. I'm
19 not clear on who that may have been.

20 Q Okay. Couldn't we have found out?

21 A That's a good question. Yes, sir, I guess we could
22 have. If he would have used his phone I guess we could have
23 found out who he called.

24 MR. SHELDON: Judge, I appreciate it. Thank you so
25 much for being here. Judge, I don't have anymore questions

PRESTON SIMPSON - REDIRECT

1 at this time.

2 THE COURT: All right. Any redirect?

3 MS. CAMPBELL: Yes, sir.

4 REDIRECT EXAMINATION

5 BY MS. CAMPBELL:

6 Q Agent, just to be clear, he lied to you about
7 everything.

8 A Yeah. There was -- especially the items that came out
9 of this interview were very -- ultimately we determined to
10 be untruthful, which in an investigation like this
11 problematic.

12 Q And rather than us characterizing what's on the video,
13 the video will speak for itself, will it not?

14 A That's for y'all to determine, but I think so.

15 Q Whether they are seen entering the club together or
16 walking up the ramp together, that would be for the jury to
17 understand.

18 A That would be my understanding, yes, ma'am.

19 Q And for the first ten minutes or so of this
20 conversation he's talking about Breezo, where he was
21 standing near Breezo, after seeing an altercation where he
22 knew they had a beef and knew something had been going on
23 for months.

24 A Correct. I mean, a lot of this investigation up until
25 this point was about Mr. Stevens. You know, until that

PRESTON SIMPSON - RE CROSS

1 interview I think that that was -- some things really
2 changed as far as the investigation and Mr. Champion's
3 involvement.

4 Q And were you aware that he and Mr. Stevens fell off the
5 stage together both armed?

6 A Like I said, I know there's a lot of people probably in
7 this room that are a lot more well versed in the video is
8 kind of the way -- my understanding was they were together
9 at the club that evening.

10 Q And to be fair your role was pretty much limited to
11 what you testified to here today.

12 A Yes, ma'am.

13 THE COURT: Anything else, Mr. Sheldon or --

14 MR. SHELDON: Yeah.

15 RE CROSS EXAMINATION

16 BY MR. SHELDON:

17 Q You just said -- I believe the solicitor -- I don't
18 know, I guess it was a question, a statement of he lied
19 about everything, didn't he, I think was the question,
20 right?

21 A Yes, sir.

22 Q Do you agree that he did?

23 A I don't -- we can -- as you mentioned earlier, the idea
24 is to get all of it, you know. I think you pointed out some
25 things that obviously we could have done differently or

PRESTON SIMPSON - RECROSS

1 asked about or whatnot. I'm just -- I think that there were
2 big things out of this interview that were untruthful and
3 ultimately we're, you know, here today to try to figure that
4 out.

5 Q You're not going to get any disagreement from me on
6 that. But she said he lied about everything. So let's go
7 through that just for a second. Did he lie about coming
8 alone? Do you know?

9 A I do not know that. I have no reason to believe that
10 he did not come alone.

11 Q Did he lie about being at the bar area when the first
12 altercation happened?

13 A I know we keep trying to go back to the video. I
14 assume if that's on video and that is correct then he was
15 truthful about being at the bar area.

16 Q I mean, I'm assuming that we're assuming that he's
17 truthful about being on the stage near Breezo, right?

18 A Yes, sir.

19 Q If he was outside in the parking lot that would
20 certainly help him a little more today, wouldn't it?

21 A Yes, sir.

22 Q But he says he's right next to him, doesn't he?

23 A Yes, sir.

24 Q So he acknowledges being on the stage when these shots
25 are fired, right?

PRESTON SIMPSON - RE-CROSS

1 A Yes, sir.

2 Q He acknowledges falling off the stage with Breezo. He
3 acknowledges seeing Breezo running out the door ahead of
4 him, doesn't he?

5 A I don't recall a portion if he said it, but I don't
6 remember what he said about Breezo as far as his actions
7 after this.

8 Q So when you say he lied about everything, would it be
9 more fair to actually say that he lied about the things
10 favorable -- he lied about the things that are dis-favorable
11 to him but lied about the things that are favorable to y'all
12 basically. It's convenient lying for y'all, isn't it?

13 A I think that's, you know is -- I mean, I agree with
14 you, that's a fair point, but obviously, you know, being
15 that he said initially he didn't have a firearm in the club
16 and that was -- ended up being untruthful.

17 MR. SHELDON: I appreciate you being here. Judge,
18 that's all.

19 THE COURT: Thank you, sir, you can step down. State
20 can call its next witness.

21 The witness, CARSTON DEGRAFFENREID, was first duly
22 Sworn and testified as follows:

23 THE COURT: Thank you, sir, you can take your mask off.
24 And Madam Solicitor, your witness.

25 DIRECT EXAMINATION

CARSTON DEGRAFFENREID - DIRECT

1 BY MS. MCGINNIS:

2 Q Mr. Degraffenreid, can you state your name for the
3 reported?

4 A Carston Degraffenreid.

5 Q Will lean up and speak into that microphone?

6 A Carston Degraffenreid.

7 THE COURT: That's perfect.

8 Q Thank you, Mr. Degraffenreid. And where do you live
9 presently, Mr. Degraffenreid?

10 A Rockingham, North Carolina.

11 Q Prior to that, did you live in Lancaster?

12 A Yes.

13 Q Did you kind of grow up in this area?

14 A Yes.

15 Q Do you know a gentleman by the name of Antonio
16 Champion?

17 A Yes.

18 Q How do you know Mr. Champion?

19 A We grew up together.

20 Q So childhood friend?

21 A Yes.

22 Q I want to turn your attention to September 20th into
23 the 21st of 2019. Were you at the Old Skool Club that
24 night?

25 A No.

CARSTON DEGRAFFENREID - DIRECT

- 1 Q Do you generally go out and go to clubs like that?
- 2 A No.
- 3 Q Okay. At some point on the 21st, did you see Mr.
- 4 Antonio Champion?
- 5 A Yes, before the club.
- 6 Q Before the club?
- 7 A Yes.
- 8 Q So that would have been on the 20th, or Friday?
- 9 A I think so. Whatever day the club was, it was way
- 10 before that.
- 11 Q Okay. And did you see him after the club as well?
- 12 A No.
- 13 Q Did he come to your house after the club?
- 14 A No.
- 15 Q Not immediately after but in the days following.
- 16 A The next day, I think.
- 17 Q The next day after the incident had happened there?
- 18 A Yes.
- 19 Q What did he come to your house for?
- 20 A He brought the gun to my house.
- 21 Q Okay. Let me back you up a little bit. About what
- 22 time was that?
- 23 A Between 2:00 and 4:00, I think.
- 24 Q In the morning or the afternoon?
- 25 A Afternoon.

CARSTON DEGRAFFENREID - DIRECT

- 1 Q Okay. And do you know where he was coming from?
- 2 A No, I do not.
- 3 Q Okay. Did you speak on the phone or by Facebook or
- 4 something before he came by?
- 5 A Yes, I did.
- 6 Q Okay. And he was -- at that point was he just coming
- 7 over to say high as best as you knew?
- 8 A Well, I asked him for a ride to the store is the reason
- 9 he came.
- 10 Q Okay. And so when he came there, did he have an object
- 11 with him?
- 12 A Yes.
- 13 Q And what was that object?
- 14 A A .22 or .38, one of them. I don't know.
- 15 Q A handgun?
- 16 A Yes.
- 17 Q And what did he ask you?
- 18 A Can I leave the gun here.
- 19 Q Did he tell you anything about the gun?
- 20 A No, ma'am.
- 21 Q Did he tell you anything about being at the Old Skool
- 22 Club?
- 23 A No, ma'am.
- 24 Q He didn't say: This gun is hot, or anything like that?
- 25 A No, ma'am. He said the boys was hot.

CARSTON DEGRAFFENREID - DIRECT

- 1 Q The what?
- 2 A Meaning the police was hot.
- 3 Q Okay. So he just asked if he could leave the gun at
- 4 your house and you said sure?
- 5 A Yes, ma'am.
- 6 Q What did he do with the gun when he came in?
- 7 A Just walked in and said: Just put this up for me, I'm
- 8 going to run to the store. That was it.
- 9 Q Okay. Where did the gun -- where did it get put?
- 10 A On the top of the cabinet.
- 11 Q In your kitchen?
- 12 A Yes.
- 13 Q Was it kind of above the sink area?
- 14 A Yes.
- 15 Q Okay. Did he tell you anything else?
- 16 A No, ma'am.
- 17 Q What happened a couple of days after that?
- 18 A Couple of days after that the police showed up at my
- 19 door saying that he said the gun was at my house, so I gave
- 20 it to them.
- 21 Q Okay. And you told them what you're testifying here
- 22 today?
- 23 A Yes.
- 24 Q Did you point out where the gun was?
- 25 A Yes, I did.