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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lancaster County

Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BREANTE DEON STEVENS,

APPELLANT.

APPELLATE CASE NO. 2022-000019

RECORD ON APPEAL

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

Q The police took that gun from your house?
A Yes.
Q That was the extent of your involvement with Mr. Champion or the gun or anything?
A No.
Q That was the extent of it?
A Oh, yes. Yes. Yes.
Q Okay.
MS. MCGINNIS: If you'll answer anything that the defense may have.
THE COURT: All right. Mr. Sheldon any questions? I'm going to Mr. Sheldon first and shake it up a little bit. Mr. Sheldon, any questions?
MR. SHELDON: Just very briefly.

CROSS EXAMINATION

BY MR. SHELDON:
Q So you indicated that -- so the gun -- is it fair to say that the gun was sort of in the kitchen like above two cabinets and then -- like above the sink, is that where it was put?
A Yes.
Q And is it Mr. Champion that put it there?
A No, I put it there.
Q Okay. So he brought it to your house and then you put it there, and then a couple days later officers show up?

A Yes.
Q And it's your understanding from I think what you testified that Mr. Champion told the officers that the gun was at your house; is that right?
A Yes.
Q Okay. And then you gave it to the officers.
A Yes.
MR. SHELDON: I appreciate it, thank you. No more questions.
THE COURT: Mr. Belton?
MR. BELTON: No questions, Your Honor.
THE COURT: Okay. Thank you, sir, you can step down. You're free to leave.
MS. MCGINNIS: Briefly, Judge.
THE COURT: Oh, hang on, she's got another question for you.

REDIRECT EXAMINATION

BY MS. MCGINNIS:
Q Do you see Mr. Antonio Champion in the courtroom today?
A Yes.
Q Can you point him out it the jury?
A Over there.
Q Can you describe what he's wearing?
A It looks like a suit.
Q Is he seated next to a lady with red hair?

A Yes.

MS. MCGINNIS: Thank you, Judge. Nothing further.

THE COURT: Okay. So noted. Thank you, sir, you can step down. You're free to leave. You can call your next witness.

MS. MCGINNIS: The State would call Khoury Hammond.

THE COURT: I misspoke earlier, ladies and gentlemen. I thought they said one more witness. But remember, I said seven. In all seriousness, ladies and gentlemen, of course, you know, we have -- this is a serious matter, but I am trying to move this trial forward and trying to make sure both sides present whatever they need to present to you so you can have a fully informed decision when you start deliberating over all of these matters. If y'all get upset about the schedule about the way the timing of things, that's my fault. Okay? Don't hold it against the lawyers, or especially the defendants. Okay? That's on me. Remember, I'm the referee. I'm the one that keeps the trial going just like referees in ballgames and stuff. So don't direct your frustration at them, direct it at me. Okay? Thank you. Go ahead.

MS. MCGINNIS: Thank you, Judge.

The witness, KHOURY HAMMOND, was first duly sworn and Testified as follows:

DIRECT EXAMINATION

BY MS. MCGINNIS:

Q Investigator Hammond, can you state your name for the or?

A Yes, ma'am. Investigator Khoury Hammond.

Q And where are you employed?

A Lancaster County Sheriff's Office.

Q How long have you been employed there?

A Seven years.

Q In what capacity -- what's your role over there?

A Narcotics now, I was with the Criminal Investigation Unit.

Q So back in September of 2019 you were with criminal investigations?

A Yes, ma'am.

Q As part of that role, were you tasked with going over to the residence of a Carston Degraffenreid?

A Yes, ma'am.

Q Were you with somebody else as well that day?

A Investigator Paul Lyons.

Q Okay. Did you have a department issued body worn camera on that day?

A Yes, ma'am.

Q Did it record your interactions there at Mr. Degraffenreid's residence?

A Yes, ma'am.

Q When you got there what was the purpose in going to Mr. Degraffenreid's?

A To retrieve a gun that Investigator Simpson had spoke with Mr. Champion about.

Q Okay. So you received information: Hey, go over here and get this gun?

A Yes, ma'am.

Q And when you got to the residence, did you speak with Mr. Degraffenreid and his girlfriend, I believe?

A Yeah, Michelle, yes, ma'am.

Q Okay. Did you ask them about the firearm?

A We did.

Q And what did they tell you?

A They told us it was inside and Mr. Degraffenreid led us to it.

Q Okay. Did he tell y'all who brought the gun to the house?

A Yes, ma'am. Mr. Champion.

Q Okay. Where did he point out this weapon being at?

A Where the sink is there's a cabinet, it was on top of the cabinet up there.

Q Okay. And did you and Investigator Lyons get like a firearms box to put that gun in?

A Yes, ma'am, Investigator Lyons did. He put on a fresh pair of gloves and retrieved the gun and put it in a box.

Q Okay. Were you there watching that take place?
A Yes, ma'am.
Q Did your body worn camera record that?
A Yes, ma'am.
Q I'm going to hand you first --
MS. MCGINNIS: May I approach the witness, Judge?
Q -- what's been marked as State's 266. Is this a disc with your body worn cam footage on it?
A Yes, ma'am, it s.
Q Have you had an opportunity in this case to review your body cam footage?
A Yes, ma'am.
Q And does it fairly and accurately represent and depict what happened that day?
A Yes, ma'am.
Q Okay. I'm also going to hand you what's been marked as State's 257 -- I think it's 251. What does this appear to be?
A It's going to be our firearm box from the sheriff's office. It's going to be the box Investigator Lyons put the Luger into that was located at Mr. Degraffenreid's residence.
Q Okay. And if you look at that box, is there writing on top of it detailing what's inside, who collected it, things of that nature?

A Yes, ma'am.
Q And does that indicate that's the gun that Investigator Lyons recovered?
A Yes, ma'am.
MS. MCGINNIS: Beg the Court's indulgence.
THE COURT: Okay.
(Break in proceedings.)
MS. MCGINNIS: Judge, at this time we would move State's 251 and 266 into evidence.
MR. BELTON: Without objection.
MR. SHELDON: No objection. 251 was the gun and 266 is the body camera; is that right? Just making sure. Thanks. Judge, no objection.
(State's 251 and 266 were received.)
Q Investigator Hammond, if I hand you a pair of gloves, can you open that box?
THE COURT: Both of those are admitted without objection.
A Yes, ma'am, I can. You just want me to open the box?
Q Open the box and take the gun out.
A (Witness opens the box and takes the gun out.)
Q Do you need a knife, or you've got one?
A Yeah, I'm going to need one.
(Break in proceedings.)
Q And based on your recollection of retrieving the gun

from Mr. Degraffenreid's residence, does that appear to be the same firearm?

A Yes, ma'am, it is.

Q And what kind of firearm is that again?

A That is a Ruger .380 LCP.

Q If you'll pull that out and show the jury.

A (Witness complies.)

Q And before you put that back in the box I've handed you a gun lock, if you'll put that gun lock on it before you put it back in the box.

MS. MCGINNIS: No further questions. If you'll answer anything that the defense has for you.

THE COURT: All right. Mr. Sheldon?

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

THE COURT: Mr. Belton?

MR. BELTON: No questions, Your Honor.

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

(Break in proceedings.)

THE COURT: You can call your next witness. Y'all good, ladies and gentlemen? If you need to stand up at anytime to stretch or whatever, that's fine.

The witness, KEN TAYLOR, was first duly sworn and Testified as follows:

DIRECT EXAMINATION

BY MS. CAMPBELL:

Q Investigator Taylor, where are you employed?

A Lancaster County Sheriff's Office.

Q What do you there, sir?

A Crime Scene Investigator.

Q Can you tell this jury about your duties as a Crime Scene Investigator?

A Yeah. We respond to scenes, we photograph, document through measurements, through notes, scene drawings, recordings, videos, things like that, just to document the scene and collect any evidence that we feel necessary.

Q And how long have you been in law enforcement?

A Sixteen years.

Q What did you do prior to that?

A I was actually working at a manufacturing company. The last position there was a quality assurance manager.

Q And can you tell the jury a little bit about your training as a Crime Scene Investigator?

A Yes. We have, of course, you know, on the job training. As a deputy I was on our patrol shifts for about the first three to three and a half years once I got hired on at the sheriff's office. And then being part of the crime scene unit we were able to go up to the National Forensics Academy, which is an in-house type of program that runs ten weeks -- excuse me, yeah, ten weeks. We stay up

there and go through the training. Pretty comprehensive. And then, of course, continued education ever since then, and that was in 2010 when I attended there. And we have a lot of updated training that kind of helps keeps us up on what we're doing.

Q Have you been qualified before in court as a Crime Scene Investigator?

A Yes.

MS. CAMPBELL: Your Honor, at this time we would offer him as in expert in Crime Scene Investigation. All right.

THE COURT: Any voir dire?

MR. BELTON: No, Your Honor.

MR. SHELDON: No, sir, Your Honor.

THE COURT: All right. So qualified as an expert.

Q Sir, I want to turn your attention back to the early morning hours of September the 21st. Did you get a phone call that morning?

A Yes, ma'am.

Q And were you the primary Crime Scene Investigator on call that day?

A No. I think Investigator Steele was, Investigator Jeff Steele.

Q And once you got that phone call, where did you go?

A Well, I started out to head toward the scene and was eventually redirected and told to head to the office and to

wait for information so we could prepare some search warrant affidavits to process the scene.

Q Okay. Did you do that?

A Yes.

Q And a total of how many search warrants were drawn up that day?

A I believe I did three.

Q And once you got the search warrants drawn up, did you get them signed by some type of judge?

A Yes. Well, the local magistrate judges.

Q Once you had secured the search warrants -- and why is that important to do that before you go into a crime scene?

A Well, we want to make sure we're protecting everybody's rights to privacy being, you know, in this situation the club owner and the individuals there. Turns out there were several vehicles left on scene as well that were covered by the search warrants. And, again, we want to make sure we got everything documented properly and doing everything to the best of our knowledge legally.

Q Okay. And that day, did you return to the crime scene with the signed search warrants somewhere around 7:00 a.m.?

A Yeah. A little after 7:00 I think it was when we got there.

Q And once you got there, how many other crime scene investigators were there that day?

A I believe it was -- it ended up being a total of four. We had a myself, Investigator Steele, Lieutenant Rogers, and we had a new hire that had just recently gotten into our unit, she didn't spend but just a little bit of time there that morning.

Q So primarily it was the three of you.

A The three of us, yes.

Q And once the search warrant had been executed, what area of the crime scene were you focused on?

A We started out on the outside to -- as has been discussed earlier, there were two decedents there at the scene; a Mr. Harris, I believe it was, was found outside, and Mr. Colvin, I believe it was, was inside. And we wanted to try to focus on the items around Mr. Harris and his situation first so that we could get that cleared up and allow the coroner's office to remove his body from the scene.

Q So not necessarily you, but one of the crime scene investigators there actually took photographs and collected any evidence that was necessary there?

A Yes.

Q At that point, did you then turn your attention to someone that had been deceased inside?

A Yes.

Q And would that be Mr. Colvin?

A Yes, ma'am.
Q And what did you do once you were inside with him?
A The first thing we did, I think Investigator Steele did a walk-through and collected the video, I believe, just a video walk-through with his camera, and I took some pictures, overall pictures of the scene. And then we put out some evidence markers and took further pictures there, and again took measurements to place the items of evidence and the body of Mr. Colvin within the scene.
Q And without repeating what other investigators have already testified to, you were getting measurements, collecting evidence and everybody kind of had a role that day.
A That's correct.
Q And you mentioned that there was a video that was done that day?
A Yes.
Q A short video actually.
A Yes.
MS. CAMPBELL: Your Honor, at this time we would offer State's Exhibit 202 into evidence.
THE COURT: All right.
MR. BELTON: No objection, Your Honor.
MR. SHELDON: None, Your Honor.
THE COURT: Introduced into evidence. Permission to

publish.

(State's 202 was received.)

MS. CAMPBELL: And it's short, Your Honor.

(The video was played.)

Q Basically that was just showing the area of where Mr. Colvin's body was found.

A Yes, ma'am.

Q Starting at the front door, which I think is the most chronological way to do it, did y'all take some photographs that day?

A Yes.

Q And marked evidence prior to collecting it.

A Yes.

Q And I want to show you what's been marked as State's Exhibits Number 33 through 41.

MS. CAMPBELL: Beg the Court's indulgence.

(Break in proceedings.)

Q What do these photos show, sir?

A These photographs seem to start from the entry door that is really kind of to the side, or the southern side of the building that empties out into the parking lot. There's a doorway on the front of the building that appeared to be unused that was locked. But again, this is a view coming in from that side, which appeared to be the main entry door, or the most often used entry door counter top where it looked

like there was some admission fees maybe paid or things like that. It goes in by a pool room, a pool table off to the right, and continues on until you get up to the area right next to the pool room, and you would turn left and go on to the main -- I would say the main dance area or a dance floor where the DJ station is at.

Q So just to be clear, this is where the main entrance where people would come in.

A Yes, I'm sorry. This is predominately just the main entry area.

Q So it would be where the cash register was.

A Yes.

Q And then to the right of that would be the pool room.

A Yes, ma'am.

Q And then the area to the left would be made to go up the ramp.

A Yes.

MS. CAMPBELL: Your Honor, at this time we would offer them into evidence.

THE COURT: Any objection?

MR. BELTON: What numbers are those? I didn't catch what she said.

MS. CAMPBELL: 33 through 41.

MR. BELTON: No objection, Your Honor.

MR. SHELDON: No objection, Your Honor.

THE COURT: All right. Introduced.

(State's 33-41 were received.)

MS. CAMPBELL: Your Honor, I assume I have permission to publish?

THE COURT: Yeah, permission to publish.

Q Then I've showed you State's Exhibits --

A 42 through 48.

Q 42 through 48? What do those show, sir?

A These show some markers, some evidence markers mostly along some of the carpeted floor. There's one or two on some of the viny floor down in the area of the pool table in the pool room area just after coming in from the main entry doors it looks like.

Q And that's evidence that was marked and later collected that day?

A Yes.

Q And the marker numbers that are used in this -- throughout your entire crime scene, are those of any significance or is that just the number that came up next when you place it?

A That's just how we happen to encounter typically, again, chronologically. For instance, we may have a group of say one through four, and then we may move to five, six, seven and eight, and then later might find item number nine back over here with the first group. So sometimes they seem

kind of out of order but it's just that we start with number one and try to go chronologically.

Q Okay. So there's no significance to the numbers assigned.

A No significance to what the number means at the time.

Q Was this all of the evidence that was found there in the lobby area?

A Yes.

Q And as far State's Exhibit Number --

MS. CAMPBELL: Your Honor, at this time we would offer 42 through 48 into evidence.

MR. BELTON: Without objection, Your Honor.

THE COURT: All right. Admitted without objection.

(State's 42-48 were received.)

Q I show you two markers from State's Exhibit 42, which are Markers 4 and 26?

A Correct.

Q And what were those items?

A Those are bullet fragments.

Q Bullet fragments?

A Bullets or bullet fragments.

Q And this is down in kind of the lobby area that I kind of refer to it?

A Yes.

Q As you first come in that main door.

A Yes.
Q And then the next two pictures, I believe, are just closeups of those two.
A Closeups of those two, correct.
Q Then item number Marker 27?
A Is also a bullet or bullet fragment.
Q And where is this in that lobby area, do you know?
A That is going to be just inside the first entry door immediately to the right. There's like a little foyer there and it's immediately to the right on the floor.
Q And when you're saying the first entry door, describe the entrance -- that main entrance and how it's set up with two sets of doors.
A It's kind of like a main entry door that faces the outside, and there's --
Q The exterior door.
A Excuse me?
Q The exterior door.
A The exterior of the building, yes. And then as you come in there there's a little small foyer about, oh, I don't know, four by six foot, something like that. And then there's another set of doors that allows you to come into the club.
Q And that's where you found this item that I just showed them that's described as -- what was that?

A A bullet or bullet fragment. Yes. It was there on the floor just inside the little foyer.

MS. CAMPBELL: And I'm going to publish these.

Q And then finally markers -- or not finally, States's -- or Marker Number 28, State's Exhibit 47. Where was that located?

A That was -- if you progressed further inside the door slightly to the left along the wall there would be a wall there. It was found on I believe it was a carpeted floor there about probably ten, 12 feet inside that front entry door.

Q Inside the front entry door?

A I'm sorry, inside the main entry door there.

Q So you would have gone through the two doors and then it's inside that lobby where the cash register is.

A Correct.

Q Got it. And finally Marker Number 29 on State's Exhibit 48. Where is that located in that lobby area?

A Just above where that Item 28 was found on the floor, there's a shelf mounted on that wall and that appears to be a cell phone that was found lying on that shelf.

Q Okay. I want to move on to a number of photographs, State's Exhibit 49 through 71 first. Well, let me back up. Let me show you State's Exhibit Number 49 and 50. What do those show?

A That, again, just shows kind of an overall view of the dance floor area. One shows a raised platform over next to the DJ booth, another tile floor just off to the side of that dance area. And then the second picture, Number 50, appears to be more of a closeup of the tile floor with a lot of beer cans and things like that piled up.

MS. CAMPBELL: Your Honor, at this time we would offer these two into evidence.

THE COURT: All right. Admitted without objection.

(State's 49-50 were received.)

Q And in State's Exhibit Number 50 there's been reference to the tile floor versus the carpeted floor. Is that shown pretty clearly in this one?

A Yes. It appears pretty obvious there.

Q So where my bottom finger is, this would be the carpeting throughout the area except for this tile floor in the center.

A Correct.

Q And these are pictures that were taken prior to any markers being placed down.

A I believe that is correct, yes.

Q I want to show you what has been marked as State's Exhibits 51 through 55. And just ask you to look at those.

A Okay.

Q And do you recognize those?

A Yes.
Q What are those, sir?
A These are, again, another view from over across or back away from the raised platform area near the DJ stand, or across the room from the DJ stand showing, again, evidence markers that were put down beside items of interest, along with the decedent, Mr. Colvin, and several evidence markers around his body.
Q Around his body?
A Yes.
MS. CAMPBELL: Your Honor, at this time we would offer these into evidence, 52, 53, 54, 55.
MR. BELTON: Without objection.
MR. SHELDON: No objection, Your Honor.
THE COURT: All right, introduced.
MS. CAMPBELL: And 57.
(State's 52-57 were received.)
Q And taking this one first, State's Exhibit Number 57. Where are you looking at in that?
A Looking at a raised platform area. If looking at that picture from that view the DJ booth, or DJ station is immediately to the right in the corner of the room.
Q In the corner of the room?
A Yes.
Q Which would be -- you can see a reflection of the

speaker right here?

A Yes.

Q And then State's Exhibit Number 52 shows --

A That is across the room from the raised platform in the DJ station looking directly towards the body of the decedent, Mr. Colvin.

Q And then State's Exhibit Number 53. And I'm sorry, I'm trying to get through these quickly.

A That's from a view standing on about the tiled floor across the room. Again, looking, you can see the body of Mr. Colvin to the left, and the DJ station to the far right.

Q And these markers that we're seeing in all of these with these numbers, some of which I'll go through with closeups, what do those signify?

A Those are items of interest, items of evidence that were either photographed or photographed and collected.

Q Thank you. I'm going to show you State's Exhibits 56 through 71, and then 194, and then 72-80.

A These appear to be closeup shots of the markers and items of evidence that they're close to, and a couple of defects.

Q And what item number is that? 73?

A Item 73.

Q And those fairly and accurately depict the crime scene as y'all were processing it that day?

A Yes.

MS. CAMPBELL: Your Honor, we would offer them into evidence?

THE COURT: All right. Without objection admitted into evidence.

(State's 56-80 and 194 were received.)

Q I'm taking these items -- that marker number seven. What is that?

A That is a cartridge casing.

Q And do you know what caliber cartridge casing that was?

A Item Number 7 should be a 9 millimeter cartridge casing.

Q Moving on to State's Exhibit Number 57, Marker Number 8.

A That should also be a 9 millimeter cartridge casing.

Q And where was that located?

A Number -- let's see, you said number eight?

Q Yes, sir.

A That is just a few feet in front of the raised platform just in front of the speakers at the DJ station.

Q Okay. State's Exhibit Number 58, Marker Number 9?

A Number 9 is a cartridge casing and the .380 caliber.

Q .380? And did you ultimately do a diagram showing all of these cartridge casings were found?

A Yes.

Q We'll get to that in a minute. State's Exhibit Number 59, which is marker Number 10?

A That's going to be a cartridge casing in the .45 GAP caliber.

Q And then 11, 12 and 13?

A 11 and 12 are also cartridge casings in .45 caliber. Number 13 is a cartridge casing 9 millimeter.

Q Marker Number 14 and 15?

A Markers 14 and 15, cartridge casings as well. Number 14 is a .380 caliber, number 15 is a 9 millimeter.

Q Marker Number 16 and 17 and 18?

A Cartridge casings also. Number 16 is at a 9 millimeter. Number 17 and 18 are at a .45 GAP.

Q And Marker Number 19 depicted in State's Exhibit 66, what type is that? And where is at that located?

A That is a .45 caliber cartridge casing, and it's up on the window seal. I believe just above the raised platform there's like a double window behind that.

Q There is a window behind it?

A Yes.

Q Moving onto 20, 21.

A Item 20 -- Marker 20 is a cartridge casing, which is also .45 GAP caliber. Number 21 is a cartridge casing and it's a .380 caliber.

Q And then Item Number 30. Is that the way it's --

A Number 30, I believe, is a phone.
Q Does that look familiar right here?
A Yes.
Q And then 31 is another phone?
A Correct.
Q And then it goes back to that. And then 32, I believe, was a towel.
A Yes.
Q I want you to look at State's Exhibit Number 75. First of all, do you recognize that?
A Yes.
Q And what is this?
A Number 75 is a flight path rod. It -- that item shows a flight path rod going through a whole that goes through that wall, it's just a bullet defect, or a defect made by a bullet through the glass and on through the wood. And that flight path rod shows the direction and angle that it's moving.
Q And what is this below this mirror for?
A That's the upper portion of a seat that's there at the dance floor.
Q That's here?
A Right.
THE COURT: All right. We have an objection?
MR. BELTON: We don't have an objection, we just want

to approach, Your Honor.

(A bench conference was held.)

THE COURT: All right. Ladies and gentlemen, of the jury, rather than having the back and forth with one lawyer moving something into evidence and the other lawyers object or not object, the parties -- or the attorneys have stipulated that the photographs from what I understand will be coming into evidence.

MR. BELTON: Correct?

THE COURT: Now, of course -- so I'm making that finding that they're admitted into evidence but for the purpose of having them shown to you, okay, we're just going to put them on the ELMO there, that's what it's called, so you can look at it. And remember, you're going to have all of this stuff back in your jury room anyway. And remember earlier when I told you I can multitask, some people can't, but make sure you're listening while you're passing around photos and stuff. Okay?

MS. CAMPBELL: Thank you, Your Honor.

Q State's Exhibit 75. Can you see the swing? You've got one up there, don't you?

A Yes.

THE COURT: You can take your mask of, Luck.

MS. CAMPBELL: Thank you, sir.

Q What does that show?

A That shows a defect in the -- there's a glass portion up on the back side of that wall and it shows where a bullet passed through there, perforated through there, and there's the flight path rod showing the angle of trajectory there.

Q Okay. And I notice that if you look up above where that mirror ends in the restaurant there's an exit sign?

A Yes.

Q What is that above?

A That is above the entry door coming out of that small foyer that we talked about earlier.

Q The main one.

A Yes.

Q And what's the purpose of having the rod in there? What are y'all able to determine from that?

A We're able to determine angle of entry, and it helps give us a graphic to show, again, sometimes just the angle of entry up or down, left or right.

Q And some of the photos we put in first from the lobby. Were there corresponding projectiles or fragments that are found in the lobby area that would correspond with this?

A They could. We found, I think, it was a minimum of maybe four that were kind of scattered around. So, yes, they could apply to this one.

Q I'm going to show you what has been marked as State's Exhibit Number 76. What does this show?

A This one shows a seat area there that's just beneath some of that glass that we were showing there on the dance floor area.

Q And are there some markings here on the bottom of the seat?

A There are markings, yes.

Q And then I'll show you what's been marked as State's Exhibit Number 77. I believe it refers to a defect?

A Yes, two defects.

Q And when you to -- saying refers to a defect, what do you mean?

A That's a bullet hole, where a bullet hole made either an entry ricochet or an impact.

Q Okay. And at that point was this located in that dance area in the --

A It was. It was closer down to the stage end of the room than the one through the glass was. It was on the opposite end of that row of seats.

Q On the opposite end of row of seats?

A Yes.

Q And was it still on the wall that separates the lobby from the --

A Yes, it is.

Q And another defect in State's Exhibit Number 78?

A Correct. That one is directly beneath the one that you

just showed, and we believe those two are related. The bullet perforated the first piece of wood and went into the second one.

Q Okay. And I believe in State's Exhibit 79 that's defect 2A?

A Yes.

Q And finally in State's Number 80.

A That again shows a trajectory rod in there that's down almost on the floor just underneath where someone would sit above on that seat. And, again, the bullet appeared to perforate the outer edge of the facing of that seat and went into the back side of it at about a 30-degree downward angle.

Q I'll move on to State's Exhibits 81 through 84. Taking 81. What does this show?

A Number 81, again, is looking toward the body -- where Mr. Colvin is at, and looking at that row of seating with the glass behind it.

Q And specifically there at the scene, did y'all also determine an injury to the victim in this case, Mr. Colvin?

A Yes.

Q And was that the only injury you noted there at the scene? But more were found later by the pathologist.

A I think it was the only one that we saw there at the scene. Many times once -- until the body is moved to say

the coroner's office or down to the pathologist's office, we try not to manipulate the clothing anymore than we feel is absolutely necessary to at least find some type of life threatening injury like that.

Q Okay. I'm going to show you State's Exhibit Number 84. Does that show an additional?

A Yes.

Q I'm going to show you State's Exhibit Number 199. What area does this show of the club?

A This is the bar. If you had walked into the main foyer entry way that we spoke of, and once you got down past the wall and took a left and went on up a little ramp and some steps you would encounter the bar immediately to your right and you see an exit door across from there, that actually faces Charlotte Road, Old Charlotte Road out there. But that entrance stays locked was my understanding.

Q And would it be fair to say that this bar kind of curves around a little and there's a nook back there in the back?

A Yes.

Q I show you State's Exhibit number 85. Does that show that area?

A That's the back side where there's some seating and tables and things like that.

Q And then as you come around a little bit towards the

front of the building, State's Exhibit Number 87.
A Yes. Again, back towards the front, just more seating area.
Q And then State's Exhibit 86 shows the corresponding. Did y'all find anything of significance back in that area?
A No, we did not.
Q While there at the scene, is it important for you just to document the different areas?
A Yes.
Q I'm going to show you State's Exhibit Number 88. What area does that show?
A That is behind the bar.
Q And then State's Exhibit 89 and ultimately 90. What areas does that show?
A That is looking in toward a kitchen area if I recall.
Q A kitchen area?
A Yes.
Q I'll show you what's been marked as State's Exhibits 91, 92, 93. I'll just show State's Exhibit 91. Does that show just like a storage unit that was this there?
A Yes. We figured that just some type of big storage room.
Q And State's Exhibit 94 and 95, specifically 95. Where is that door?
A That is, I believe, the other door that I was saying

faced the Old Charlotte Road that was locked up and didn't appear to be used.

Q If I show you State's Exhibit 94, can you see it in relation to the bar area there?

A Yes. It has an exit sign hanging over the front of it there.

Q State's Exhibits 100 -- excuse me -- 96 through 100. Were you aware that there was security cameras in place there that night?

A Yes.

Q And ultimately in these, does it show -- just show the condition of the security camera and where it was located in the office?

A Yes. It just shows where their system was located.

Q Specifically on this screen, does it show a number of different screens?

A It does.

Q Thank you. Which would have shown different areas of the bar.

A Correct.

Q State Exhibits 101 through 107. Start with 101. What area does that show?

A That was, I think, looking back out of the kitchen back towards the freezer area heading toward the back door.

Q And ultimately State's Exhibit Number 105.

A That, again, continues on through the kitchen to the back door that you see there that's bolted or barricaded shut I guess you would call it.

Q Barricaded shut? And, in fact, in State's Exhibit 106 --

A Same door.

Q -- and 107.

A Same door as well.

Q In order to gain access you just lift the piece of wood up?

A That's what it appears.

Q That night there has been some question about a gun that was collected, and I'm showing you State's Exhibits 108, 109, 110. Was it requested that you retrieve a handbag from the club that night?

A Yes.

Q And 108, does that show where the handbag was located?

A Yes. It was underneath the bar.

Q And then in 109, does that show what was in the bag when you opened it?

A Yes.

Q And ultimately in 110, does that show the actual gun that was taken from Ms. McGriff's bag?

A Yes.

Q And once y'all have photographed the scene and

documented it, ultimately did you collect a good deal of the evidence in this case?

A Yes, ma'am.

MS. CAMPBELL: And Your Honor, if I can just put on the record, the items that we're putting into evidence they have no problem with.

THE COURT: Is that correct?

MR. BELTON: No objection, Your Honor.

MR. SHELDON: None, Your Honor.

MR. BELTON: It's just the casings.

MS. CAMPBELL: This is State's Exhibit 231, which is a 9 millimeter cartridge case at Evidence Marker 7. State's Exhibit 232, which is a 9 millimeter cartridge casing from Evidence Marker 8. State's Exhibit 233, which is a .380 caliber cartridge casing from club floor. State's Exhibit 234, which is a Spear .45 cartridge casing from the front of the stage. State's Exhibit 235, another .45 caliber cartridge casing. State's Exhibit 236, another .45 caliber cartridge casing. State's Exhibit 237, a 9 millimeter cartridge casing. State's Exhibit 238 is a .380 caliber cartridge casing. State's Exhibit 239, which is a 9 millimeter cartridge casing. State's Exhibit 240, another 9 millimeter cartridge casing. State's Exhibit 241, there's a .45 caliber cartridge casing. State's Exhibit 242 is a .42 caliber cartridge casing. Again, most of these are the from

the stage area. State Exhibit 243 from Marker Number 19 is a .45 caliber cartridge casings. State's Exhibit 244 is a .45 cartridge casing Marker Number 20. State's Exhibit 242 is a .380 cartridge casing from Marker 21 at 245. State's Exhibit 246 is a 9 millimeter cartridge casing from Marker Number 22. State's Exhibit 247 is a projectile from the hallway floor Marker Number Four. State's Exhibit 248 is a bullet fragment from Evidence Marker 26. State's Exhibit 27 (sic) is a bullet fragment from the tile floor in the foyer, Evidence Marker Number 27. State's Exhibit Number 250 is a projectile from entrance way Marker Number 28. State's Exhibit Number 264 is a bullet from a Honda Accord from Deja Hinson's car.

THE COURT: All right. Those items have been stipulated to come into evidence by both defense counsel, they are in evidence.

(The exhibits were received.)

MS. CAMPBELL: And also State's Exhibits 227, 225, 226, which, I believe, were various shoes that were taken from the scene?

MR. BELTON: No objection, Your Honor.

THE COURT: Without objection to the items in the bag.

MS. CAMPBELL: Thank you.

(State's 225-227 were received.)

THE COURT: What are those numbers?

MS. CAMPBELL: 226, 227, and 225.

THE COURT: Got it. They're in evidence.

Q Investigator Taylor, how long were y'all there at the scene that day, do you remember?

A I think we left about 3:00 p.m. that afternoon.

Q And at that point you photographed and collected the evidence there at the scene?

A Yes.

Q I want to turn your attention to September the 23rd. Did you have an occasion do meet with a Ms. Deja Hinson?

A Yes.

Q And where did that take place?

A I think it was in a parking lot over at -- is it Clinton Elementary School I think it's called --

Q Uh-huh.

A -- off of is it Arch Street? I forget where it was -- or is it Clinton Avenue, I'm not quite sure where that is, but it's behind the school. She called and wanted to meet with us over there and said that she had found a bullet lodged in the tail end of her car.

Q And did you meet with her and retrieve that bullet from her car?

A Yes.

Q And that was just put into evidence.

A Yes. It was from her Honda Accord. Yeah. That was on

Roof Street and Clinton School Road.

Q At some point was there also a gun recovered from a car that was outside one of those -- that Town Car, I believe?

A Yes. In the parking lot at the club. It was one of the cars that was left there as everybody was leaving.

Q And did you attempt to contact the owner of that gun that was in the car?

A I'm not -- at the time I'm not certain -- no. I don't know if I ever got -- I don't know that I ever made contact with the last recorded purchaser of it or not. I can't recall.

Q Okay. Later on did you prepare some additional diagrams in this case?

A Yes.

Q And I want to tell you --

MS. CAMPBELL: And, Your Honor, with these they're blowups, so if the witness could come down here. Bring your mask with you.

THE COURT: Here is what we're going to do, we'll go ahead and break for today. Okay?

MS. CAMPBELL: Okay.

THE COURT: Y'all have been great, ladies and gentlemen. Thank you so much for your patience today, noteworthy. Okay? Continue to keep having that same attentiveness and patience, y'all are doing great. Thank

you for listening to everything. It's been a long day. I know we started late this morning or early this afternoon, but we've worked diligently all day and we're going to take off a little bit early. Having said that I want you back in your jury room tomorrow morning at 9:15, 9:15 a.m. Give you a little bit of leeway getting here and we'll try to get started promptly as soon as you get here and go from there. Okay? Thank you very much. Y'all have a great evening. Don't talk about the case, do any independent research, you remember my discussion on that. Thank you very much.

(The jury left the courtroom.)

THE COURT: And Mr. Witness, you're not to talk about your testimony with anybody while your testimony is broken. Thank you.

THE WITNESS: Yes, sir.

THE COURT: Lawyers, y'all are doing an excellent job, thank you. Thank you for moving very efficiently today, it's been a long day. Anyway, having said that -- yes, sir?

MR. SHELDON: Can we approach, Judge?

THE COURT: Anything else to put on the record, though? Okay. We are in recess, then, until tomorrow morning. Y'all be ready to roll at 9:15. Okay? Thank you.

(Court recessed for the day and resumed at 9:20 a.m., On Wednesday, October 27, 2021.)

THE COURT: Anything before we bring the jury down?

MS. CAMPBELL: Your Honor, one thing. Next we're putting in some diagrams with the next witness, and at some point I do want him to it come -- and I think this may be, and I just want to confer with defense counsel, the best spot to try to let everybody see the diagram. I think this would be far enough back that we would be okay.

THE COURT: That's fine. Just both of you speak really loud with your mask on and stuff. Mr. Witness, you can come on up here and be standing up here.

MR. SHELDON: And, Judge, I forgot one thing if we can approach, I just want to bring the Court's attention to something.

(A bench conference was held.)

MS. CAMPBELL: Do they have any objection to those coming in?

THE COURT: Those blowups are coming in evidence, or are those just demonstrative exhibits?

MS. CAMPBELL: Into evidence.

THE COURT: Okay. Correct?

MR. BELTON: I don't have any objection.

THE COURT: All right. Without objection the blowups are admitted into evidence. Thank you. Bring them on down.

(The jury returned to the courtroom.)

THE COURT: All right. Good morning, ladies and gentlemen, I hope you had a wonderful evening. As you'll

recall we interrupted the testimony of this witness and the State is continuing with the questioning of this witness. They have him down there so he can go over some diagrams with you, which has been admitted into evidence with the consent of everybody. Anyway, if at anytime you can't see what the investigator is talking about, Your Honor, you know, manipulate yourselves so you can see it or let me know if you still can't see it. Okay? Again, those chairs, I think, have wheels on them, yeah, all right, and I think y'all do, too. So if you need to stand up, especially the ones at the very back, to see what you need to see do that. Okay? All right. Madam Solicitor, you can resume your questioning?

MS. CAMPBELL: May it please the Court, Your Honor? I'll try to talk loudly since I am going to be right here.

CONTINUED DIRECT EXAMINATION

BY MS. CAMPBELL:

Q Investigator, you reviewed what's been marked as State's Exhibit 256; is that correct?

A Yes.

Q And corresponding with that is State's Exhibit Number 257; is that correct?

A Yes.

Q And I'm just going to put it right here. And can you tell the jury, what is this that you created?

A That's just on overview or kind of a birdseye view of the scene itself. This is going to be the Old Skool Club, this is the Old Charlotte Road coming up through here. This is current Charlotte Highway, Highway 521. This was an old abandoned -- at the time was a vacant old restaurant, I think it's now an occupied restaurant named Adela's, I believe.

Q And were there certain items that you thought you wanted to note as far as what you found when y'all got to the crime scene that day?

A Yes. Investigator Jeff Steele and Lieutenant Rogers earlier testified about items that they noted over in the parking lot here of the old restaurant building, an item that was collected here, items that were collected outside of the main entry side of the club here along with the body of a decedent, Mr. Harris, I believe it was, who was found here on the edge of the parking lot. And there was some extra .40 caliber shell casings, I believe, or cartridge casings found up here on this corner of the Old Skool Club.

Q And you have these groupings done, and I note that the yellow square boxes have numbers in them like 37, 38?

A Yes.

Q And would those have been the marker numbers that y'all actually used that day?

A Yes. Those are the marker numbers that we just keep

again at least chronologically, or as we find things we put a marker down just to help us know where it's at and go back and take notes.

Q And also I see that there's some triangles that are orangish colored.

A Yes.

Q That have ABCD, letters like that.

A Correct.

Q What does that denote?

A Those were only done most of specifically for the vehicles that were left at the scene. As you can see here there was one over in the old restaurant parking lot, several up in this kind of overflow parking area of the Old Skool Club, one up here to the northwest corner, and then several that were left around the back.

Q And taking them in the order that you have them on the legend, I believe the drawing legend that goes with this map, can you walk the jury through the items and what they were and where they're located on that actual diagram?

A Yes. Right now the actual markers, item number one is a shoe that was found here. Item number two, this marker here denotes where the body of Mr. Harris was found and the shoe was, of course, just several feet or so right there near his body. Item three was another shoe that was right over here just right outside the main entry door of the

club. Items 33 down through 40, as you see all kind of -- right up through here, 33, 34 and 40, again, were the .40 caliber casings, I believe, that were found on the corner here. 35, 36, 37 and 38 were the 9 millimeter cartridges that were found over in the parking lot of the vacant restaurant. Number 39 was also a cartridge casings, a 6.35 millimeter that was found here at the edge of the parking lot near the edge of the building of the old vacant restaurant. Item 40. Let's see, again, that's the .40 caliber. Item Number 41, there was a shirt with a -- I think a $1 cash, a cell phone and some unknown pills in a plastic bag that was found out here in this field. There was like a little gravel driveway that seemed to kind of lead up in there, maybe like a turnaround spot, and those items were found there. And I think this shirt had what's thought to be blood on it here. And then Item Number 42, let me tip this forward so you can see that. You're going down Charlotte Road, Old Charlotte Road, there was a cartridge casings --

Q I'm sorry. Are you good?

A Yeah, it should be good like that. There was a cartridge casing found there in the roadway, it was a 9 millimeter cartridge casing. And let's see, let's continue here. 43, 44, 45, 46, 47, 48, which are all grouped right around here near the entry door of the club, these were

droplets of what was believed to be blood that had a couple of drip trails. I think one was leading toward the body of Mr. Harris and another one was leading back toward the back of the club on there. And again, the letters are denoting the individual vehicles that were left there.

Q And did you actually place those cars on this map yourself?

A I did. I did. Just to explain to how this diagram was taking, it may look familiar. If any of you are familiar with using some of the search engines on the Internet; Bing, Google, those type things. This was, I think, form a Google map that I just did a photo -- a screen shot, and then just overlaid my descriptions in my markers and my little vehicles for demonstration purposes.

Q And the car that you have marked with Marker A, where is that located?

A Marker A was right just outside of the entry door going toward the back of the Old Skool Club, and I believe that's going to be a Volkswagen Passat.

Q And just going through the other cars that were found there in the parking lot, if you can point them out to the jury.

A Sure. Let's see. Item B here is a Honda Accord. Item C next just down from the Accord is a Dodge Journey. Item D is a Ford F-150 truck. Item E -- lets' see, where is Item

E? Item E is here along the edge of the drive there at the club, that is the Chevrolet 1500. Item F over in the parking lot of the old restaurant building, I believe, is a Dodge Charger. Item G is a Chevrolet pickup truck that was above the northwest corner of the club in the grass. Item H is a Chevrolet pickup truck. I think this one belonged to the owner of the club if I recall. Item I is a Mercedes that was parked directly behind the club. Item J is a Lincoln Town Car just out from the Mercedes. Item K is a Honda Accord here. And Item L was a Ford Explorer at the farthest end of the parking lot behind the Old Skool Club.

Q And these were ballistic evidence and other evidence that y'all marked and noted outside the club.

A Yes.

Q Thank you. I want to move on to State's Exhibits 258 and 257. Do you recognize these as well?

A Yes.

Q And is this the legend that belongs to this diagram that you created?

A Yes, it is.

Q Can I put this right down here again?

A Yes, ma'am.

Q What area does this show? Let me get out of way.

A This is just a cutaway view of the side or the main entrance of the club itself. And again, Old Charlotte Road

is along this surface area here, so it's kind of over to the side of what you may typically think of as the front of the building, but this is the main entrance that it appeared everybody used all of the time. But this shows a cross -- or a cutaway view of that showing the entry foyer here, the main entry exit. Here is the Volkswagen Passat that was just off the back corner here. And this, of course, denotes several evidence items, and the location of the decedent, Mr. Harris.

Q And the evidence items are some what appeared to be blood stains and like a shoe and things of that nature?

A Correct. Some of the items we just went over on the previous layout.

Q And earlier Lieutenant Rogers had testified about some measurements that were taken. Are those reflected on this as well?

A Yes, they are. Here at reference points A and B we chose basically the corner of the awning that came off of the edge of the building itself. This was a sidewalk here and a ramp, and it had like a covered awning and we chose the outer edges of the awning structure to be our reference points for A and B. And then each item is measured from -- for instance for -- in order particularly to put decedent in that location. To his forehead from Item A was measured at 38 feet, 4 inches. Reference point B was measured at

30 feet, 9 inches. And that allows us to triangulate his position in relation to the reference points.

Q Okay. And as far as the other items, 43, 45, 46, 47, and 48, those were just markers in that general area?

A Yes. Those were markers just to show the drops of what we believed to be blood.

Q And then just in this area what you're portraying, there was just two automobiles that were portrayed in A and B.

A Correct. Just in the section of the drawing, yes.

Q Okay. Let me show you what's been marked as State's Exhibit 261 and 262. Are those also items you created?

A Yes, ma'am.

Q Based on the evidence.

A Yes.

Q And I'll put 260 here. I'm going to start with 261. What area does this show?

A Again, this is just cutaway -- another cutaway view of the entire club itself, kind of cuts off about a third of the building over here just to show our emphasis on the evidence items that were collected in reference to coming in the main entry, there at the main entry foyer in relation to the inside of the club. Everything that was on the outside was on the previous two drawings.

Q And taking in whatever order works for you, are

there -- are there some reference points that were used in this?

A Yes. We had two areas that we focused on. Again, if you can kind of follow with my hand here, as a person might come in the main entry through the double door foyer, there is like a hallway here as you first come in. And then off to the right is an area where there is a cashier that sits here for, you know, paying patrons that are coming in. There's a pool room area. And then just beyond all of that there's a ramp and set of steps that led up into an area that we just referred to as a dance floor with a carpeted area here, there was a tile portion here, a raised stage area here, so we tried to divide it in half. And we had for reference points, reference point number one we used in this corner, and reference point number two we used over here for the dance floor area to cover so we can get our measurements here. And then over in here we used this corner of the structure for reference point three, and this same corner here and we called it reference point four to triangulate our measurements for the area up in here.

Q And when you're preparing this document you don't know what may or may not be relevant once the witnesses are all interviewed and things of that nature.

A Correct. Because usually when we get there it has just shortly occurred and so we're just processing to the best of

our knowledge, and any information that comes in while we're there.

Q And again when you're collecting evidence, obviously ballistic evidence would tend to be important, but you just collect what's there.

A Correct.

Q Okay. And walking them through these things starting with whatever number. And again, the squares with the numbers in them, are those the marker numbers y'all used?

A Yes.

Q And that's the photographs that we've already put into evidence with you earlier corresponding to those?

A Yes, ma'am.

Q Taking them in whatever order you want, can you just walk the jury through what you found and where?

A Sure. And again, as a person might enter the main entry foyer there is -- Item Number 27 is a bullet/bullet fragment. Some other terminology may be a projectile. Sometimes a projectile is a full projectile, a full bullet, not the cartridge but just the bullet itself. Sometimes it's a portion, just a piece, a very, very small piece, maybe a piece of lead, maybe piece of copper jacket or any other kind of inserts that a bullet manufacturer might have in there if the bullet makes it. But sometimes it's just a very, very small piece. Here again Number 27, this is a

bullet/bullet fragment. Number 4 and Number 26. Also Number 4, a bullet/bullet fragment. Number 26 is a bullet fragment, these two items here. Number 28, I recall, is also a bullet/bullet fragment that was found on the floor here. Item 29, I believe, is a cell phone that was lying on a shelf here just next to our reference point. And that was the most of what we -- or anything that we've noted as evidentiary and that we collected down in this area here. And, again, these coincide with these measuring points three and four here.

Q And let me stop you there. In this -- when you come in that main entrance that you're pointing to there there's a set of exterior doors.

A Yes, set of exterior doors here.

Q Then there's another set?

A A little small foyer just a few feet in there's set of interior doors.

Q Okay. And then you get into the lobby area where the cash register is and everything.

A Correct. It's off to the right just inside the interior doors.

Q Which is depicted there. And Marker Number 27 is located where?

A It's inside the foyer, which is, again, isolated from in here and in here, but it was found inside the foyer here.

Q And I'm skipping ahead a little bit. But when y'all are doing your examination from the dance floor, were there two perforating defects in the wall between the dance floor and that front hallway?

A Yes. There was a perforating defect found in the glass portion of the seat back in this wall that separates the dance floor, which this is also, again, up this ramp just raised up a couple of feet. It separates this area from here. This wall right here has a glass mirror on top that runs here and I believe it runs all of the way over here to just about the stage. There was a perforating hole through here all of the way through, we never did find the terminating end of it here. And there was another perforating one that terminated somewhere within this wall, we think.

Q Somewhere within the wall?

A Yes.

Q And you actually found a fragment at Item Number 27, kind of in that same path?

A In the same path, correct, but over inside the foyer.

Q And then did you also find some fragments and/or projectiles in the general area where the other perforating --

A Yes. As this one broke through the wall here, and again, we did find bullet fragments -- bullet or bullet

fragments here, here and here that could be associated with that.

Q And I'll get back to that. Keep going with what you found. So so far we've talked about 27, 28, 29, 4 and 26?

A Correct. And again, coming up the ramp here, of course, we examined the entire building, and the only area that really seem affected for this investigation were this area here and the pool room area, the entrance area and this dance floor stage DJ area. But as you come up the ramp and come into the dance floor area, Item 32, which is right here in the floor, was a white towel that was just lying there in the floor. Item Number 5 was a bullet/bullet fragment over here. This, of course, here at -- next to Item Number 24, this represents where the body of Mr. Colvin was found lying on his back with his left arm extended, his right arm kind of pulled up onto his chest. Next to his body, Item Number 6, was found a cartridge. Now, unfortunately I have a typo when I first did my drawing, I put in cartridge casing but it was since corrected I think last week, and it's actually a cartridge 9 millimeter.

Q And is that an unfired bullet?

A Oh, excuse me, I'm sorry, I'm looking at the wrong thing. That is the cartridge 9 millimeter. It was a typo that was corrected last week, I'm very sorry, but it's a cartridge 9 millimeter. And that is an unfired round, and

that was found lying next to Mr. Colvin's body here. Item 24 is also a bullet/bullet fragment that was found here close to his body. Item 23 was also a bullet/bullet fragment. And Item 25, I believe, was a shoe that was found right here. One of the reasons we focused on these items first and had them moved, or had them collected by -- I think Lieutenant Rogers actually collected several of these in this area, and these were two cell phones here, Number 30 and 31, is we wanted to allow the coroner's office to come in and transport Mr. Colvin's body and go ahead and get him taken care of. So we kind of focused here and got these items out of the way before we moved over to here.

Q Okay. Moving over to whatever order you want to do it basically --

A Over in the stage area?

Q In the stage area.

A Again, the DJ station is set up over here in the corner of the building, several big speakers, a big table with the audio equipment, things like that kind of populated this corner. There may have been a couple of extra chairs or tables or something in here again just for demonstration. But there was a raised stage area that was right here beside that, the double window here looking back out to the entry driveway.

Q Which is behind it?

A Which is behind it, correct.
Q And what is the approximate size of the stage?
A Roughly 10-foot by 5-foot, maybe a few inches longer, about 10-foot by 5. And it was raised up about -- I think about a foot or foot and a half off the floor, so it brought it up a little higher. And as you can see all of these numbers that are shown right here on the stage around the stage, and this Item Number 22 was actually found underneath the raised stage area. All of these, if I'm recalling correctly, are going to be cartridge casings, spent cartridge casings ranging from .380 caliber to 9 millimeter to .45.
Q So those were the three calibers that y'all found.
A Yes.
Q And taking them in whatever order, can you point them out for the jury?
A Sure. If I get in your way let me know. Let's see. Item Number 7, 8 and 9. Let's see, Number 7 is a 9 millimeter casing. Number 8 is a 9 millimeter casing. Number 9 is a .380 caliber casing. Number 10 -- Number 10 is a .45 caliber casing. Number 11 is also a .45. Number 12 is a .45 caliber casing. Again, they're all kind of right in here. Numbers 13 and 14. 13 is a .380, and 14 -- no, excuse me. 13 is a 9 millimeter, 14 is a .380. A 9 millimeter and a .380. Item Number 15, which is right over

here by the center of the stage area, is a 9 millimeter. Item 16, which is over in front of it, is also a 9 millimeter. Item 17 here is a .45 caliber, as are numbers 18, 19 and 20. Number 19 is kind of like lying up in the window seal, that's part of the window, it was elevated up above the stage. Number 21 is a .380 caliber, which is here. And Number 22, again, is a 9 millimeter that was found underneath the stage.

Q So y'all had to actually go underneath the stage and find that one?

A Yes.

Q And is it -- that was the extent of the cartridge casings you found on the interior?

A On the interior, yes.

Q And this also shows the extent of the bullet or bullet fragments that you found on the interior as well?

A Correct. Several here near Mr. Colvin, and the ones down here in the pool room and entry way.

Q And I'm going to show you what's been marked as State's 268. Is this a photograph that basically depicts that?

A Yes, it is.

Q So this would be corresponding pretty much with that.

A Yes.

Q Finally I want to talk again about the perforating -- and I'll hand you that -- defects you found. And can you

point those out to the jury?

A Yes. The perforating defects -- and again, a defect is another word for a bullet hole -- a bullet hole through the mirror glass here on top of the seating area all the way through the wood and continued on coming from this direction moving toward this storage area. We checked the wall over here around the storage area and the door facing, even some of the items inside the door to try to find a ending or terminating bullet hole, we didn't find one. Not to say that it wasn't there, there was just so many items that you might have to look through to try to find something and we just couldn't find anything there. Again, quite a few bullet fragments out here so it may have just fragmented and just come apart but it got through all of the surfaces. And that one, again, was coming from the direction of right over here toward the stage. A bullet is going to fly in a straight line until it hits something if it ricochets or whatever. A second one was here at the base of the seat down near the floor. Now, this one traveled at about a two degree horizontal angle, if I'm pulling it out of my arm kind of like that, kind of like that. Again, pretty much horizontal with what I'm looking toward. This one over here was at about a 30 degree angle downward, and it went into the front of the seat face, then through that down into the bottom of the seat and on down in toward the floor

underneath the seat at about a 30 degree angle, and again tracking it back toward the direction it came from this direction somewhere back toward the stage area.

Q Okay. And those are the two defects. Now, are you aware of how many people were actually hit with bullets in this case?

A I'm not aware of the total amount. Was it ten total?

Q And you mentioned some of the fragments and bullet fragments that you found. Is it unusual when you're processing a crime scene even if there are like ten shell casings that you won't find every projectile?

A No, it's not.

Q What are the factors that go into that?

A You've got a lot of factors. Again, some bullets are solid lead. Some bullet are solid brass. Some bullets are copper. Some are a mixture of a copper jacketing and partial jacketing and partial hollow points, those type things. When they hit different substrates they tend to start coming apart. And so, again, you may find a bullet that comes to rest and it's in almost pristine looking condition, but yet you may find that it's been torn apart and fragmented. Many times those fragments are not suitable for trying to track it back to a gun because there's just not enough of it there it's so small. And many times, again, other things that could happen. I've seen bullets

get caught in people's clothing even after it's gone through their body. I've seen bullets come out of clothing after a body has been moved. Sometimes when responders get there or other people at a scene, they can kick the projectiles, the bullet fragments, the shell casings, they can kick them. They can pick them up in our shoes, carry them outside in the parking lot, end up at their house, end up in a field. And sometimes, too, you have carpeted surfaces that might cover up some things. And you have, as in the case here, just tons -- well, not tons, excuse me, I don't want to be -- exaggerate, but much debris on the floor of the carpet and the tile area that may often cover up these particles that we don't often find.

Q I want to turn your attention basically to State's Exhibit 268. Where is this stage area on this exhibit?

A The stage area here is going to be here in this raised platform where you see all of these numbers. Here is the DJ station immediately to its right if you're looking from this angle.

Q And you mentioned that there was a mirror area that runs across kind of --

A Yeah. There is a seat here that runs along the wall that separates the entry area and the pool room area, and there's a set of mirrors you can see right up here on the top, and then right as it rounds the corner and goes back

toward the bar it's about half the height. Well, maybe about a third of the height as the other mirrors.

Q Okay. And then behind the stage directly part of it is part of this mirror?

A Yes.

Q And then it's this big window.

A Yeah, big double window.

Q And then you have a seat cushion here?

A Yes.

Q And then you can see the actual wall above it.

A Correct.

Q Were there any defects in any of this area?

A We didn't find any.

Q So the window was intact and intact on that area.

A Right.

Q I want to show you what's been marked as State's Exhibit Number 263 for ID purposes at this point. The three type of shell casings that were found, if I put this up here. And if I give you colored pens just to help you. Taking them one at a time, can you point out to the jury where the whatever -- whichever ones you want to pick first, 9 millimeter, .45, whatever suits you.

A The ones that we documented were a 9 millimeter caliber was Item Number 22, it was found under the stage. Item Number 7, I believe, it was. Item Number 13. Item Number

16. Item Number 15. Item, or I should say at Marker Number 8. And again, these are corresponding to our markers that we placed down. And I believe that's all of the 9 millimeter.

Q Okay. Can you just write up this 9 millimeter and then circle it with the yellow markers so they'll know which one it corresponds with?

A Yes. (Witness complies.)

Q And that was the extent of the 9 millimeter cartridge casings?

A Yes.

Q Which do you want to do next?

A This would be the .45 caliber. Item Number 11 is a .45 caliber. Items 10 and 12 are .45 caliber. Item Number 19 up on the window seal is a .45 caliber cartridge casing. And items 17, 18 and 20 are .45 caliber.

Q Did you write on there .45 caliber?

A Yes, ma'am.

Q Okay.

A And the last one is going to be -- the ones that were collected as .380 caliber. Let's see, that should be Number 14, Number 9, and Number 21. And there should be three of those. And then, again, is a .380 caliber.

MS. CAMPBELL: Your Honor, at this time we would offer it into evidence?

THE COURT: That?

MS. CAMPBELL: This?

THE COURT: Yeah, it's already in.

MR. BELTON: ID purposes only? No objection, Your Honor.

THE COURT: Okay. Without objection admitted.

(State's 268 was received.)

Q And, again, the actual photo of this area is here showing the markers as they were placed that day?

A Correct.

Q And all of the other photographs that are in.

A Yes.

MS. CAMPBELL: Your Honor, may he retake the stand?

THE COURT: Yes.

MS. CAMPBELL: Your Honor, may I approach?

THE COURT: Yeah.

Q Somehow I left out State's Exhibit 267.

MR. SHELDON: Judge, I'm sorry, this is obstructing. If I could just move these down --

MS. CAMPBELL: Of course. I'm sorry.

THE COURT: Just lower the poster board down, because I assume y'all are going to want to question him up there.

MR. SHELDON: Yeah. The stand, I think is fine.

THE COURT: I apologize.

MR. SHELDON: No, you're good.

Q I want to show you what's been marked as 267. You testified about a gun that was taken from the purse of Ms. McGriff, I believe?

A That's correct.

Q I left this picture out. What does this show?

A This shows that once we retrieved the little Derringer type pistol from Ms. McGriff's purse, we opened it to check if it was loaded, and it -- as I recall it was loaded and didn't appear to have been fired.

MS. CAMPBELL: Okay. Your Honor, at this time we would offer 267.

THE COURT: All right. Without objection admitted into evidence.

(State's 267 was received.)

Q And how many rounds does a gun like this actually -- how many rounds can actually be in it?

A In that one it holds two.

Q Two? And then you have to reload?

A Yes.

Q In your experience generally -- there's been some testimony about how shell casings come out when a semiautomatic is fired?

A Correct.

Q And is it different from a revolver?

A Yes.

Q And what's the different between the two as far as the shell casings are concerned?
A Well, in a revolver it's just that. All of the ammunition that's loaded into the revolver is loaded into the cylinder and the cylinder is integral to the gun, it stays attached with the gun, you can roll it out. On some models you can even physically take it out, but you have to mechanically undo that, take it out, dump the shells out, put new ones in, put it back in or roll it back into the gun and then it's ready to fire. Whereas a --
Q Let me stop you there. Is that kind -- the easiest way for me to say it is when you see it in cowboy movies, it's the one where they spin the --
A Yes. That's a good example of that.
Q Okay.
A And, of course, the semiautomatic is a gun that's typically fed but either some type of magazine or clip or something that holds ammunition in it, and as one is fired the mechanism of the gun actually -- once that cartridge casing or that cartridge is fired the gun itself, using gasses or springs or whatever, actually pulls that cartridge out when it opens, kicks it out to one side or in one direction and picks up a new one out of the magazine and loads it in and it's ready to fire again. And some magazines may hold four or five, some may hold 18, 19 or 20.

It depends on how big the gun is and what the caliber is.
Q Okay. And generally when it's a semiautomatic handgun I guess is the best way to describe it, do they generally kick out the shell casings in a certain direction?
A My experience it's typically been to the right to some degree, to some again, and that's based on a lot of factors. For instance, most extractors on the mechanism is over to the right-hand side of that breach opening, and so it typically is going to pull it and throw it somewhat right. That could be backward to the right, immediately to the right or slightly forward to the right. I have even seen some kick directly behind back up overhead.
Q And at my request did you test fire the .380, which is the only gun that we have in this case?
A Yes.
Q How did it eject the shell casings?
A It ejected, again, primarily to the right but mostly toward the back, and it even had one that went straight back over my head and landed slightly to my left in position to my body.
Q And shell casings at a scene, you can't control what happens before y'all get to the scene.
A No.
Q And in every scene, the wellbeing of the victims is primary over anything else; is that right?

A Correct.
Q But when you find a number of shell casings in a certain area, can -- if it's corroborated say by witnesses or other evidence, can it be helpful?
A Yes.
MS. CAMPBELL: Thank you. I don't have anything further.
THE COURT: All right. Mr. Belton? I'm sorry -- yeah -- you can go first, or Mr. Sheldon can go first. Y'all's choice.
MR. BELTON: Thank you, Your Honor. May it please the Court?
THE COURT: Yes, sir.

CROSS EXAMINATION

BY MR. BELTON:
Q Good morning.
A Good morning.
Q Do you prefer to be called Investigator Taylor? Captain Taylor? Lieutenant Taylor? What is preferred --
A Investigator is good.
Q Investigator Taylor. All right. Good morning, Investigator Taylor.
A Good morning.
Q So let's talk about a couple of things, or quite a few things that you testified to over yesterday evening and this

morning. Okay?

A Yes, sir.

Q Let's start with where Madam Solicitor left off about how shells are ejected from a semiautomatic pistol.

A Okay.

Q You indicated that generally they're ejected from the right, because I think you said the breach of the gun is on the right, that's kind of the opening, is what you're talking about, correct?

A The ejector is -- any that I have ever had any experience with, the ejector has always typically been on the right at that breach opening.

Q All right. And so -- but you also said that there are times that rounds eject backwards, upwards --

A Yes.

Q -- you know, somewhat kind of unpredictable, particularly if a person is holding their hands a certain kind of way, correct?

A Correct. Orientation of the hand is very important.

Q So if I'm on the ground with it turned up sideways it may come one way, correct?

A Yes, sir.

Q If I'm like this it could go one way.

A Yes, sir.

Q If I'm straight-on it can go one way.

A Yes, sir.
Q All right. So it's really depending on a lot of factors, and one of those factors being how the person is positioned and how they're actually holding their hand and their arm, correct?
A Yes, sir, I agree with that.
Q So -- and what you indicated -- and let's be clear, what time did you get there that morning?
A I got there just a little after 7:00 a.m.
Q Okay. So you arrived, and I think it's fair -- we all can agree that this happened at 2:33:33. I think Investigator Whiteside (sic) got it seared in our brains, right?
A That's my understanding.
Q So you arrive four and a half, five hours later, correct?
A Yes.
Q And I think we all can agree to the best your ability that you're a good investigator and you did your job as you are trained to do.
A Yes.
Q We can agree on that.
A Yes.
Q And I think there's been no testimony here in this courtroom that any police officer manipulated any of the

evidence or any of that. We can agree on that, correct?
A Correct. Not that I've heard.
Q But we also can agree that we had a crime scene that really went very disturbed for nearly an hour. We can agree on that as well, can't we?
A For a certain amount of time. I'm not sure of the exact, but for a certain amount of time.
Q But I want us to be sure, and I need a definite yes. So if you don't mind if you'll bear with me here for a second, I'm going to show you a timestamp. And again, this is seared in all of our heads and I just need us to be all on the same page. We're not going to watch the whole thing, so we're just going to get here to 3:29. And again, Investigator Whiteside (sic) had it all seared on our brain what time this happened and we all agree. Let's get this. That's at 3:30 in the morning, is it not?
A That's what the timestamp says.
Q All right. 3:30 in the morning, 2:33 it happened. We still have people inside of this crime scene, correct?
A That's the way it looks.
Q All right. So now can we agree for at least nearly an hour after this incident we still had people moving throughout this crime scene disturbing this crime scene?
A According that video, yes, sir.
Q All right. Based on your professional training that's

not an ideal situation particularly with something this serious, is it?

A It is not.

Q And also you testified that on the carpet, the tile and everywhere there was a lot of debris. As a matter of fact, will you hand me Exhibit 50, please?

(Break in proceeding.)

Q I'm going to show you what's been entered into evidence as State's Exhibit 50.

A Yes, sir.

Q That's kind of an example of what you found when you walked in, right?

A Yes, sir.

Q That's your camera and that's an accurate depiction of what you found.

A Yes, sir, it is.

MR. BELTON: Your Honor, I'm going to ask to republish this to the jury, please.

THE COURT: Okay.

Q That's kind of an accurate reflection of what you found. Stuff everywhere for lack of a better word, right?

A Yes, sir.

Q And so your job at this point is to try to comb through all of this, you and Lieutenant Rogers and Investigator Steele, to do the best you can to your professional ability

and to your professional standard, your professional training to try to come through and find what you can find, right?

A Yes, sir.

Q But I think you also acknowledged with Madam Solicitor there are times when things are missed, things are aren't found, correct?

A Correct.

Q Particularly when we've got large piles of garbage and trash on the floor and things everywhere, right?

A Yes, sir.

Q All right. So I also want to turn to what you collected. Because, again, there's been some testimony -- I know we've gotten -- you know, all these things here have been marked, and I appreciate that, but we can agree that when they come back from SLED, SLED takes your marker number but SLED puts an item number to it, right?

A We use a marker number in our office. I believe our evidence system applies our item number, but I think SLED applies another item number to it when they send it back to us.

Q And I think what my question is -- so let me reword my question and make sure we're all on the same page. So I think what my question is, is when SLED brings it back -- so let they just -- let me rephrase my question. Your marker

number doesn't necessarily correspond with SLED's item number, does it?

A Correct.

Q All right. And that's important for us to be able to follow, because at some point we're going to hear item number versus marker number, right?

A Correct.

Q And item number and marker number are different.

A That's correct.

Q All right. So let's -- so I apologize that I have to belabor this point, but I think it's important for all of us in here to know the difference in what we are talking about. So -- and because I am close to the jury I am going to find, or try to find -- and so to kind of expedite things so we don't have to spend a lot of time on this, what is Marker Number 9?

A Marker Number 9 is a .380 caliber cartridge casing.

Q Fired or unfired?

A Fired.

Q What is Marker Number 14?

A Marker 14 is a .380 caliber cartridge casing fired.

Q What is Marker Number 21?

A Number 21 is a .380 caliber cartridge casing fired.

Q What is Marker Number 7?

A 9 millimeter cartridge casing fired.

Q And Marker Number 7, where was it found?
A It was just a couple of feet off of the corner of the stage.
Q All right. Let's do this. And again, we're going to move through this quickly as we can. What's Marker Number 8?
A Marker 8 is also a 9 millimeter cartridge casing fired.
Q Found the same place as 7?
A A couple of feet back but still in front of the stage.
Q What is 10?
A Number 10 is a. 45 caliber cartridge casing fired.
Q Where is it found?
A Just on the corner of the stage between Number 7 and the stage.
Q Okay. Is that on the floor?
A Yes, sir.
Q Okay. What is Number 11?
A Number 11 is a .45 caliber cartridge casing fired. And it's on the floor, again, on the upper end of the stage, or front end of upper end of the stage.
Q Number 11. Are you sure about that?
A .45 caliber, yes, sir.
Q Are you sure it's not on the floor?
A I'm sorry. It's on the floor just in front of the upper end of the stage.

Q Okay. I may have misheard you. What is 12?
A Number 12 is also a .45 caliber cartridge casing fired, and it's on the stage on the far left corner.
Q All right. And what's 13?
A 13 is a 9 millimeter cartridge casing fired, and it is essentially next to Number 12 on the stage.
Q On the stage.
A Yes, sir.
Q So I'm going to put on stage for 12, on stage for 13. What is 15?
A 15 is a 9 millimeter cartridge casing fired, and it's just about in the middle of the stage.
Q Okay. So on stage?
A Yes, sir.
Q And what about 16?
A 16 is a 9 millimeter cartridge casing fired, and it is also on the stage just about a foot or so in front of Number 15.
Q Okay. And what about -- we're almost there. What about 17?
A 17 is a .45 caliber cartridge casing fired, and it is below Number 15 on the stage.
Q And what about 18?
A 18 is a .45 caliber cartridge casing fired, and it is on the lower left corner of the stage.

Q So on stage?
A Yes, sir.
Q And I know you've already marked -- Madam Solicitor had you to mark kind of the exact locations on these places here, right?
A Yes, sir.
Q We're just putting it here in kind of linear so we can understand, or I can understand it. All right. 19.
A 19 is a .45 caliber cartridge casing fired, and it's in the window seal above the stage.
Q All right. And 20?
A Twenty is also a .45 caliber cartridge casing fired, and it's on the lower right-hand corner of the stage.
Q 22?
A 22 is a 9 millimeter cartridge casing fired, and it was found underneath the stage.
Q Under stage. And Number 4?
A Number 4 is a bullet or bullet fragment. And it's found down just off of the edge of the pool room area coming out of the entry way.
Q All right. So entry by the pool room you said, right?
A Yes, sir.
Q All right. Just wanted to make sure I'm writing what you're saying. And I think Lieutenant Rogers helped us with many of the others. All right. What is 26?

A Number 26 is also a bullet or bullet fragment. And it was found just a couple of feet above item four in the pool room area.

Q Was it on the floor?

A It was on the floor.

Q How about 27?

A Number 27 was also a bullet or bullet fragment. And it was found inside the foyer, just that little enclosed area between the exterior and the interior door.

Q Okay. And then 28?

A Number 28 is a bullet or bullet fragment found at the far end of the entryway just next to the ramp that turns up to the dance floor, and it was on the floor.

Q Inside, correct?

A Yes.

Q And I think -- what is Number 24?

A Number 24. That may have been a reference. Let's see. That's also showing as a bullet or bullet fragment. It was right next to Mr. Colvin's body, and that's one that Lieutenant Rogers had collected when we first got in so that the coroner's office to get Mr. Colvin taken care of.

Q So that was near the right knee of Mr. Colvin?

A Yes.

Q And I think Lieutenant Rogers helped us with the remaining ones. Let me just check here just to make sure

that we're not -- that I'm not missing anything, just doublecheck my work here. Okay. And then you also had an item -- you also had an item -- I'm sorry. Was there a marker number or did you note the bullet that was taken from Mr. Harris' body? And if you didn't that's okay, I'm just asking if you know --

A The bullet thing --

Q Yeah, Mr. Harris' body. How about the bullet taken from Mr. Colvin's body?

A No.

Q So that's not part of your notes and stuff.

A Correct.

Q All right, fair enough. Thank you so much. All right. So this is a listing, and what you've done for me here kind of, because I'm more of a linear person, you've essentially done the same thing here for Madam Solicitor, right? You just kind of color coded it so we just have two different learning styles. Okay?

A Yes, sir.

Q So I'm going to put this down, move this back out of the way. What I'm going to ask you about -- so we talked about where you found those things and I also showed you Exhibit 50, which you had already testified to kind of what you found when you walked in to try to do your job. And what we're talking about here is that there's -- you

testified that there are times you just can't find stuff, right?

A Correct.

Q And obviously I think the question the solicitor asked was you just -- and I'm paraphrasing, I don't remember the exact question, but it was something to similar you collect what you can collect when you get there, correct?

A Yes.

Q All right. So I'm going to ask -- but I think we can agree that anything that's removed from the scene could potentially be evidence or potentially not could be evidence, right?

A Correct.

Q We don't know.

A Yes.

Q But as a scientist and as the investigator investigating it you would prefer everything stay there, right?

A Yes.

Q All right. And again, we've watched all of this so I promise, it is not going to be ten minutes of videos. I just want to show you five clips here, and this being the first one. Pay attention to -- I'm going to bring your attention to 241:20 up at the top. Okay?

A Okay.

(The video was played.)

Q 2:41:20. Now, at this point we know law enforcement has arrived, correct? We're eight minutes after the incident. Are you aware that law enforcement is there now?

A I don't know what time --

Q All right. So I don't have to go back and show it on the camera, would you disagree if I say that they are there?

A I don't know. I don't know the timeframe. I'm not asking you to prove it but I just truly don't know the timeframe.

Q Well, I'll keep moving. I'll keep moving. What's important right here --

MR. BELTON: Can I just hit it and circle -- hit -- so I can just circle on it?

MR. NEWMAN: Yes, sir.

Q This gentleman right here, can you see the circle that I made there?

A Yes.

Q What's in that gentleman's hand, in his left hand?

A I can't tell.

Q Okay. And again, I don't want to spend a lot of time and I promise these are not trick questions. Okay? I'm just -- just look here as he comes into the screen. Can you see it now?

A In his left hand? No, sir, I can't.

Q Okay. Would you disagree that it appears to be a bag in his hand, a book bag?
A In all honestly I can't make it out. I can't tell what it is.
Q Still can't make it out?
A Okay. I'm sorry, I see it. It looks like a vest maybe, or it could be a bag.
Q All right. What's on the gentleman walking behind him, what's on his back right?
A He appears to have a backpack on.
Q All right. So we've got two gentlemen right there, at least one of them we are willing to admit appears to be a book bag.
A Yes, sir.
Q All right. Have you had an opportunity to watch this video at all?
A No.
Q So you've not seen --
A Other than what I saw in court I think it was yesterday.
Q Okay. Well, you've not had an opportunity to watch the video, but certainly right now we know we are eight minutes after the incident happens, right?
A It would appear so, yeah.
Q And we can acknowledge that we have people walking

through a nightclub at this point with a book bag on their back.

A Yes.

Q All right. Do you know who those people are?

A No, sir, I don't.

Q Do you know what's in those bags?

A No, sir, I don't.

Q Okay. And we're going to skip over, I won't even show you the -- I'll show you just one more. 2:42:18. That should get us there.

(The video was played.)

Q Now, I want you to pay -- now, it's this gentleman right here that I want you to watch as you come into the screen. Okay?

A Okay.

Q There he is, he's in the screen. Do you see him?

A Yes, sir. You're talking about the gentleman behind the two ladies?

Q Correct. And what does he appear to be doing? Doesn't it appear to be picking up something?

A It does.

Q And so, again, this is certainly of no fault of yours, this is no fault of any -- you, Lieutenant Rogers or Captain Steele, but the reality of it is we do have a crime scene that was manipulated before you experts got in there to do

your job, was it not?

A It appears so.

Q So let's move on. You also gave testimony regarding flight path, and I think Madam Solicitor had some diagrams here. I think this may be -- is this the one she was using regarding flight path?

A Yes, sir, I think it is.

Q All right. And so there's been quite a bit of testimony here this week. Tell us, how many shell casings were you able to collect inside of the scene?

A I believe we collected a total of 16 inside the scene.

Q And that's been the testimony that's been consistent all week, 16. Do you have 16 flight paths?

A No, sir. We were only able to document two.

Q Two out of 16 bullets.

A Yes.

Q But -- so there are at least 14 other flight paths that are in this club that you were not able to find.

A Correct.

Q That you were not able to document.

A Correct.

Q So the reality of it is for anyone to come in here and say that guns -- bullets were going that way and no bullets were coming back this way would not be a fair and accurate statement, would it?

A I can only speculate on where they may have come from. But again, the only ones we were able to document --

Q For anybody to come in this courtroom and say that bullets weren't going in either direction would be an unfair assessment based on your drawing of the flight path, would it not be?

A Whether or not it would be untrue I don't know. Again --

Q But we do know that you only got two.

A Two, correct.

Q All right. And do we know how many defects did you find?

A We documented, again, two. One with each -- well, actually three -- four, but they all corresponded to the two flight paths.

Q Which means there are 14 defects that you did not find, correct?

A Correct.

Q When you collected the camera in there, did the camera -- was the camera in color or was it black and white like we see here?

A I don't know. I think Captain Miller or someone else actually collected that.

Q Okay. So you didn't collect the camera.

A No, sir.

Q All right. Now, let's turn our attention now -- let's turn our attention now to outside. Madam Solicitor showed you one of the exhibits here, and I think I have it written down. It's the exhibit that you -- that's been marked as Exhibit J -- Marker J, or exhibit -- Marker J. What does your Marker J?

A Bear with me just a second. Marker J is a Lincoln Town Car that was parked behind the club.

Q And you searched that car, or somebody on your behalf searched that car, correct?

A Yes.

Q And somebody on behalf searched that car. And what was significant that was found in this car?

A There was a pistol, I believe, found in there.

Q What, I guess, caliber of pistol was found?

A It was a .380 caliber.

Q .380 caliber pistol. And what was -- and was it the same .380 caliber pistol -- was it the same .380 that was gotten from Mr. Champion?

A I don't know. I don't know all of that.

Q All right. But it was a .380. You acknowledge it was a .380.

A Yes, sir.

Q And you acknowledge that it was found on the day of or the day after the shooting.

A That morning as we were investigating it.
Q So the day of.
A Correct.
Q And at that point no arrest had been made.
A I don't know.
Q All right. So let me ask the question then that I'm getting to, let me just cut through it. Was that pistol tested?
A I don't know.
Q All right. Do you have a record of it being tested?
A No, I don't.
Q All right.
A I collected it but I don't know what happened to it after that.
Q But we have .380 casings inside.
A Yes.
Q We have a .380 in the parking lot in a glove box.
A Yes.
Q We have casings everywhere on the inside.
A Yes.
Q And we have a 38 on the inside as well, right? Whether it shoots two times or 50 times we've got a 38 gun inside of the club, don't we?
A A 38 Special, yes.
Q And we know that 38 was returned to the owner two days

later, was it not?
A I believe it was.
Q And never tested.
A I believe that's the case.
Q And we had GSR that was done on the security guard, Myckel, did we not?
A I think Investigator Steele collected that.
Q And he had a .40 caliber pistol on his side, did he not?
A I'm not sure what caliber he had.
Q But you identify a .40 caliber casing outside, correct?
A Out on the northwest corner of the club that appeared to be old. They had dirt in them.
Q But .40 casings were identified outside.
A Yes.
Q And GSR was done on Officer Myckel to determine whether or not he had fired the gun?
A I believe Investigator Steele collected that.
Q Because GSR is a good way to tell whether or not someone has fired a pistol, correct?
A No. It will only tell if someone has been in close proximity of a gun that's been fired.
Q But one of the potential reasons for GSR is they could have fired a pistol, correct?
A To try to link it back to a shooter.

Q So you got the gun from -- you tested him for GSR and we got -- and we know who owned the .38 pistol, correct?
A Correct.
Q But they were not tested for GSR, were they?
A I don't know.
Q Because your testimony was with the .38 -- with the .38 that you could tell that it had been fired, or something to that effect, correct?
A If I recall the cartridges that were in it, the primers had not been struck.
Q The primers had not been struck.
A Correct.
Q And we can see that by just looking at it?
A Yes.

MR. BELTON: All right. No further questions.

THE COURT: All right. Let's take a little break, ladies and gentlemen. Don't talk about the case.

(The jury left the courtroom.)

(A recess was taken.)

(The jury returned to the courtroom.)

THE COURT: All right. Thank you, ladies and gentlemen. Mr. Sheldon, your witness.

MR. SHELDON: May it please the Court?

THE COURT: Yes, sir.

MR. SHELDON: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. SHELDON:

Q Investigator, thank you for being here this morning --

A Yes, sir.

Q -- and yesterday. So I want to begin by just talking about -- very briefly about the crime scene that sort of you entered into as opposed to prior to. I'm going to show you three different images and I just want to focus on one thing. I think the first image is going to be from camera 11 at 2:31:34. Do you recognize this -- or I'm sorry, 2:41 in the morning. Do you recognize this, what appears to be a trash can? Is that fair to say?

A That's what it appears to be.

Q And this is the reflection of it kind of in the mirror there; is that right?

A That looks correct.

Q All right. Do you recognize this?

A It appears to be a trash can.

Q Do you see anything over here?

A It appears to be where the trash was in the previous picture.

Q And you agree that's -- most likely the same trash can, right?

A Possible.

Q Just possible or likely? Just possible or do you think

it's likely?

A I would say it's possible. Again, I don't know.

Q Well, fair enough, I'm not going to put words in your mouth, keep moving. I want to show you the body cam footage that you had. What does that look like?

A It looks like a trash can.

Q Do you see anything here?

A It looks like trash.

Q Do you see anything here?

A As far as referring to the can, no.

Q Okay. All right. Thank you. And that's from your footage, right, that you took of the initial walk-through; is that right?

A If that's one of my photographs, yes.

Q All right. Let's talk about this crime scene and these bullets that you collected.

MR. SHELDON: Judge, if I could have him step down for a minute.

THE COURT: Uh-huh.

Q If you could just please tell me one more time what that is.

MR. SHELDON: Let the record reflect I'm pointing to Item Number 6, and anybody can freely get up and take a look.

A Item Number 6 was an unfired 9 millimeter cartridge

that was found very close to Mr. Colvin's body.
Q And I believe you had indicated that you originally said that that was a fired -- that that was just a cartridge but then you went back last week, I think you said, and changed it.
A Yes. It was a typo on my descriptive page. I listed it as a cartridge casing but it was actually cartridge unfired.
Q What's the difference between a cartridge and a cartridge casing?
A Cartridge is the entire ammunition, the entire -- most people call it a bullet. But it's made up of the bullet, the cartridge casing, the powder, the primer, and that's all put together as one piece -- (inaudible as the witness is talking with a mask.)
Q Is the simplest explanation, would it be fair to say that the difference between a cartridge and cartridge casing is one has been shot out of a gun and one hasn't?
A Correct.
Q Okay. If you could have a seat, we're going to come back to this in a little bit, I just wanted to make sure we were talking about the same thing. Let's talk about -- and I can sort of tilt this, you don't have to stand the whole time, hopefully, so the jury can also see it, but I want to talk about these trajectories that you put on here. You

said you indicated here, I think --

MR. SHELDON: And I'm sorry, guys, just let me know if y'all can't see.

Q We have something coming this way; is that right?

A Yes.

Q And that is -- I think that's a bullet flight path; is that right?

A Correct.

Q It says terminus undetermined. Terminus obviously means where the bullet landed, where it end up?

A Where it stopped, correct.

Q And the arrow sort of starts here. But that arrow in reality can extend anywhere out to here, right?

A Correct.

Q The terminus -- or the start point, the flight path takeoff I guess for lack of a better word is somewhere here. It's not somewhere right here, right?

A It's in that general direction. Again, that bullet is going to fly in a straight path until it hits its first target.

Q And we don't know, it could be here but we just know basically from the cartridges that we're assuming it started here, right?

A Most likely.

Q But there's nothing in the air itself that determines

where this flight path started.

A Nothing in the open air.

Q And so -- and I want to talk about one other thing. We have Item 22 here.

A Yes.

Q Arrow kind of pointed here.

A Yes.

Q I want you to -- and I don't know what exhibit number it is, but just for everybody's references it's Christy Rogers' picture that's already in evidence that kind of labels what each thing is at the time markers.

MR. SHELDON: If I could approach the witness, Judge.

THE COURT: Yes.

Q Do you think that where I just pointed to Item 22, where your arrow draws Item 22, is that a fair representation of where under the stage Item 22 was found?

A No. We just put it there just to show that it was underneath the stage.

Q But it was actually underneath the stage at the front of the stage.

A I don't recall. Again, just on my drawing it just shows as it being underneath the stage. I don't remember if it was at the top portion or the lower portion, the left or right, it was just underneath the stage along with about 100 beer cans.

Q It's at Marker 22 though, right?
A Marker 22 again is just to demonstrate that we found something -- because we couldn't show it in that picture, so we had to just say hey, here is Number 22, it's up under the stage. Again, had we put it under the stage you wouldn't be able to put see it in that picture.
Q But at some point you went and got it, right?
A Yes.
Q Okay. Now, when you say that -- and the flight terminus and this path right here, I think it's -- what I'm looking at is 26 and 4. Those are bullet fragments; is that right?
A Correct?
Q Two not complete bullets but those are fragments.
A Could be. Could be a partially deformed -- a deformed bullet or a bullet fragment, correct.
Q Okay. And they sort of land here and here obviously, right?
A Right.
Q We can assume unless somebody has kicked it a little bit or walked on it or any of the explanations gave that this is where they landed in general, right?
A It may be.
Q Okay. We know that something went through here, right?
A Yes.

Q We know that something is found here, right?
A Sure.
Q We know that nothing else is found here, right?
A Nothing is noted, correct.
Q Except for this little guy here.
A Yeah.
Q So, is it a fair assumption to say that perhaps these fragments came from this flight path?
A They could be related to that, yes.
Q Okay. Could be, we'll start with that. So is it also fair to say -- I mean, this might go without saying that when a bullet -- now, eventually what goes up must come down, that's just physics, right?
A Sure.
Q But a bullet that's going up is going to take a long time to come down, right? Unless it hits something.
A I would say that's fair.
Q It's certainly not going to just be fired in midair and just fall here that far away. That would be extremely uncharacteristic of what a bullet does, right?
A It would be.
Q Okay. So we can assume that whatever fell here hit something.
A Most likely.
Q But we know that it most likely didn't just hit --

wasn't fired into the floor in that direction, right?
A Again, couldn't say.
Q Okay. But you know that it wasn't -- how about it wasn't found inside of the floor?
A Correct.
Q It was found on top of the floor.
A Correct.
Q Would it be fair to say that a bullet that is fired -- and I know there are different reasons for things, that a bullet that is fired directly down is going to hit something, even if it's going to feather when it hits it, but it's going to perforate whatever it hits.
A It may ricochet depending on what that surface is, whether it's metal, wood or dirt.
Q There were no signs of ricochet there, were there?
A We didn't find any.
Q Okay. And this guy over here, this flight path right here --
MS. CAMPBELL: Your Honor, can he use numbers or --
MR. SHELDON: They didn't number it.
Q So the flight path over here, I guess, it's not labeled -- it's flight path terminus inside wall. How about that? We find another one right here.
A I believe we have them labeled as perforating defects A, B and C, I think.

Q So we're looking at B and C now, correct?
A Yes, correct, B and C.
Q And this would be Item 27, which is a fragment, right?
A Yes.
Q Okay. So is it fair to -- is it a logical conclusion that this flight path resulted in this fragment?
A It could have but we didn't find an exit defect on the outside of that wall. Again, unless it had ricocheted in some odd direction, but again, it is heading in toward that foyer, but we didn't find what we felt was a corresponding exit defect.
Q Where is the bullet that was in the wall?
A Again, we didn't find anything associated with that terminus. It could be lost somewhere inside the wall.
Q And we didn't go in the wall and figure it out.
A We didn't tear into it, no.
Q Okay. All right. So it could still be in the wall today, right?
A Could be.
Q And you said generally bullets are fired right rear, right? That's how they eject?
A The cartridge casings typically to the right, some slightly forward, some slightly rearward, some 90 degrees to the right. Again, it all depends on a lot of dynamics.
Q Okay. And there are a lot of dynamics, right? Which

direction the gun is pointed and things like that.

A Yeah. The strength of the person's grip, a whole lot of other things.

Q Also -- I mean, where bullets end up depend on whether somebody is stationary or whether somebody is moving, too, right?

A Yes.

Q Certainly if I'm here firing at a target with no other conditions it's probably going to fire right slightly rear, right?

A Again, I would say at a minimal more so to the right.

Q And then, but if I'm moving even if those are firing like they're supposed to those casings are going to go all over.

A That's correct.

Q And we don't know whether somebody is moving or not from looking at where cartridges end up --

A Correct.

Q -- right? Were you here for Ms. Rogers' testimony?

A I was in the courtroom, yes.

Q Okay. And so Ms. Rogers testified that the team made a decision not to test any of the fired cartridges for DNA or things like that, right?

A Correct.

Q And you were part of that team I'm assuming because

you're there processing at the same time, right?
A Sure.
Q The team also made a decision not to test any of the bullet fragments or projectiles for DNA or anything like that, right?
A Correct. Well, it was made by someone, again, not necessarily every one of us. I didn't have anything to do with it.
Q But you agree that it wasn't tested.
A It wasn't tested was my understanding.
Q Could you have made the decision to have that tested if you wanted to?
A I could have put in my two cents worth, and whether or not it got done that would be up to someone above my pay grade.
Q Did you put your two cents worth?
A No.
Q You did not?
A Nuh-uh.
Q And so the reason that we didn't test the casings is because when they're fired they eject hot I think she said, and that could burn off most of the DNA or whatever else was needed.
A Well, my experience of any that I've ever sent and had tested and any that I've ever dusted for prints and

processed for prints, we've been able to see prints in training, I've collected some prints before but I never found anything usable. Never found anything that was identifiable because they're so small.

Q That was on fired casings.

A On fired casings.

Q Okay. But this guy right here wasn't fired.

A I've never found a usable print on an unfired one either. We're processed them -- again, it's been done by some, some have great success stories. I've seen it done in training. I've been part of a training crew in a class where we did it and got some prints. But my experience in actual working it on scenes, I've never found one that was usable.

Q What about usable DNA?

A To my knowledge I've never had any success with that either.

Q And SLED is coming in. And you don't -- just to be clear, you don't process any of that.

A No.

Q But we're not -- about the unfired cartridge, we're simply just not going to know because that to this day has never been tested, has it?

A I don't think it has.

Q And up until last week it was labeled as a fired

cartridge, wasn't it?

A No. That was only on my drawing. That was not in the evidence system, that was a typo only on my drawing.

MR. SHELDON: Thank you. I don't have anymore questions.

THE COURT: Any redirect?

MS. CAMPBELL: Briefly.

REDIRECT EXAMINATION

BY MS. CAMPBELL:

Q Let me ask you about crime scenes and how long it took y'all to get there and do things. Do you work crime scenes that maybe the police officers don't respond to for hours?

A Yeah. If they're not found for hours, yes.

Q And do you work crime scenes where people -- police aren't responding for days.

A Yes.

Q And even weeks?

A Yes.

Q Months?

A Yes.

Q And you still process those crime scenes because you can find valuable evidence?

A Absolutely.

Q And we're talking about the real world here. In cases such involving shooting, mass shooting in nightclubs or mass

shootings at the mall, is the crime scene going to be pretty much chaotic before you get there?

A To my understanding this one was.

Q And were you aware that there were over 100 people in this crime scene?

A I'm not aware of the amount, no. I heard there were a lot of people.

Q He asked you about flight paths and the two that you noted.

A Yes.

Q And he said so you don't know where Number 14 went.

A Correct.

Q Were you aware that there were 13 bullet holes in people that would indicate --

A I was not aware of the amount.

Q But that would indicate a flight path.

A Yes.

MS. CAMPBELL: Thank you.

THE COURT: All right. Mr. Belton?

MR. BELTON: No recross, Your Honor.

THE COURT: Mr. Sheldon?

MR. SHELDON: No recross, Your Honor.

THE COURT: All right. Thank you, sir, you may step down. State can call its next witness.

MR. SHELDON: Judge, can we approach for just like 20

seconds?

THE COURT: Yes, sir.

(A bench conference was held.)

The witness, SEAN LEONARD, was first duly sworn and Testified as follows:

THE COURT: Thank you, sir, you can take your mask off. All right.

DIRECT EXAMINATION

BY MS. MCGINNIS:

Q Good morning, Investigator Leonard. Can you state your name for the record?

A Sean Leonard.

Q And are you currently working in law enforcement?

A No, ma'am.

Q Were you previously employed by a law enforcement agency?

A Yes, ma'am, I was.

Q And what agency was that?

A Lancaster County Sheriff's Office.

Q And would that include the time period of September of 2019?

A Yes, ma'am.

Q What was your role in law enforcement at that time?

A I was a Criminal Investigator with CID.

Q Did you have a small part in the investigation -- or

investigating the shooting at Old Skool.

A I did.

Q And was part of that role to respond to Atrium Hospital and interview some of the victims in the shooting?

A Yes, ma'am.

Q Were you given a little bit of information prior to going up there just so you know kind of the basics of the case?

A Minor, not much. I don't think I had even watched the video at that point. But I was told, you know, just a couple of the basics of who I was going to be interviewing and where they thought they were in the relation to the club.

Q Okay. Were you also provided with a photo lineup?

A Yes, ma'am.

Q And specifically, did you speak with Mr. Christopher Belton?

A Yes, ma'am.

Q And were you present when Mr. Belton testified earlier this week?

A Yes, ma'am, I was.

Q And based on your interview with Mr. Belton and viewing his testimony, were there some inconsistencies between his statement and what he testified to in court?

A That's correct.

Q And your interview with Mr. Belton was recorded on your body worn camera; is that right?

A That's correct.

MS. MCGINNIS: May I approach the witness?

THE COURT: Yeah.

Q I'm going to hand you what's been marked as State's Exhibit 269. Have you reviewed the video clips on this disc?

A Yes, ma'am.

Q And are those from your body worn camera?

A Yes, ma'am.

Q And to the best of your knowledge, do they depict the inconsistencies, some of the inconsistent statements that Mr. Belton gave between his initial interview and his testimony here?

A Yes, ma'am.

Q And they fairly and accurately depict what was recorded on your body camera that day?

A Yes, ma'am.

MS. MCGINNIS: Judge, at this time we move State's 269 into evidence.

THE COURT: All right. Any objection?

MR. SHELDON: No, Your Honor.

THE COURT: All right. Without objection admitted into evidence. Permission to publish.

(State's 269 was received.)

Q And rather than publishing these for times sake, Investigator Leonard, did Mr. Belton in his initial statement to you indicate that he saw a light skinned dude walking and approaching Lee?

A Yes, ma'am.

Q And did he indicate that after that he heard boom, boom, boom, and saw Lee fall to the floor?

A That's correct.

Q And again, this is Mr. Belton.

A Yes, ma'am.

Q Did he indicate he was standing right beside Lee when he was shot?

A Yes, ma'am.

Q And a little bit later in your interview, did he indicate to you that he saw the light skinned fellow leave out of the club and come back in with two guys?

A That's correct.

Q And did he describe the two guys as another light skinned guy and a man with dreads?

A That's correct.

Q And did he indicate that two of them had guns?

A That's correct.

Q And then were you able to show Mr. Belton a photo lineup?

A I was.
Q Did he indicate anyone on that photo lineup?
A Yes, photograph number three.
Q And he testified in court that he didn't remember doing that lineup; is that correct?
A That's correct.
Q Who was number three in that lineup?
A That was Breezo Dollar, that was the defendant. I can't think of his name right now.
Q Mr. Breante Stevens?
A Thank you, yes.
Q And Mr. Belton also indicated in that interview that one of the men with Mr. Stevens had dark skin and a hoodie on; is that right?
A Yes, ma'am.
Q And would that all be reflected in those body cam video clips that are on the disc in evidence, State's 269?
A Yes, ma'am.
Q And then you also met with Mr. Mobley at the hospital that same day; is that correct?
A That's correct.
MS. MCGINNIS: May I approach, Judge?
THE COURT: Yes.
Q I'm going to hand you what's been marked as State's 270. Have you reviewed the video clips that are on that

disc?

A I have.

Q And would that be a fair and accurate depiction of some of the inconsistencies between Mr. Mobley's initial statement and what he testified to in court?

A Yes, ma'am.

Q As recorded on your body cam video?

A Yes, ma'am.

MS. MCGINNIS: Judge, we move 270 into evidence.

THE COURT: All right. Without objection admitted into evidence.

(State's 270 was received.)

Q And specifically with Mr. Mobley, did he indicate that he saw the light skinned guy leave and come back in?

A Yes, ma'am.

Q With a tall guy and a darker brown skinned guy?

A Yes, ma'am.

Q Did he indicate that there was a number of people, including Breezo, surrounding Lee?

A That's correct.

Q At least two of which have dreads?

A Yes, ma'am.

MS. MCGINNIS: Beg the Court's indulgence.

THE COURT: All right.

(Break in proceedings.)

Q Did you show Mr. Mobley that photo lineup as well?
A I did.
Q Did he indicate someone in that lineup?
A He did.
Q And I believe he testified he did not remember doing so when he was in court.
A That's correct.
Q Who did he indicate in that lineup?
A Breante Stevens. Breezo.
Q And how did he know Mr. Stevens?
A From the club, and he said he knew him from the stuff on social media.
Q Did he also indicate to you in his statement that he saw Breezo shoot Lee?
A He did.
Q Did he indicate to you that he witnessed Breezo pull out a gun, line it up and point it at Lee and then pull the trigger?
A That's correct.
Q Did he indicate to you that he saw Breezo shoot Lee and then saw Breezo start running away?
A That's correct.
Q Did he also indicate to you that he saw Mr. Belton standing right next to Lee when the shots went off?
A Yes, ma'am.

Q And y'all talked about some other stuff, but would that be the extent of the inconsistencies from his testimony to the initial statements you got from Mr. Mobley and Mr. Belton?

A Yes, ma'am. At first he said -- there was one more thing -- he said he was like 30 or 40 feet away initially, and then he said he was three feet away once I started talking to him further. And then also he started talking about when I first asked him about the deceased, Mr. Colvin, he referred to him as the deceased and then later found out he grew up with him.

Q Knew him as Lee Colvin.

A That's correct.

Q And all of this is recorded on your body cam videos that have been placed into evidence.

A Yes, ma'am.

MS. MCGINNIS: Please answer anything the defense may have for you.

THE COURT: All right. Mr. Belton?

CROSS EXAMINATION

BY MR. BELTON:

Q Officer Leonard, it's not uncommon for people you interview or when you investigating something to not be truthful initially, be truthful later or say something in court that's different than what they said before, right?

A I haven't had that experience in court until this time. But yeah, as far as when I'm first interviewing they change --

Q You're out investigating people. All right. So let me just ask, there was one important question that Madam Solicitor forgot to ask you. Christopher Belton also told you that he saw Lee get off a few shots, didn't he?

A I believe he said he thought Lee got some shots off.

Q All right. Let's be clear because it always seems that we are clear when the solicitor is asking the question but --

MS. CAMPBELL: Objection, Your Honor.

THE COURT: Sustained.

MR. BELTON: Withdrawn.

Q Let me show you right here, this will refresh your memory, right here from your statement. Don't read from it but once you refresh your memory let me know.

A That's what I just said.

Q So didn't Mr. Belton also tell you that he saw Lee get off a few shots, that he saw Mr. Colvin -- he believed he, Mr. Colvin, got off a few shots.

A He said he believed Lee got off some shots.

Q All right. Thank you.

A That's what I wrote down, too.

Q Yes, sir?

MR. BELTON: Thank you, Officer Leonard.

THE COURT: All right. Mr. Sheldon?

MR. SHELDON: Yeah, beg the Court's indulgence for one second, Judge. I'm trying parse this down just real quickly.

(Break in proceedings.)

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

CROSS EXAMINATION

BY MR. SHELDON:

Q Very briefly. You indicated that he said that he approached -- that there were two individuals with dreadlocks; is that right?

A Which person are you talking to?

Q Mr. Belton said that there were two individuals walking with Breezo with dreadlocks; is that right?

A He said he left -- the light skinned guy left and he came back with two guys. And he said he knew two of them had guns, the light skinned guy and the guy with dreads.

Q Okay. And then -- and did he identify those individuals?

A He identified the light skinned guy.

Q Which was Mr. Stevens, Breezo Dolla, is that right, I think you testified to?

A Yes.

MR. SHELDON: Beg the Court's indulgence.

(Break in proceedings.)

Q And so initially he said that he was 30 feet away but then he said he was three feet away; is that right?

A That's correct.

Q And at any point in time did he put multiple firearms in anybody's hands?

A This is Mr. Belton you're talking about?

Q Anybody. I'm not talking about anybody in particular.

A I don't remember. I honestly don't remember.

Q But if it's in the report then that would have been important, right? You would have noted that?

A Yes, sir.

Q And then going back to -- I'm sorry, going back to Charles Mobley, just one more question. In the report it says that there were -- I think that -- and this is Charles Mobley's statement, that there were five individuals surrounding Lee, one of which was a light skinned guy which you have labeled as Breezo, right? We call Breezo the light skinned guy, is that fair to say?

A That's who he picked out, that's correct.

Q Charles stated that two people around the light skinned guy had dreadlocks; is that right?

A I think he did say there were five -- he said at least five, and he said he saw -- he may have seen two with

dreads.

Q Okay.

MR. SHELDON: If I can approach, Judge?

THE COURT: Sure.

Q And it's important that we do these reports, right? Because the reports are what helps us remember on days like today, right?

A Correct.

Q But you're doing this report contemporaneously with when you're -- essentially -- as soon after as possible after you interview these people, right?

A We try to.

Q Okay. So I want you to just go ahead and if you could here I'm looking right where this hole is, do you see that where Charles stated? If you could just refresh your mind and tell me sort of what that said. You didn't indicate that there were possibly or anything, right? You said that that's what he said.

A That's correct. Charles stated there were five people surrounding Lee.

Q And then what?

A One of which was the light skinned guy, in parenthesis, Breezo. Charles stated the two people around the light skinned guy had dreadlocks.

Q Can I have that back, please?

A Uh-huh.

MR. SHELDON: No more questions.

THE COURT: All right. Any redirect?

MS. MCGINNIS: No, Your Honor.

THE COURT: Thank you, sir, you can step down. You're free to leave. Call your next witness.

MS. CAMPBELL: State calls Dequincey Smith.

The witness, DEQUINCEY SMITH, was first duly sworn and Testified as follows:

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

MS. CAMPBELL: Please the Court?

THE COURT: Yeah.

MS. CAMPBELL: Thank you.

DIRECT EXAMINATION

BY MS. CAMPBELL:

Q Sir, where are you employed?

A Lancaster County Sheriff's Office.

Q And what do you do there?

A I'm a Sergeant on patrol in District Three.

Q You are a Sergeant on patrol in District Three?

A Yes, ma'am.

Q Back in September of 2019, were you also employed at the Lancaster Sheriff's Office?

A Yes, ma'am, but I was a corporal on patrol in District

Two.

Q I want to turn your attention to the early morning hours of September the 21st of 2019. Were you working that evening?

A Yes, ma'am.

Q And did you have -- respond to a call to go to Old Skool?

A Yes, ma'am.

Q And do you remember approximately what time it was when you got there?

A I probably would say after 2:00 maybe a.m., something like that. I'm not quite sure of the time.

Q Were there other police officers there when you got there?

A Yes, ma'am.

Q And who was there when you got there?

A I know Sergeant Ramsey was there, he was inside the club. Herbal, he was with the city, Officer Herbal was with the city but he's with us now. I think it's Interim Phillip Hall, Captain -- not captain, Interim Chief Hall, he was there, I was talking to him. And another deputy I recognized was I think -- I call him Shack, but McPherson maybe with the city.

Q Okay. So there were a number of police officers there.

A Yes, ma'am.

Q Did you have a body cam on that night?
A Yes, ma'am.
Q And when you got to the scene, tell the jury primarily what were you trying to do.
A I was trying to establish the crime scene, trying to establish security. Tried to get people out of the crime scene who don't need to be there, and try to get help for people who -- that I saw was injured and lying on the ground who said they was shot. Just trying to establish order out there.
Q And when you got there, did you notice anyone lying on the ground that had obviously been injured?
A Yes, ma'am.
Q And where were they located in reference to the club?
A The first person I saw was, one was laying on the porch of the club at the side, like I don't know if it was the main entrance, but it was to the side of it facing --
Q The main entrance on the side of the building.
A Yes.
Q Okay.
A All right. I saw one guy laying there and he was moving, people trying to help him out also. Then I went around and saw one laying further about 10 feet in front of him on the ground near the car.
Q In the grassy area?

A Grassy mid-area, somewhere up in there.
Q And were people around them at that point trying to get them help?
A Yes, ma'am.
Q And at that point, what was your information about -- was EMS supposed to be responding?
A Yes, ma'am, they was supposed to be responding.
Q And during the course of you being out there, tell the jury basically what you were trying to do.
A I was trying to get the road free so EMS could come in there and try to establish order, try to get the crime scene secured so EMS could come in.
Q And how would you describe that crime scene when you got there that night?
A Chaotic. People in the way that didn't need to be there. Everybody crying. Everybody trying to say we're not doing anything, but we're trying to do stuff trying to get them out of the way so we can get other units who specialize in helping people get to the crime scene.
Q And in order for EMS to respond to a crime scene, does the scene need to be secure?
A Yes, ma'am.
Q And at some point when you're out there later after you've been there a little while, did somebody try to drive their car up into the crime scene?

A Yes, ma'am, several people.
Q And what did you do at one point?
A At one point I pulled my gun out at one car because -- I never pointed at him. He was coming towards me in his car after I tell him not to come towards me, so I held my gun right at chest high mostly pointed down towards the ground and telling him to back out of the crime scene. He had no reason to be in the crime scene. The road didn't come out that way. If he would have kept going in the roadway he would have been okay.
Q Was he attempting to get to a friend of his, the one lying on the porch, to take him to the hospital?
A He said he was.
Q And at that point, did you know who was responsible for any of the shooting?
A No, ma'am.
Q So are you just trying to keep people out of the scene and secure it at that point?
A And get EMS and first responders to help out.
Q That's what I wanted to talk about next. Was your impression that EMS or was on their way, or coming?
A Yes, ma'am.
Q And, in fact, during this body cam video, do you actually check on the status of EMS on multiple occasions?
A Yes.

Q Or at least one occasion?
A Yes. I also said the scene was secure but for the shooting, no more shooting was going on at the time but people was still chaotic, but it had help to come to us but they said the scene wasn't secured enough for them to be there.
Q So EMS, it took them a long time to get there that night, I think that's fair to say?
A Yes, they were staged.
Q And at one point you're telling them that they can't remove this one guy and drive him to the hospital because you want EMS to help him?
A Yeah. I thought EMS was going to get to them sooner before any of their friends could move him and get him.
Q To get him the help he needed?
A Yes. But that was the person on the porch.
Q Did you stay outside pretty much the entire time as other police officers responded and helped secure the scene?
A Yes, ma'am. I did walk inside the club towards the end of the video when everybody got on scene towards the end.
Q And have you reviewed your body cam video in this case?
A Yes, ma'am.
MS. CAMPBELL: Your Honor, at this time we offer State's Exhibit 271.
THE COURT: All right. Admitted without objection.

(State's 271 was received.)

MS. CAMPBELL: Your Honor, permission to publish? I'm only going to publish about five minutes, they'll have it.

THE COURT: Granted.

(The body cam video was played.)

Q It goes on; is that correct?

A Yes, ma'am.

Q And when you were telling the guy that he couldn't take his friend you were saying: EMS is on the way. EMS is on the way?

A Yes, ma'am.

Q And you thought EMS was on the way?

A Yes.

Q And that would be a better way to transport him to the hospital to get him help.

A Yes.

Q How long were you at the scene that night?

A Approximately about two hours.

Q About two hours?

A Approximately.

Q And this body cam, which is in evidence, basically shows what you did there at the scene that night as far as trying to secure it?

A Yes, ma'am.

Q How many years have you been in law enforcement?

A Say what now?
Q How many years have you been in law enforcement?
A December 30th will be like nine years.
Q And during the course of responding to crime scenes, how would you describe this one in comparison to others?
A This is the most chaotic crime scene I have ever been on.

MR. BELTON: No questions, Your Honor.

THE COURT: All right. Mr. Sheldon?

MR. SHELDON: I have no questions of this witness.

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

MR. NEWMAN: State calls Sara Goodman.

The witness, SARA GOODMAN, was first duly sworn and Testified as follows:

DIRECT EXAMINATION

BY MR. NEWMAN:

Q Good morning, Ms. Goodman.
A Good morning.
Q Will you state your name for the record?
A My name is Sara Goodman.
Q Ms. Goodman, where are you employed?
A I'm employed at the South Carolina Law Enforcement commonly referred to as SLED.
Q And how long have you been at SLED?

A Approximately six and a half years.
Q And what do you at SLED?
A I am a Forensic Scientist assigned to the DNA Casework Department.
Q And what is -- tell me about your educational background.
A I have a Bachelor of Science degree in Biology from Erskin College, as well as a Masters of Science and Forensic Science from Arcadia University in Pennsylvania.
Q And have you been qualified as an expert in the fields of Forensic Serology and DNA analysis before?
A I have.
Q About how many times?
A Approximately 24 times.

MR. NEWMAN: Your Honor, at this time I would offer Ms. Goodman as an expert in the field of DNA analysis and Forensic Serology.

THE COURT: Any further voir dire by the defense lawyers? All right. She's so qualified.

BY MR. NEWMAN:
Q Ms. Goodman, can you explain to the jury, what is Forensic Serology?
A Yes. Forensic Serology is the testing of and identification of different body fluids, so that includes blood, semen, saliva. And they also do evidence processing

and forward items to DNA.

Q And along those lines, can you explain what is DNA analysis?

A Yes. DNA analysis is testing different items of evidence for the presence of DNA. So DNA is a chemical that's present in almost every cell of our bodies. We get half of our DNA from our biological mother and half from our biological father. It essentially makes up who we are. And with the exception of identical twins, no two people have the same DNA profile.

Q And with DNA -- so if I'm am on a crime scene and I just pick up a random firearm, for example, and bring it to you and say: Whose DNA is on this? Can you tell me?

A It depends. Potentially, yes.

Q But you have to have more information than just this firearm, correct?

A Yes. We would have to have known standards to compare to that.

Q So I would have to have some sort of suspect in mind and give you a sample from the suspect as well as the gun and you just see if they match, correct?

A Potentially yes, any kind of known standard.

Q Okay. Now, part of what SLED does in your lab, y'all test for serology and DNA for pretty much every law enforcement agency in the state; is that correct?

A Yes, that's correct.
Q So not just assisting Lancaster County, y'all are assisting 46 counties, correct?
A That's correct.
Q As well as Highway Patrol and DNR and whoever else needs it.
A Yes.
Q So y'all are pretty busy, correct?
A Correct.
Q Now, did you receive any evidence for analysis in the case of State versus Breante Stevens or State versus Antonio Champion?
A Yes.
Q And can you tell me what exactly you received?
A So I received knowns standards from -- they were dried blood standard from Aaron Harris and Henry L. Colvin. I also received swabs from several different markers. I received swabs from Marker Number 44, swabs from Marker Number 46, and swabs from Marker Number 48. And then additionally I also received a pair of jeans belonging to Breante Stevens to be tested for the presence of blood.
Q Okay. Now, do you know where -- do you know what they swabbed for Marker 44, 46, and 48?
A I do not.
Q Okay.

MR. NEWMAN: Beg the Court's indulgence.

THE COURT: Yep.

(Break in proceedings.)

Q All right. So you received swabs from these markers, you test those against the standards that you had.

A That's correct.

Q What were your findings?

A For Item 13, which was where the swabs from Marker Number 44, presumptive test for blood was positive. A DNA profile suitable for comparison was developed. Aaron Harris and Henry L. Colvin are excluded as possible contributors.

Q Okay.

A For the swabs from Marker Number 46, which was my Item 14, presumptive testing for blood was positive. A DNA profile suitable for comparison was developed. Aaron Harris and Henry L. Colvin are excluded as possible contributors. And for my Item 15, swabs from Marker Number 48, similarly presumptive testing for blood was positive. A DNA profile suitable for comparison was developed. Aaron Harris and Henry L. Colvin are excluded as possible contributors.

Q And how about the pants?

A For my Item 49, which were jeans belonging to Breante Stevens, presumptive testing for blood was negative.

Q So back to Items 13, 14 and 15. Those swabs were from RBS. Do you know what RBS is? Can you tell the jury?

A I am not sure.
Q RBS? Okay. So when you tested these swabs, did you find that any of them matched each other?
A Yes. So all of the profiles developed from the Markers 44, 46 and 48 were single source profiles, meaning they were from one individual. The DNA profiles from Marker Number 44 and Number 46 were from the same person. And then the DNA profile for Marker Number 48 was from a different person.
Q Okay. But we don't know who that person is, correct?
A That's correct.
Q Because you don't have a standard from that person.
A That's correct.
Q And on these jeans you were asked to test certain reddish/brown stains, is that correct, that were on the jeans?
A That's correct.
Q Okay. Presumed to be blood but it turned out it was not blood.
A Yes. The stains that we tested were negative for blood.
Q And in that case you don't do any further testing; is that correct?
A No.
Q So did these come at different times? You got one request first for the three marker swabs, and then later on

you got a request for the jeans; is that correct?
A That's correct.
Q So let me ask you this: Is it common to get DNA evidence from either fired bullet fragments or fired shell casings?
A It is possible to get DNA profiles from those items. In my experience it's not uncommon to not be able to develop a DNA profile from those items, mainly due to the heat that those items go through when they are fired from a gun. Heat can lead to degrading or breaking down the DNA, so it's not uncommon to not find DNA on those items.
Q All right. Ms. Goodman, so you got two requests, you got one request for swabs, one request for the jeans. Has anyone at all involved in this case requested any further testing on anything else?
A No.
Q And -- but if anyone at all involved in this case did make those requests to you, would you test further items?
A Yes. If any of the law enforcement agencies or the attorneys involved in the case requested that additional items be tested, I could test them.
MR. NEWMAN: Beg the Court's indulgence.
THE COURT: Yeah.
(Break in proceedings.)
MR. NEWMAN: That's all I have. Please answer anything

the defense may have.

THE COURT: All right. Mr. Belton?

CROSS EXAMINATION

BY MR. BELTON:

Q Ms. Goodman.

A Yes.

Q You explained about the fired round. But if unfired ones had been sent you would have tested them?

A Yes, I would have.

MR. BELTON: Thank you. No further questions.

MR. SHELDON: May it please the Court?

THE COURT: Yes, sir.

CROSS EXAMINATION

BY MR. SHELDON:

Q Thank you. Ms. Goodman, I have a few questions for you. Did you receive a -- I believe you indicated you received two known standards or known samples, one from Mr. Colvin and one from Mr. Harris; is that correct?

A That's correct.

Q And what about Mr. Belton? Did you receive that standard?

A I did not.

Q What about LaShonda Barnes? Did you receive any of her blood standard?

A I did not.

Q Mr. Mobley?
A No.
Q McCain?
A No, sir.
Q Locke?
A No.
Q Dixon?
A No.
Q Davis?
A No.
Q Douglas?
A No.
Q So the only two standards that were sent to you by law enforcement were the standards -- were the blood samples from Mr. Colvin and Mr. Harris.
A That's correct.
Q So -- but you don't need a known standard to be able to know if DNA -- if a profile is developable on a specific object, right?
A No. We can develop DNA profiles from items regardless as to whether we have known standards to compare them to. We just need those standards to be able to say whether or not a certain person is contributing their DNA.
Q And so in this instance -- so -- and when did your report -- so you issued a report in this case; is that

right? You basically compile your data and send it out to law enforcement, lawyers, whomever; is that right?

A Yes. I issued two reports in this case.

Q And when were those reports issued?

A The first one was issued on October 14th of 2019, the second was issued on September 30th of 2021.

Q And tell us about that September 30th, 2021 report. Why was there a supplemental report done? Is it fair to call it a supplemental report? Or no.

A Yes. It is called a supplemental report.

Q Okay. And why was that one done?

A We received the jeans so we received an additional item to test. So I wrote a supplemental report on my findings for that item.

Q Okay. And you had indicated also whether something is common or -- I believe you said it is not uncommon to not find standards on -- to not find DNA profiles or be able to pick up any DNA off of something that's been projected from a firearm; is that right?

A That's correct.

Q Like a shell casing -- let me start with shell casings; is that correct?

A That's correct.

Q How common is it to find DNA on something that you never receive to test?

A I would not be able to develop a profile from something I didn't test.

Q If it was never sent to you you can't test it, right?

A That's correct.

Q You're only as good as the packages you receive in the mail, right?

A Yes. I only test the items I receive.

Q All right. And what about -- and so is there a difference -- you indicated that heat creates issues with being able to maintain a DNA profile. Are there issues -- what about -- is there a difference between a spent shell casing -- so if we're talking about a cartridge or a casing, would it be fair to say that we're searching -- that law enforcement is going to search that or try to get a DNA profile or whatever they're trying to get off of it from the person that loaded that into the firearm?

A It depends.

Q Or from whomever would have touched that casing; is that right?

A That would be the law enforcement agencies decision.

Q Okay. So what about projectiles? If a bullet hits the body and penetrates the skin and gets inside of a body, hits ribs or blood, hits organs, I mean, presumably at that point isn't there DNA potentially attaching to those projectiles?

A Yes. And I can specify that when I say it's not

uncommon to not find DNA on those items, I'm typically speaking about touch DNA, which is the DNA left behind when you touch an item, the skin cells left behind. If there are body fluids like blood, saliva, semen on those items, it would be more common to find DNA.

Q It would be more common, is that what you said?

A It could be, yes. Body fluids typically have more DNA present than just touch DNA.

Q And so would it be common, uncommon or you don't know when a bullet hits somebody to leave actual body fluid DNA behind on that projectile?

A It could be common to leave their body fluid.

Q Could be or would be?

A I can't say for sure.

Q But then you would agree that that is not uncommon.

A Yes.

MR. SHELDON: Okay. I don't have anymore questions.

THE COURT: All right. Redirect?

MR. NEWMAN: None from the State. Ask that this witness be excused.

THE COURT: Thank you, sir (sic), you can step down, you are free to leave. The State can call its next witness.

MS. MCGINNIS: Judge, can we take a quick recess before the next witness?

THE COURT: Okay. Five minute recess. Don't talk

about the case.

(The jury left the courtroom.)

(A break was taken.)

THE COURT: All right. All members of the jury are present. Ladies and gentlemen, as far as scheduling is concerned, obviously that clock is wrong. All right? I thought it was hard wired and they're going to change out the batteries for this afternoon, but I know what time it is, I know y'all know what time it is as well. My plan is to get through two more witnesses before we take a lunch recess, then we'll take a lunch recess and bring you back this afternoon. Okay? That's kind of how we're flowing right now. The State can call its next witness?

MS. MCGINNIS: State would call Tyler Sturkie.

THE COURT: All right.

The witness, TYLER STURKIE, was first duly sworn and Testified as follows:

DIRECT EXAMINATION

BY MS. MCGINNIS:

Q Good morning, Mr. Sturkie. Can you state your name for the record?

A Good morning. My name is Tyler Sturkie.

Q And where are you employed, Mr. Sturkie?

A I'm employed at the South Carolina Law Enforcement Division.

Q Commonly known as SLED?
A As SLED, yes.
Q And what's your role there?
A I'm a Forensic Scientist in the Trace Evidence Department.
Q How long have you been employed with SLED?
A A little over seven years.
Q And has most of that been in trace?
A All -- at all times, yes, ma'am.
Q Okay. Can you explain a little bit to the jury what trace evidence is?
A Trace evidence is a type of physical evidence that is typically not able to be seen by the naked eye. It requires some sort of magnification or characterization in order to view the evidence. At the Trace Evidence Lab at SLED we analyze evidence pertaining to gunshot residue, fire debris, glass, paint fibers and general --
Q And can you tell me a little bit about your education and any specialized training you had in the area of trace examination?
A I received a Bachelor of Science Degree in Chemistry from Newberry College. And when I was hired by SLED I began a year long training program in the analysis of gunshot residue. This training consisted of written and practical examinations on the practice and theory of gunshot residue.

I've also attended courses at the Hood College of Applied Sciences entitled Gunshot Residue Identification, Scanning Electron Microscopy, and Advanced X-ray Microanalysis.

Q And do you do ongoing training as part of your certification at SLED?

A Yes, ma'am. Every year we continue in external testing and must pass those in order to remain competent in our analysis.

Q And is SLED itself an accredited laboratory?

A Yes, ma'am. We are an accredited laboratory.

Q Can you explain what that means?

A Accreditation basically means that as a forensics laboratory we set to a national set of standards for testing and analyzing certain methods, so we maintain up to date testing and provide the most accurate results.

Q And are there tests done to confirm that everything is up to date and everything is performed properly, things like that?

A Yes, ma'am. We constantly go under review of our testing for each department and each individual participates in proficiency tests yearly to maintain competency.

Q How many gunshot residue tests have you performed in your career?

A Total number of tests, to include my training, is well over 500.

Q Okay. Have you testified in court before?
A Yes, ma'am, I have.
Q About how many times?
A Twenty-seven.
Q Have you been qualified as an expert?
A Each of those times.
MS. MCGINNIS: Judge, at this time we would offer Mr. Sturkie as an expert in trace evidence testing.
THE COURT: Any questions?
MR. BELTON: No, Your Honor.
THE COURT: All right, so ordered. He's qualified as an expert.
BY MS. MCGINNIS:
Q Mr. Sturkie, can you explain to the jury what is gunshot residue, or what's commonly referred to by the acronym GSR?
A Yes, ma'am. So gunshot residue is commonly referred to as GSR, and it is composed of the primer -- or excuse me, the burned and unburned particles from the primer, the propellant, and the projectile of a firearm that has been recently discharged. These particles are usually molten or round in shape and they contain the elements of lead, barium, and antimony.
Q And how is gunshot residue spread?
A Gunshot residue is expelled from a firearm when it is

discharged from any opening in that firearm. This could include the muzzle end of it, as well as the ejection port for a semiautomatic, and the cylinder gaps in a revolver.

Q And is it spread kind of in a cloud, would that be accurate?

A Yes, ma'am. So when a firearm is discharged that gunshot residue will create a plum or cloud of smoke around that weapon. Some of the gunshot residue can follow the bullet as well as it exits the weapon, and any GSR will remain in that vicinity, land on any objects, people, that happen to be within that vicinity of that fired weapon.

Q And how is it then tested for on people?

A We have these gunshot residue kits that are administered throughout the state to law enforcement agencies, and investigators will use these kits to collect from an individual or any inanimate objects. There are times where clothing or other inanimate objects are sent to the lab itself where we collect them. But primarily a GSR is composed of two or four particle lifts. A particle lift is simply a carbon tape adhesive. If you can imagine a thumb nail, or excuse me, a roofing nail as a larger head and just a smaller stem, the stem itself, or the top of it itself, is that carbon tape. And that tape is used to dab the location of the individual that the investigator wants. For a two lift particle hand kit, the areas are the right

hand and the left hand. So the investigator will take these subjects in question and use that kit for those areas of the hands, submit those as is, and I will receive a gunshot residue kit from an individual.

Q And is there a timeframe in which gunshot residue should be collected?

A Yes, ma'am. For living individuals we have a timeframe of six hours from the time of collection -- or excuse me, from the time of shooting to the time of collection. And the reason for this is because gunshot residue is a very fragile piece of evidence. To give you a visual, if you can imagine baking flour in your kitchen, a lot of times if you're working with it, it can be on your hands, and as you grab something else in that kitchen gunshot residue will be on that object you grab, which has been removed from your hand. Gunshot residue, you cannot see it like you can baking flour. It's a microscopic particle that can only be seen by high magnification. However, due to its ability to be very fragile, it can adhere to many different objects and many different things.

Q And so what does the presence of gunshot residue in one of these collected kits indicate?

A Yes, ma'am. So the presence of gunshot residue can tell me one of three things: One is that the individual fired the weapon, two is that the individual was in the

vicinity when a weapon was fired, or three, that individual touched an object that had gunshot residue on it.

Q Being in the vicinity of a gun when it's fired, would that include being shot by a handgun?

A Can you repeat that question? I'm sorry.

Q You said that it would indicate that the someone was in the vicinity a gun that was fired. Would that include someone that was shot by a gun?

A If someone was shot within close proximity of a weapon being fired, then yes, we expect victims in general to be positive for the presence of gunshot residue.

Q And is there an indicator as far as the number of particles that are found on a person? What does fewer particles versus more particles indicate to you?

A So in theory the higher number of particles that were found on an individual the more likely that individual was within the vicinity of a fired weapon. Whether that individual shot the weapon themselves or was beside someone or was just in that close proximity of a weapon, the higher number there is the closer they are to the fired weapon.

Q The closer they are to the weapon being fired.

A Yes, ma'am.

Q And because gunshot comes out in a cloud, can it -- if there are intervening people in between a shooter and a victim, could those particles land on any people in between

the victim and the weapon itself?
A They can. So gunshot residue will land on any surface or any object within that vicinity and themselves. If I could refer back to the question about the time limit. For individuals who are alive that six hour timeframe is in place because of the amount of movement that happens with an individual who is alive. They constantly sweat, can move, can wipe their hands, other objects can come into contact, and the more time there is the more likely any gunshot residue that was present could be removed. For deceased individuals or inanimate objects, we don't have this timeframe because no one is actively moving.
Q But if a deceased victim, again, is shot, falls down, there's the potential for anything in between that deceased victim and the gun to get those particles on it as well.
A Yes, ma'am. Anything in that proximity or vicinity can have gunshot residue present.
Q And does SLED typically test gunshot residue kits taken from victims in cases?
A We do test victim kits for gunshot residue, however due to their probative value we try to in advance tell the investigators or law enforcement agencies that there may not be as much probative value. Because if an individual has knowingly been shot they are likely in that presence of the proximity of a weapon being fired, and therefore likely to

have gunshot residue.

Q Okay. If someone is handling a firearm, would that be another way that they could get gunshot residue on their hands or on their person?

A Yes, ma'am, it is.

Q Okay. And I want to turn your attention to your lab number L1917654. That is -- you have a suspect of Breante Stevens and two deceased victims; is that correct?

A Yes, ma'am, it is.

Q And that also includes suspect Antonio Champion even though it may not be reflected in your SLED system?

A Okay.

Q Did you receive two GSR kits in this case?

A Yes, ma'am, I did.

MS. MCGINNIS: May I approach, Your Honor?

Q I'm going to hand you what's been marked as State's Exhibits 230 and 272.

A Yes, ma'am, I do recognize these.

Q What State's Exhibit Number 230?

A State's Exhibit 230 is SLED's lab number L197654, Item Number 46. It is one GSR kit from Henry L. Colvin.

Q And what is number 272?

A State's Exhibit Number 272 is SLED's lab number L1917654, Item Number 47. And this is reported as one GSR kit from Aaron Harris.

Q And are those the GSR kits that you received in this case and did testing on?
A Yes, ma'am, they are. And I can identify them by the SLED's lab number and item number, and the date and initials of myself on the dates that I opened and sealed this evidence.
Q And when you receive the evidence, does it come to you sealed?
A It does, yes, ma'am.
Q And before you do any testing on it, do you examine it to determine whether it's been tampered with or anything of that nature?
A We do. We will check for a proper seal and initial, and a date as well from a submitting agency.
Q And if there was any type of issues, would that be noted before you did your testing?
A Yes, there would be.
Q And do you have anything noted in this particular case?
A No, ma'am, not in this particular case.
Q So these came to you sealed as they were supposed to be.
A Yes.
Q Okay. The kit for Mr. Harris that's going to be State's Exhibit Number 272, did you perform an analysis on that?

A Yes, ma'am, I did.
Q And can you describe just in layman's terms what examination you did on this case?
A Sure. So these kits, as mentioned earlier, contain these particle lifts, and these particle lifts will be placed on a Scanning Electron Microscope. This microscope will perform an automated analysis that I set up in order to take an image of the particles that are found in an x-ray acquisition to determine what elements are present within these particles. Once the automated analysis is complete I will perform a manual analysis to confirm the particles that were detected, and from there I will issue a report based on the presence or absence of gunshot residue.
Q And did you do that with this kit on Mr. Harris?
A I did, yes.
Q What were your results from that particular kit?
A The results for one GSR kit from Aaron Harris were that no particles characteristic of gunshot primer residue were detected.
Q And Mr. Harris was shot in the back. Does the location of the weapon in relation to the person's hands, does that affect the likelihood of gunshot residue being located on that person's hands?
A Not necessarily on the hands. Due to the fact that gunshot residue is very fragile and creates that cloud of

smoke, where the individual is shot is not necessarily indicative of where it may land on that individual. The hands are the most likely to determine whether or not an individual was either firing the weapon or in the vicinity of that weapon. However, as stated before with victims, if the presence of gunshot residue was found we cannot determine which of those two is more likely than the other.

Q Okay. Did you perform that same analysis on the gunshot residue kit for Mr. Colvin?

A Yes, ma'am, I did.

Q What were the results on that one?

A For one GSR kit from Henry L. Colvin, the results were particles characteristic of gunshot primer residue were found.

Q And do you have knowed how many particles?

A In the report I do not notate exactly how many particles were found. However, throughout my notes in order for this result to be stated on the report at least two particles have to be found.

Q Okay. And is that -- in your experience, is that a lot of particles?

A Two itself is not a lot of particles, and I can look in my notes to give you an exact number of particles.

Q If you could do that.

A Sure. For Henry L. Colvin I found a total of six

particles of gunshot residue, however that may not be indicative of the total number of particles that were found during the automated analysis. Prior to setting up this run I knew that Henry L. Colvin was a deceased victim, meaning that the likelihood of gunshot residue to be found on him was very high. If I were to find two particles of gunshot residue on Mr. Colvin, or if I found well over 100 particles the results would be the same, only because since he is a victim and he is positive for gunshot residue I cannot identify whether or not he was the shooter or was in the vicinity. And since he had a gunshot wound it is known that he was in the vicinity and would likely have gunshot residue.

Q But you said you have three noted in your notes.

A I have a total of six, three from each of his hands.

Q Three from each of his hands. And, again, would that be consistent with someone who had a gunshot wound?

A It would be, yes, ma'am.

Q So he was in the vicinity of a gun being fired.

A Yes, ma'am.

Q How about someone who was observed on video handling a gun three minutes prior to his death?

A If someone is known to have handled a weapon it is likely that that individual would have gunshot residue.

Q And just going back to the numbers. You indicated that

the closer someone is in proximity to the gun being fired the most particles you would expect to have on their hands.

A I would expect that, yes, ma'am.

Q And so holding a gun in someone's hand and firing it is about as close as you can get to a gun being fired, would that be a fair statement?

A I believe so.

MS. MCGINNIS: Beg the Court's indulgence.

(Break in proceedings.)

MS. MCGINNIS: Please answer anything that the defense has for you.

CROSS EXAMINATION

BY MR. BELTON:

Q Agent Sturkie.

A Yes, sir.

Q All right. So the bottom line is -- let's just put it in layman's terms so we all can understand it.

A All right.

Q Mr. Harris was in the vicinity, he gets shot, he's a gunshot wound victim, he has no GSR.

A That is correct.

Q All right. Mr. Colvin was in the vicinity, has a gunshot wound and he has GSR.

A That is correct.

Q All right. So to establish it, one victim does not

have it, one victim does have it.

A Yes, sir.

Q The testing that was sent to SLED, what part of Mr. Colvin's body was tested?

A The hands were submitted as the testing.

Q Were the inside or the -- inside or the outside of his hands tested?

A It would have contained both of the inside and outside.

Q Okay. Are you sure this test contained both?

A When we receive evidence we receive it as a GSR kit, and that particle lift will be labeled right hand and left hand.

Q So when they're looking at the right hand, are you saying that your kit is indicating that it's testing the right -- the inside and the outside?

A When I see right hand I am under the impression that it is both the front and back of that hand. However, the officer who collected would have the more accurate description of that.

Q Okay. All right. So the GSR that's tested on Mr. Colvin is found on his right hand and on his left hand.

A Correct.

Q All right. You also indicated that if someone is moved that could alter the GSR; is that correct?

A It could alter it, yes, sir.

Q All right. Mr. Colvin, his shirt, his pants, his shoes, any of that, did you test any of that for GSR?
A No, sir. We don't test clothing for victims, or from victims, again, due to the fact that that clothing would have a bullet hole and it is likely that gunshot residue is on that particular article of clothing. So for that reason we do not test that, but other clothing items we will.
Q Okay. And you indicated, too, that -- well, that there are multiple ways that a person could get GSR.
A Yes, sir.
Q Fire the weapon, in the vicinity of a weapon, and touch a weapon. Okay?
A That's correct.
Q Now, in touching the weapon, that would be a weapon that's been recently fired or a weapon that was fired three weeks ago? A weapon that was fired a month ago?
A A weapon that was fired at likely anytime.
Q Ever, ever fired.
A Yes, sir.
Q All right. But Mr. Colvin had at least six articles of GSR on him, correct?
A Yes, sir.
Q All right. And so -- and you don't know whether the inside or the outside of the hands.
A Just the hand in general.

Q All right. But Mr. Harris, who's also shot who's in the vicinity, has no GSR.

A Yes, sir, that's correct.

Q And you only test the hands.

A By these kits, yes, sir.

MR. BELTON: All right. No further questions. Thank you.

THE COURT: Mr. Sheldon?

MR. SHELDON: May it please the Court.

CROSS EXAMINATION

BY MR. SHELDON:

Q Thank you, sir, for being here this morning. I want to talk to you -- just follow-up a little bit with what Mr. Belton just discussed. So these kits are collected by law enforcement and they're sent down to y'all at SLED; is that right?

A Yes, sir, that is.

Q So you don't actually do the rubbing or anything like that.

A No, sir.

Q Of the hands, swabbing of the hands, nothing like that.

A Correct, no, sir.

Q So you indicated that the particle -- essentially if you're a victim of a gunshot wound that you would -- that it's sort of not probative, you warn law enforcement it may

not be probative because we would expect to find GSR somewhere on the victim; is that right?

A That's correct.

Q And that's because they've been shot. And certainly there's going to be gunshot residue at an entry point, right?

A Yes, sir.

Q Because a bullet is going into the body; is that right?

A That's correct.

Q But -- and then I think you indicated that there's a couple of other ways we could get gunshot residue and that's from shooting a gun, right?

A Of course.

Q And just handling a gun.

A Yes, sir.

Q And being able in the vicinity where a gun is shot; is that right?

A Yes, sir, that's correct.

Q Let talk about your report a little bit.

A Okay.

Q Item 47 was the GSR kit collected from Aaron Harris; is that right?

A Yes, sir.

Q Okay. And so in -- and your results in your report indicate no particles characteristic of gunshot primer

residue found; is that right?

A Yes, sir.

Q Okay. And then you go on to say that absence of primer residue on the hands is consistent with, but not limited to, consistent with the following scenarios: The individual not having fired a gun, right?

A Yes, sir.

Q Four to six hours passing between firing and sampling, right?

A Yes, sir.

Q Normal physical activity between firing and sampling, right?

A Yes, sir.

Q Washing the hands, wiping the hands, sweating, things like that?

A Yes, sir.

Q Potentially wearing gloves during the discharge of a firearm, right?

A Yes, sir.

Q Excessive blood or debris on the hands. Environmental factors including wind and rain, things like that, right?

A Yes, sir.

Q And so all of those things that you listed indicate -- are basically -- are basically if he had fired the, gun right? Except for perhaps the excessive blood, right?

A Yes, sir. These are the most common scenarios we come across for negatives and throughout the course of training and maintaining up to date with gunshot residue analysis. A lot of research articles give all of these details and information of what could potentially prohibit gunshot residue from being found.

Q And so -- and then when we get to Mr. Colvin we did find gunshot primer residue on both of his hands, right?

A Yes, sir.

Q Three particles on each hand; is that correct?

A That is.

Q Do you know if those particles came from the front or the back of the hand?

A I do not know.

Q But that's important to know, because what you said earlier, right -- do you agree that might be important?

A I do not agree with that.

Q Okay. Well let me ask you some questions and you tell me. You indicated at least that one of the ways you could get gunshot residue on your hands is from going in the vicinity of a firearm being shot, right?

A Yes, sir.

Q And if a firearm being shot I think you indicated create this microscopic cloud, right?

A Yes, sir.

Q And the distance between being -- the distance between the firing of the shot and you matters because that cloud is going to eventually disburse and fall, right?

A Correct.

Q Certainly has to do that. So the closer you are the closer you are to that plume of gunshot residue, right?

A Yes, sir.

Q And the closer you are to that plume of gunshot residue the more likely it is that you're going to have gunshot residue on you.

A That is correct.

Q The further away clearly the more interference and natural elements are going to push that away from you.

A Yes, sir, that's accurate.

Q And so whether or not gunshot residue is on the front, we can't get a completely accurate gage of where the hands are positioned at the time that that's got -- at the time that the gunshot residue falls to rest on the hands, right?

A We can never know where the hands are during the commission of the shooting. So the fact that it's on the front or the back can't determine whether that individual was or how the individual's hands were placed, because that microscopic cloud you mentioned is a cloud and it will form around the area. So there will be gunshot residue particles -- if my hands are like this they are going to be

around the hands, both the front and the back, in this cloud, and they can administer and land on both sides without any knowledge as to why it's more so on the front versus the back.

Q But here we know it lands equally on each hand, right?

A In my findings I happened to find three gunshot residue particles on the left and three on the right of Mr. Colvin.

Q So we know that it's equal parts in right hand, left hand, at least to your findings.

A Equal parts in the sense that that is the data I found. How they got there is not necessarily equal as far as the -- there's no way to know how many particles were to begin with when that weapon was fired. All I can identify is how many particles are on that particle lift that was submitted to me.

Q And so -- just one last thing. So you agree that in Mr. Harris' kit everything you listed all negative have to do with firing that weapon, right?

A The negative states that no gunshot residue particles were found. Most of these that are listed in the scenarios that you mentioned do respect to a weapon being fired and not landing on the hands or not ever getting onto the hands via any of the other scenarios.

Q But you don't reference any of those for Mr. Colvin as to how they could have -- you could draw no conclusion as to

how they got -- would have got on the hands for Mr. Colvin; is that right? Because he is a victim.

A That is correct. In this last statement, which kind of includes that for a positive result as opposed to the negative result for Mr. Harris.

Q And so -- and I guess the final question I have for you is how close -- how far is too far before that cloud eventually dissipates?

A Again, it depends on a lot of environmental circumstances. If it's inside of a building, such as this right here, just a general idea of distance of gunshot residue is anywhere between zero and 10 feet.

Q So within zero and 10 feet they're going to have gunshot residue on their hands; is that right? Or no.

A More than likely, yes, sir.

Q Okay. So if Mr. Harris was within 10 feet then he would have gunshot residue on his hands, too.

A It is most likely that he would have if especially within 10 feet and the victim, however, there are certainly circumstances that could prohibit such as the ones listed.

Q Such as the ones listed where?

A On the report.

Q For Mr. Harris?

A Yes, sir.

Q All of those include firing the weapon. I'm talking

about how close to get the gunshot residue. Tell me what on there you're talking about.

A The one, for example, of environmental factors, including wind and rain, are just that the gunshot residue could be in that area and when, for example, just giving one example, that moved the gunshot residue away.

Q Sir, and I'm sorry -- and I don't want to interrupt if you're not done, but we just established it was in a building is where you came up with zero to 10 feet --

A Yes, sir.

Q -- so obviously we're not dealing with wind and rain, right?

A Not necessarily from wind and rain from the exterior, but a lot of people move, and as people move they create gusts of wind as well.

MR. SHELDON: I don't have any questions, Judge. Thank you for being here.

THE COURT: All right. Any redirect?

MS. MCGINNIS: Just briefly.

REDIRECT EXAMINATION

BY MS. MCGINNIS:

Q Mr. Sturkie, these reasons why we may not have gunshot residue on the hands, if someone is a victim of a gunshot wound and then runs, could particles come off while they're running?

A If that individual were to swipe their hands or constantly move their hands up against something, or just the motion of the hands, GSR is very fragile and could potentially be removed if it were there to begin with.

Q If someone is shot and his adrenaline is pumping and he's sweating, could that also remove gunshot residue particles?

A Sweat does remove gunshot residue.

Q Blood or debris on the hands even of a victim could remove gunshot residue.

A Yes, ma'am.

Q Whether they fired the gun or not.

A Correct. If gunshot residue is on any object and blood or debris is present, that blood and debris has the potential to cover or remove gunshot residue.

Q And that's regardless of how the gunshot residue initially got on the hands, it could be removed by any of these means that are listed?

A Correct. As long as one of these means is lifted that's dependent upon how it got there.

MS. MCGINNIS: Thank you.

THE COURT: Mr. Belton?

MS. MCGINNIS: And Judge, I would offer 230 and 272 into evidence.

THE COURT: All right. Any objection?

MR. BELTON: No objection, Your Honor.

THE COURT: Admitted into evidence.

MR. BELTON: Oh, the kits. No objection, Your Honor.

(State's 230 and 272 were received.)

THE COURT: All right. Mr. Belton, any questions?

MR. BELTON: Just one question.

RECROSS EXAMINATION

BY MR. BELTON:

Q The set of questions that Madam Solicitor just asked you in the inverse would also be true as it relates to Mr. Colvin, correct?

A Yes.

Q That in the three minutes between handling and this incident happened he could have rubbed his hands or done any other of those things that you say would remove GSR, correct? That's true for everybody.

A Sure.

MR. BELTON: Thank you.

THE COURT: Mr. Sheldon?

MR. SHELDON: No more questions, Judge.

THE COURT: All right. Thank you, sir, you can step down, you're free to leave. The State can call its next witness.

MS. CAMPBELL: State would call Kenneth Darden.

MR. BELTON: Your Honor, may we approach?

THE COURT: Yes, sir.

(A bench conference was held.)

THE COURT: All right. Ladies and gentlemen, we'll go ahead and take a break, we'll reconvene at 1:45 p.m. So enjoy your lunch. Don't talk about anything, don't read anything, see you at 1:45.

(The jury left the courtroom.)

THE COURT: All right. Anything else now that the jury is gone?

MR. SHELDON: Nothing from me, Judge, thank you.

(A lunch break was taken.)

THE COURT: Anything?

MS. CAMPBELL: Just briefly, Your Honor. I think there were two stipulations in this case. One is that the defendant's chain of evidence, nothing is altered or anything tampered with any of the evidence and it was all submitted properly and we just need to advise the jury of that at some point, or I can do it in a written form, either way you want me to do it. And then the other one was that Mr. Breante Stevens, the State and defense have stipulated he's been convicted of a crime of violence.

THE COURT: All right. Why don't you just state that to the jury and then -- what the stipulations are and I'll explain to the jury what a stipulation is. Is that correct, Mr. Belton?

MS. CAMPBELL: Are we all in agreement with those two?

MR. BELTON: Yes.

THE COURT: Are we in agreement with that, Mr. Sheldon?

MR. SHELDON: Yes, Your Honor.

THE COURT: Okay. You can just announce that to the jury whenever you want to and I'll tell them what a stipulation is.

MS. CAMPBELL: If you don't mind I'll just do it when they come in so I don't forget.

THE COURT: Perfect. All right. Bring the jury in.

(The jury returned to the courtroom.)

THE COURT: All members of the jury are present. Madam Solicitor wants to state to the jury two stipulations.

MS. CAMPBELL: Yes, Your Honor. I just want to put on the record that the State and the defense have made two stipulations. The first is that Breante Stevens has been convicted of a crime of violence. The second stipulation is that as far as the chain of evidence concerning all of the evidence in the case, we stipulate that the chain is intact, no one has altered or tampered with any of the evidence in getting it to SLED for any other testing.

THE COURT: All right, thank you. Mr. Belton, you agree with those stipulations?

MR. BELTON: Yes, Your Honor.

THE COURT: And Mr. Sheldon, you agree with those stipulations?

MR. SHELDON: Yes, sir, Your Honor.

THE COURT: All right. Ladies and gentlemen, a stipulation is simply a legal term meaning that both sides, both the State and the defense, agree to a fact. That fact is established and it does not have to be proven by the State beyond a reasonable doubt like other things have to be proven. So a stipulation is a fact that has been agreed upon by all sides. And again, you'll consider that when you get the case to deliberate, you'll give it the weight and credibility you believe that stipulation deserves along with all of the rest of the evidence. Okay? Thank you. All right. You can call your witness.

MS. CAMPBELL: Thank you. State would call Kenneth Darden.

The witness, KENNETH DARDEN, was first duly sworn and

Testified as follows:

MS. CAMPBELL: May it please the Court?

THE COURT: Yeah.

DIRECT EXAMINATION

BY MS. CAMPBELL:

Q Where are you currently employed?

A I'm currently a stay at home dad.

Q And I want to turn your attention back to September of

2019, where were you employed then?

A Then I was employed by the South Carolina Law Enforcement Division, commonly known as SLED.

Q And what did you do at SLED?

A I was a Criminalist in the Firearms Department.

Q In the Firearms Department?

A Yes, ma'am.

Q And can you tell this jury a little bit about your training and your education as far as being in that department?

A Yes. I received a Bachelor of Arts in Criminal Justice from Marymount University, and then received a Master of Science in Forensic Science from George Mason University. And within the SLED Firearms Department I completed the course of instruction within the department to become a firearms examiner. This course of instruction is a three to four year program in-house, so it's an apprenticeship style program that is supervised by court qualified firearms examiners. It consists of extensive reading, studying, microscopic comparisons, physical examinations, written examination, and it culminates in a final exam. All of this is under the supervision of the other court qualified firearms examiners within the department.

Q And so prior to doing the testing in this case you had completed that training?

A Yes, ma'am.
Q And during the time period when you were at SLED -- how many years were you at SLED?
A I was there approximately four and a half years.
Q Did you have continuing education and training in this area?
A I did, yes.
Q And that summer before this case came, did you get signed off on as being able to conduct testing by yourself?
A Yes, ma'am. I was signed off in August of 2019.
Q But in every case at SLED, are all of the findings prior to a report being issued reviewed by another person who's qualified?
A Yes, ma'am.
Q And that was done in this case?
A Yes, ma'am.
Q And who reviewed your findings in this case?
A In this case they were reviewed by Paul Greer.
Q I want to turn your attention to somewhere shortly after September 21st of 2019. Were some items of evidence pretty much rushed to SLED for comparison purposes?
A Yes, ma'am.
Q And specifically Item Number 3 was a fired bullet that was lifted as from Aaron Harris' autopsy. Was that one of the items that was submitted to you?

A Yes, ma'am.

MS. CAMPBELL: Your Honor, I need to back up. At this time we would offer him as an expert in firearms examination.

THE COURT: All right. Any issue about qualifications?

MR. BELTON: No, Your Honor.

MR. SHELDON: No, Your Honor.

THE COURT: All right. Thank you. He's qualified as an expert, ladies and gentlemen.

BY MS. CAMPBELL:

Q Item Number 3 was a fired bullet from Aaron Harris' autopsy?

A Yes, ma'am.

Q And then the Item Number 5, which was submitted for you to examine, was a fired bullet listed as from Henry L. Colvin, Henry Lee Colvin's autopsy?

A Yes, ma'am.

Q In addition to that, did you also receive a weapon in this case?

A Yes, I did.

Q And what type of weapon did you receive as Item Number 6?

A Item Number 6 was a Ruger Model LCP 2 Semiautomatic Pistol.

Q And then moving onto Item Number 7. Was there also a

magazine that accompanied that?

A Yes, ma'am. Item Number 7 was a magazine that went with that pistol and three unfired cartridges.

Q And those were associated with that magazine?

A Yes. They were received inside the magazine.

Q And then the final items, I believe three items you received were items number eight, nine and ten. And can you tell the jury what those items were?

A Yes. Items eight, nine and ten, were three fired .380 auto caliber cartridge cases.

Q And what, if anything, were you asked to do as far as the items that were submitted to you as far as comparisons?

A I was asked to make comparisons amongst these submitted items and determine whether the fired components came from or was fired by this pistol.

Q And we've heard a lot in this case about different caliber of semiautomatic handguns. Is that significant in some of your findings, or can be?

A It can be, yes.

Q And specifically when you're talking about a 9 millimeter versus a .40, or a .32 versus a .380, what's the difference in those? Why are those labeled as such?

A The biggest difference is the difference in size. So a 9 millimeter, the diameter of that bullet would be smaller than that of a .45.

Q And can a 9 millimeter shoot a .45 bullet?
A A 9 pistol? No, ma'am.
Q So the caliber in and of itself can be exclusionary or an inclusionary factor?
A Yes, ma'am.
Q And I'm going to take you -- starting off with Item Number 3, which is the bullet from Aaron Harris' autopsy. What, if anything, were you able to determine about that?
A So Item Number 3 was determined to be most consistent with a 9 millimeter Luger caliber bullet based on the size, the weight and the physical appearance.
Q And did you notice anything about any markings on that bullet?
A Yes. The item three bullet had some rifling impressions, meaning that it had been fired, and they were -- the impressions were six group rights twists, meaning there were six impressions going in a right hand direction on the bullet.
Q And how did -- when you get bullet such as that recovered from a deceased's body, how do those markings get on that bullet?
A Those markings are transferred from the firearm barrel as the bullet passes down the barrel when it's fired.
Q And there are many different 9 millimeter guns, there are a lot of .380 guns, .45's, does each one have what we

would consider unique markings when they fire a bullet?
A Each one can make unique markings on the bullet, yes.
Q And in this case you were able to say that it was a polygonal rifle barrel with six grooves and a right twist.
A Yes, ma'am.
Q And the polygonal word, what does that mean?
A The polygonal refers to the type of rifling. So the raised and recessed areas within the barrel that are spiraling down the barrel are very gradual from the raised area to the recessed area, and it makes a specific type of mark on the bullet when the bullet is fired.
Q Moving on to Item Number 5, which is a fired bullet listed as from Henry Lee Colvin's autopsy. What, if any, determinations were you able to make about that bullet projectile?
A This bullet was determined to be most consistent with a .45 Auto Caliber Bullet, or .45 GAP. And it also had polygonal rifling, but it had eight grooves right twist.
Q Okay. And you said that was a .45 caliber?
A It was most consistent with a .45, yes.
Q And as part of your review of those two -- I call them projectiles, you call them bullets; is that right?
A Bullets or projectiles.
Q And is that what gets fired out of the end of the gun?
A Yes, ma'am.

Q And we're going to get to shell casings or cartridge casings or however you want to talk in a minute. Did you come up with a number of different weapons that can be used to fire these two bullets?

A Yes. We have a database at SLED where we can enter the type of rifling, it's called the general rifling characteristics. So you're entering the caliber, the type of rifling, the number of impressions, the direction of the twists, and all of this information can provide you with a list of possible firearms that could have fired that bullet.

Q And just for clarification, you were never provided with any 9 firearms in this case.

A No, ma'am.

Q And you were never provided with any .45 caliber firearm in this case.

A No, ma'am.

Q And just to summarize your conclusions as far as those items, you were able to determine that Item 3 was fired by one firearm?

A Yes. Item 3 was fired by one firearm.

Q And that Item 5 was fired by a second firearm.

A Yes, a second different firearm.

Q And you did that based on the caliber -- it was -- based on the caliber alone would support that.

A Yes, ma'am. Based on the differences in the caliber

and the general rifling characteristics.

Q And as part of your report you also mentioned that Items 3 and 5, the two we just mentioned, were the not fired by the gun that was submitted, the .380.

A Yes, ma'am.

Q And I want to move on to the .380 at this point. Once you got that actual gun, did you do any test firing with that?

A Yes, ma'am.

Q And how is that done? Explain that to the jury, please.

A So when we receive the evidence we photograph it as received when we're opening the packages, and then any information that's present we record that; the condition of the firearm, make, model, serial number, things like that. Depending on what we need for test fires we will choose ammunition from our -- from the ammunition we have in the lab, something that was similar to the evidence that was submitted. And we make test fires within the lab, collect the fired bullets and cartridge cases, and then we can use those to compare with the submitted evidence.

Q And I assume that the caliber of ammunition to do the test firing you used in this case was .380?

A Yes, ma'am.

Q And so basically you do the test firing, you collect

those what I would say are known standards from that gun?
A Yes, ma'am.
Q And then there were three .380 cartridge casings I think you called them?
A Yes, ma'am.
Q And is that kind of the same thing what people refer to as shell casings?
A Yes.
Q Those three were also submitted for your review.
A Yes, ma'am.
Q Once you had test fired the gun and got the known standards and went to compare it to the evidence collected from the scene what, if any, conclusions were you able to make in this case?
A I was able to determine based on the comparison between the tests that the firearm was marking consistently, and I could match the -- compare the test fired cartridge cases and determine that they all came from one firearm. And I was able to compare the submitted cartridge cases and determine they came from one firearm. And then I compared those two groups together and determined that the submitted cartridge cases were fired by the Item 6 submitted pistol.
Q So just for clarification, Item Number H, which was one fired cartridge case listed as from Evidence Marker Number 9, and Item 9, your SLED number, which is one fired .380

cartridge case listed as Evidence Marker Number 14. And then finally, Item Number 10 in your thing listed as one fired .380 caliber cartridge casing listed as from Evidence Marker 21, you were able to conclude what on those three?

A That they were all fired by the Item 6 pistol.

Q And in making this comparison, is there a standard way you do it microscopically as well as any other comparisons?

A Yes, ma'am.

Q And once you had come up with your conclusions -- and they were asking you to do this kind of on a rushed basis, weren't they?

A I believe it was quickly, yes.

Q Once you come to your conclusions, is there anyone that reviewed this case?

A Yes. Another qualified firearm examiner reviewed this case. So I make my comparisons, come to my conclusion and that's recorded, and then the second firearm examiner comes behind me, looks at the same evidence independently and comes to their conclusion, and then we compare. And if both conclusions are the same, if we agree, then the report is finalized, signed off and released to the submitter.

Q And I believe you issued this report on September 27th of 2019. Is that the date reflected on it?

A Yes, ma'am.

Q And I want to show you -- you actually issued a three

page report on that day; is that correct?

A Yes, ma'am.

MS. CAMPBELL: Thank you, sir. I don't have anything further.

THE COURT: All right. Mr. Belton?

MR. BELTON: Thank you.

CROSS EXAMINATION

BY MR. BELTON:

Q Hi, Agent. Agent, you issued a report that's dated September 27th, 2019, correct?

A Yes, sir.

Q Are you aware of a report that was also issued on September the 27th, 2021? It's titled a supplemental report.

A I have not seen that report, no.

Q So help me understand. Madam Solicitor asked you about whether or not when things are peer reviewed, and I just want to make sure that I'm accurate -- and the supplemental report, if it indicates that the report supplements the original testing and it refers back to your report, does that mean that this -- that your report is incorporated into this report, and the person who drafted the second report can then speak to the first report?

A It is all part of the same case, but I'm not sure how they normally testify to that.

MR. BELTON: May I approach the witness, Your Honor?

THE COURT: Yes.

Q Okay. Let me just hand you both and so you can -- and I'm just trying to understand SLED procedures. Just read there on September the 27th, 2021 report, and it says it supplements and it is then signed by Paul Greer. So does that mean that Paul Greer can also testify to what's in your report? Because I think you indicated -- I'm sorry, answer that question first. Does that mean he can now testify to the testing that you did since he also peer reviewed your work?

A He did peer review my work. I have not -- I guess in my time during when I was at SLED I didn't deal with supplemental reports so I don't know exactly whether he could -- whether he would do that. But he -- yes.

Q Okay. So let me ask this just another way -- and I'm really -- what I'm trying to do is I will reserve my cross examination for Agent Darden if he can also speak to your report as a supplement. But are you saying that your report stands separate from his report? Then we've got to do two cross examinations.

A Again, I don't know exactly how the -- with that being supplemental how that is viewed, I guess, within the SLED department, but --

Q Okay. Fair enough. So I'll take you through it then.

MR. BELTON: Your Honor, may we approach?

THE COURT: Yeah.

(A bench conference was held.)

THE COURT: All right. Mr. Belton?

MR. BELTON: Your Honor, I have no further questions for this witness at this time.

THE COURT: All right. Mr. Sheldon?

MR. SHELDON: Yes, Your Honor. May it please the Court?

CROSS EXAMINATION

BY MR. SHELDON:

Q Mr. Darden, thank you for being here this afternoon. I just have a few questions for you. So you indicated essentially I think that you were responsible for the original testing done September 27th of 2019; is that right?

A Yes, the report issued September 27th.

Q So the testing would have been done some time around then, not necessarily that day but some time in close proximity to when the report was done; is that right?

A Yes.

Q And you tested, I think, really specifically probably three different things, a bullet from -- that was from Aaron Harris that was recovered at the autopsy, I think, is that right -- how it's labeled on your report, I think; is that right?

A Yes, sir.
Q A bullet -- one fired bullet from the Henry Colvin autopsy. And these, again, are just -- that's how you receive them. That's how you identify kind of what things are, right?
A Yes, sir.
Q They're labeled for you when they come in the mail. You don't have to guess as to where this comes, they are labeled this is bullet from X, this is bullet from Y, this is bullet from Z, right?
A Yes.
Q Okay. And then also additionally -- and what we're referring to -- so the bullet from Harris is Item 3, the SLED Item 3, the bullet from Colvin is Item 5, and then additionally Item 6 was a .380; is that right?
A Yes, sir.
Q And you received that from law enforcement; is that right?
A Yes, sir.
Q Okay. And so just kind of specifically talking about those things, the bullet recovered from Aaron Harris you determined was a 9 millimeter; is that right?
A It was most consistent with a 9 millimeter Luger.
Q The bullet fired from the -- the bullet recovered from Mr. Colvin was consistent with a .45; is that right?

A Yes.
Q And then you also concluded that the .380 that you had, which is Item 6, SLED Item 6 -- and just to point out, I think we've already gone over this, but just briefly, the way that SLED itemizes things are not the same as like the way they appear as markers, is that right, in a crime scene?
A No.
Q You guys do your itemization of different things, right?
A Yes, sir.
Q And Item 6 would have been the .380 that neither the bullet listed at Item 5 from Henry Colvin, nor the bullet listed as Item 3 from Aaron Harris were shot -- were consistent with being shot from that .380.
A Yes. Neither of those bullets were fired by that .380.
Q And you can say that within a reasonable degree of scientific certainty based on your education and experience that that .380 did not fire either of those bullets.
A Yes, sir.
Q How can you say that?
A Based on the physical characteristics of the bullets, the Item 3 bullet was the one that was most consistent with being a 9 millimeter Luger bullet, and that bullet had polygonal rifling with six grooves in the right-hand twist. And the .380 pistol, the Item 6, had conventional rifling.

So the rifling types were different and you would be able to see that by examining the bullet and examining the firearm. The Item 5 bullet, which is most consistent with the .45 Auto or .45 GAP caliber bullet, was a .45 caliber so it's going to be larger than a .380 caliber bullet so it would not actually physically fit through the barrel of that pistol. And it also had polygonal rifling this time with eight groups right twist.

Q And just a couple of followups. So you only received one .380, is that right? At least you personally only received one .380 in this case.

A One .380 pistol.

Q And in that was also a magazine or a clip; is that right?

A Yes. In the container was a magazine.

Q And that magazine had -- is it fair to say that magazine had three unfired rounds in it, unfired bullets, unfired casings, whatever we want to call them.

A Yes, three unfired cartridges.

Q Okay. Cartridges. And the magazine -- and if you don't remember I think we have it, but if you remember just -- the magazine, in fact, holds, I think, five total rounds; is that right?

A Let me refer to my notes.

Q And this wouldn't be counting one in the chamber, so

just the magazine itself.

A The Item 7 magazine can hold six cartridges.

Q Six cartridges. Okay. So six total cartridges. And there's three cartridges -- there's three cartridges that are unfired; is that right?

A Yes, sir.

Q And so just briefly going back to that 9 millimeter, do we know what type of ammunition that was?

A For the 9 millimeter bullet?

Q Yeah. I'm sorry, and that would be Item 3.

A I have a description of the bullet, but as far as brand or anything like that I couldn't tell.

Q You couldn't tell from analyzing or you just don't know? How does that work?

A The -- I guess the construction and the appearance of the bullet was pretty generic so you couldn't determine what brand just by looking at the bullet.

Q What about the brand from the .45, the Item 5, that .45 fired bullet? Could you tell from that or was that generic as well?

A Same situation, it was nothing that was very unique about it.

Q Item 3, I think you indicated on here, this is the 9 millimeter just so the jury kind of follows us, could have been fired not necessarily, but it could have been fired by

at least but not limited to 13 different types of guns; is that correct?

A For Item 3?

Q Yes.

A Yes.

Q And I'm not going through it them all, Glock, Car Arm sights -- I'm not a gun guy, Heckler and Coke. I mean, are those brand names or are those different types of guns? Like what does that mean?

A Those are manufacturers.

Q Okay. So 13 different manufacturers manufactured -- at least 13 different manufacturers manufacture guns that could have been fired that type of 9 millimeter Luger caliber bullet in Item Number 3.

A Yes.

Q And then in Item Number 5, at least two different types of manufacturer for that gun, right?

A Yes, sir.

Q Okay. And that is Bursa and Glock; is that right?

A Yes.

MR. SHELDON: Beg the Court's indulgence for one second, Your Honor.

(Break in proceedings.)

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

MS. CAMPBELL: Just a couple.

REDIRECT EXAMINATION

BY MS. CAMPBELL:

Q Sir, when he refers to the fired bullet that you listed as being the most consistent with the 9 millimeter, Item Number 3, in those 13 types of guns, those would all have to been a 9 millimeter Luger.

A Yes. When I entered the information into the database for the general rifling characteristics, that was one of the selections I made, 9 millimeter.

Q And in that same vein, Item Number 5, which is the fired bullet that you listed most consistent with the .45, again, the two kinds of guns, the Bursa and the Glock would have to be .45 Auto or .45 GAP or .45 caliber?

A Yes.

MS. CAMPBELL: Thank you.

THE COURT: All right. Thank you, sir, you can step down. You're still under subpoena. All right. The State can call its next witness.

MS. CAMPBELL: State would call Paul Greer.

The witness, PAUL GREER, was first duly sworn and

Testified as follows:

DIRECT EXAMINATION

BY MS. CAMPBELL:

Q Agent Greer, where are you employed?

A I'm employed at the South Carolina Law Enforcement Division, which is commonly known as SLED.

Q And what do you do at SLED?

A I'm a Forensic Scientist in the Firearm and Toolmark Department.

Q And can you tell this jury a little bit about your education and your training in the field of Firearms Examination?

A Sure. I received a Bachelors of Science in Biological Sciences from the University of South Carolina. Upon my employment at SLED I have also completed our SLED Firearm and Toolmark Course of Instruction Program. Again, this is an apprenticeship style program that we go through under the supervision of other court qualified examiners. During this time -- it lasts several years to do all of the training, but I completed multiple written examinations, practical examinations. I conducted many microscopic comparisons, and I also assisted other examiners prep their cases. At the conclusion of all of this training I was given a final exam that did include some casework, I successfully completed that exam and was able to begin casework on my own at that time.

Q And how long have you been at SLED?

A I've been at SLED for approximately seven and a half years.

Q Is SLED what we call an accredited laboratory?
A Yes, ma'am, we are.
Q Can you tell the jury a little about the accreditation and what steps you have to go through to make sure you remain in compliance to ensure the quality of your product?
A Yes, ma'am. SLED laboratory is accredited by AMAB, which is an accrediting body for a forensic services laboratory. Each year we go through internal audits that checks for the quality of our product and our examinations and our policies. Every four years outside assessors come in from AMAB to assess the lab. Within the laboratory we also have our quality management system that kind of handles that quality aspect and the accreditation process. But all of that together makes sure -- helps to ensure that the laboratory is meeting certain policies, certain standards that we're operating within the accrediting body's policies, and also that we're operating at the same standard as other accredited laboratories.
Q And do you actually have bodies that come in and do what's called proficiency testing and things of that nature?
A Yes, ma'am. Each analyst or criminalist or scientist in the building, we do participate in proficiency testing.
Q And is that to make sure that the quality of the result is what it should be?
A Yes, ma'am.

Q And do you constantly receive additional training each year you're there?
A Yes, ma'am.
Q And that's an ongoing process.
A Yes, ma'am, that's correct.
Q Have you testified before as an expert in the field of firearms examination?
A I have.
Q And approximately how many times?
A Nine times.
MS. CAMPBELL: Your Honor, at this time we would offer him as an expert in the field of firearms examination.
MR. BELTON: No objection.
MR. SHELDON: No objection.
THE COURT: All right. So ordered, he's an expert.
BY MS. CAMPBELL:
Q Before I get to the evidence, the firearms evidence, such as cartridges or cartridge casings, guns and everything, are maintained in the proper way whether the chain is not in dispute, can the testing be done at anytime or does it have to be done within a certain amount of time?
A No, ma'am. The testing for the firearms department can be done at anytime as long as everything is sealed and properly packaged.
Q And in this case you received a good bit of evidence,

did you not?

A That's correct.

Q And was everything sealed and in proper order when you received it as it had been submitted?

A Yes, ma'am.

Q And when evidence is submitted to your laboratory, how does it come in?

A Evidence is submitted to the SLED laboratory by our submitting agencies, and that's our other state police, federal police and your local sheriffs and city officers. That evidence is logged into an online system and submitted to the laboratory through our evidence control department. They could generate a list of the items that they're going to submit, along with the request that they are asking for the lab, whichever type of analysis that they're requesting on each item. That evidence is brought to the laboratory where our evidence technicians in the log-in department will ensure that it's packaged correctly and appropriately for distribution throughout the laboratory.

Q Okay. And in this case I want to turn your attention first back to 2019. Did you do the peer review on Mr. Darden's examinations?

A Yes, ma'am, I did.

Q And tell the jury how that works, what you do independently of him.

A So at SLED we have a 100 percent micro-verification process and a peer review process. What that essentially means is after a case is worked by an examiner, they examine that evidence, they look at it under the microscope and do any testing that they need to do. At the end of their testing they come to a conclusion. Before they share that conclusion they write that down on a result form, and they ask another examiner to come in to verify that conclusion. At that time an examiner will come in and independently verify the evidence. They will look at it under the microscope, they will examine everything that the original examiner has looked at and arrive at their own conclusions. At that time we will look at the conclusions, and if we're in agreement at that time the results will be signed off on.

Q And that was done in this initial case; is that correct?

A That's correct.

Q And then last summer I believe additional firearms were submitted to you for examination -- additional evidence. I'm sorry.

A Yes, ma'am. There was some additional evidence submitted.

Q I want to take -- first off some of the items that were initially submitted. I want to show you what has been marked as State's Exhibits 32 and 31. It was mentioned, and

I'm not going to go through the whole testimony again, by Mr. Darden of two projectiles or bullets that were recovered from autopsies.

A I recognize these items.

Q And were those items that were initially submitted and that you reviewed the findings on?

A Yes, ma'am, that's correct.

Q So you actually did an examination yourself on these items.

A Yes, ma'am.

Q Okay. I want to show you what's been marked as State's Exhibit 251, and first ask if you recognize that?

A Ladies and gentlemen, this firearm is unloaded and it is safe for me to handle and I'll keep it pointed in my direction just for the testimony purposes. But I do recognize this firearm and the associated magazine and cartridges.

Q Okay. And is that one of the items that was originally submitted back in 2019?

A Yes, ma'am, it is.

Q And I notice that you're looking at it and looking for certain markings. What markings are you looking at when you look at this evidence to make sure it's the same as to what you examined?

A Yes, ma'am. When evidence comes to the SLED laboratory

we give it all a unique lab number and an item number. So our evidence is described or written on with marker or whatever means that we have to do that with our -- with each of those items numbers, our initials and the laboratory case number. Specifically there you saw me looking on the firearm in multiple places to make sure that I saw all of that information that had been ascribed onto the firearm and I also see it on this packaging as well. And I would like to note that all of this does appear to still have our seal date and initials on it as well.

Q Okay. I'm going to hand up, and I'm going to separate it out of this, a box with certain shell casings that were collected from inside, and it's just easier for me to do it this way.

THE COURT: Yeah, just come on around.

MS. CAMPBELL: Thank you, sir.

Q And describing this first one on top, I'll get back to it in a minute, but State's Exhibit Number 235. What is this writing up here on the top of this?

A The writing there on top of that ziplock bag is the seal date in which I sealed that ziplock bag and my initials. I packaged the evidence that way for it to be returned back to the submitting agency.

Q And when this evidence is submitted to you, is the actual cartridge casing or whatever piece of evidence this

is, actually in these little tins in this case?
A In this case a lot of the evidence was in those little tins.
Q And you also mentioned that SLED gives it its own number and it may not correspond with the submitting agency's evidence number.
A That's correct.
Q And on this one, on the top of the tin, does it have in black up here a number -- a pound sign and then a number?
A Yes, ma'am, it does.
Q And then on this one, what's that number?
A It says 47, I believe.
Q Does it have a description of the item?
A I believe, yes, ma'am, it does.
Q And then again there's some blue writing on that actual tin. What is that?
A The blue writing is what I wrote on the evidence tin as I was opening the packaging and documenting what I had received in the case. That blue writing contains my SLED lab number, our item number and the initials of myself.
Q If I hand you 235 and ask you, what was the number that was assigned to it by the sheriff's department here in Lancaster?
A The sheriff's department had written number 47 on it.
Q And then does it have a description on that tin?

A Yes, ma'am.
Q And what's the description that was written on it?
A It says .45 Gap Speer cartridge casing at Marker 11 with 1223.
Q And then finally, what did you write on there?
A I wrote our SLED lab number, which is L19-17654, Item 19 and my initials, PSG.
Q And that's just to -- so when you come to court or any later date any question about what you examined, it's on there?
A Yes, ma'am.
Q Okay. Looking at those items, taking them all Exhibits 231 --

MS. CAMPBELL: Let me see if they'll stipulate.

(Break in proceedings.)

MS. CAMPBELL: Your Honor, I think we can all just stipulate that I can just put on the record what they are.

THE COURT: All right. What are you stipulating to?

MS. CAMPBELL: The evidence I just handed him.

THE COURT: Okay. Is that correct, gentlemen?

MR. BELTON: Yes, Your Honor.

THE COURT: Thank you. So, ladies and gentlemen, you'll remember what I told you what a stipulation is.

MS. CAMPBELL: So State's Exhibit 231 is SLED Item Number 16, which came from Marker 7. State's Exhibit 232,

is SLED Item Number 17, which came from Marker 8. State's Exhibit 233, SLED Item Number 8, which came from Marker 9. State's Exhibit 234 is SLED Number 18, which came from the marker at the scene, Number 10. State's Exhibit 235, SLED Number 19, which came from Marker 11. State's Exhibit 236 is SLED Number 20, which came from Marker 12 at the scene. State's Exhibit 237 is SLED Item Number 21, which came from Marker 13. State's Exhibit 238 is SLED Number 9, which came from Marker 14 at the scene. State's Exhibit 239 is SLED Marker -- is SLED Number 22, which came from Marker 15 at the scene. SLED -- Exhibit Number 240, which is SLED Number 23, came from Marker 16 at the scene. State's Exhibit 241, which is SLED Number 24, it came from Marker 17 at the scene. State's Exhibit 242, which is SLED Number 25, came from Marker 18 at the scene. SLED number 243 -- excuse me, State's Number 243, which is SLED Number 26, came from Marker 19 at the scene. State's Exhibit 244, which is SLED Number 27, came from Marker 20 at the scene. And State's Exhibit 245, which is SLED Number 10, came from Marker 21. And then State's Exhibit 246, which is SLED Number 28, came from Marker 22 at the scene.

THE COURT: All right. That's stipulated, correct, gentleman?

MR. BELTON: Yes, sir.

Q And for the record I've handed those items up to you.

In addition to the inside shell casings -- well, you don't know where they came from other than what's labeled on the package, right?

A That's correct.

Q And all of these are labeling on the package that they can read.

A Yes, ma'am.

Q I'm going to show you another group of cartridge casings that I have.

MS. CAMPBELL: That would be State's Exhibit 207, which is SLED Item Number 36, which came from Marker 33 at the scene. State's Exhibit 208, which is Item 37, which came from Marker 34 at the scene. State's Exhibit 209, SLED Item Number 38, which came from Marker 40 at the scene. State's Exhibit 210, which is Item 39 at SLED, which came from Marker 35 at the scene. State's Exhibit 211, which is SLED Item Number 40, is Number 36 at the scene. State's Exhibit 212, Item 41, which is State's Exhibit -- excuse me, came from Marker 37 at the scene. State's Exhibit 213, which is SLED Item Number 42, came from Marker 38 at the scene. And then State's Exhibit 215, which is SLED Item Number 43, came from Marker 42 at the scene.

THE COURT: All right. So stipulated.

MS. CAMPBELL: Thank you, Your Honor.

Q Finally -- the final group, and I'll hand these up to

you as well, is additional evidence at the scene?

MS. CAMPBELL: Which is State's Exhibit 203, SLED Number 33, which is Marker 24 at the scene. State's Exhibit 204, which is SLED Number 34, which is Marker Number 5 at the scene. State's Exhibit 205, which is SLED Number 35, that's Marker 23 at the scene. State's Exhibit 247, which is SLED Number 29, is Marker 4 at the scene. State's Exhibit 248, which is SLED Number 30, which is Marker 26 at the scene. State's Exhibit 249, which is SLED Number 31, which is Marker 27 at the scene. State's Exhibit 250, which is SLED Number 32, is Marker Number 28 at the scene. State's Exhibit 264, which is SLED Item Number 44, was retrieved from Deja Hinson's car. State's Exhibit 206, which is Item Number -- SLED Number 48, came from Marker 6, which I believe is an intact cartridge. Then you have the two from the autopsy. And then finally State's Exhibit Number 9, which is SLED Number 45, came from LaShonda Barnes' leg.

THE COURT: All right. So stipulated.

Q Just so the jury knows, each one of those tins labels where it was collected as well.

A Yes, ma'am.

Q To some extent.

A To some extent there is some type of identifying marking.

Q Now, taking it in whatever order you think best, tell the jury what kind of testing you're doing and what you're looking for in whatever way you want to explain it.

A In the firearms department when we receive the evidence we will evaluate what we have. So what we're trying to do is evaluate those fired ammunition components, specifically a fired cartridge case and the bullet, in order to determine if they were fired by a specific firearm. In this case I received fired bullets, fired cartridge cases, and we also -- I had the items six pistol to compare as well. So what I did is I opened the evidence, I documented our packaging with photography and began to write down the information on this evidence. So I wrote down the characteristics that I saw on the bullets, I weighed them, I measured them, I counted the rifling on it, and documented all of that information. I did something very similar to the cartridge cases. I photographed them, I documented the head stamp information, the caliber, the construction of that cartridge case as well. At that time I also -- or started to examine those characteristics and determine what I should be comparing to each other, what had similar characteristics so that I could proceed with my examination and go to the next step, if you will. I also photographed the firearm and knew that I would have to test fire it again, to test fire a firearm after I determined that it was

safe and took any notes that I needed to on that firearm. I will test fire in a vertical water tank. So at SLED our water tanks starts on the second floor and goes all the way to the bottom of the first floor, so it's just essentially a cylinder of water. I'll test fire into that, recover our test fired bullets and our test fired cartridge cases and take that all back to my office to do any comparisons. To complete our comparisons we use what is called a comparison microscope. That is essentially two microscopes that are joined together with an ocular bridge so I can look at two items at one time under high magnification. So I spent a lot of time looking at those characteristics on those test fired bullets, those test fired cartridge cases, and then comparing that to the evidence that I saw that I'd received. After all of those comparisons I reached a conclusion on what was fired by each of -- by this firearm or other firearms that may have been present.

Q Without going over Agent Darden's testimony, again, did you -- your findings are still the same as far as what he's testified to.

A Yes, ma'am.

Q And as far as determining what your results were, I'm going to show you -- I show you what's been marked as State's 273, 274 and 275. And at my request some charts were generated and you reviewed them and they accurately

show your findings in this case?

A Yes, ma'am, that's correct.

Q And would this be helpful in explaining your findings to the jury?

A Yes, ma'am, it may.

MS. CAMPBELL: Your Honor, at this time we would offer the three of them into evidence.

THE COURT: All right. Without objection admitted into evidence.

(State's 273-275 were received.)

MS. CAMPBELL: Your Honor, may the witness step down? Yeah, you can step down.

THE COURT: Just make sure you speak loud because you've got to wear the mask.

Q I want to show you State's Exhibit Number 274. What does this chart show?

A This chart shows some of the fired cartridge cases that were submitted to be examined. And it shows our SLED item number, a brief description of where those items were recovered as mentioned on our submission paperwork from the submitting agency, and also the caliber of the cartridge case.

Q And just for clarification, the location marker, this description that you put in your thing, you get that from the submission form that's submitted by the Lancaster County

Sheriff's Department?

A That's correct.

Q Okay. And I'm going to be referencing State's Exhibit Number 263. And when you group these like by fired by Gun A, fired by Gun B, and fired by Gun C, is there any significance in the order you do these, or you do these in your report?

A Those are grouped on this -- in this particular chart by how I determined what specific firearms those were fired by. So in each chart there you will see after I examined those cartridge cases I determine each grouping to have been fired by one firearm. And so the next chart would be where it says fired by Gun B, that would be a second firearm, an additional firearm.

Q And then Gun C, an additional firearm?

A That's correct.

Q In your first finding that was fired by Gun A, which is just your way of labeling it randomly.

A Yes, ma'am.

Q There is one, two, three, four, five, six, seven. Six, excuse, which were SLED item numbers that were found in these markers?

A Yes, ma'am, that's correct.

Q And what did you determine as far as SLED Items Number 16, 17, 21, 22, 23, and 28?

A I determined that those items were all fired by one firearm.
Q And how did you make that determination?
A Looking at those characteristics under the microscope and comparing each of those cartridge cases to each other, I was able to say that they were fired by the same firearm.
Q And the only gun that was recovered in this case that was submitted was a .380; is that correct?
A Yes, ma'am, the Item 6 .380 pistol.
Q And could any of these items that we just found out was fired by Gun A have been fired by the .380?
A No, ma'am.
Q And is that -- can you do that just based on caliber alone?
A Sometimes you can. There are other characteristics that we take into consideration to negate, but sometimes it can be done by caliber alone.
Q And going on to fired by Gun B, SLED Items Number 18, 19, 20, 24, 25, 26 and 27 that were found at Markers 10, 11, 12, 17, 18, 19 and 20?
A Yes, ma'am. All of those items were found to have been fired by the same firearm. So that is an additional firearm, or a different firearm from the ones we just discussed as Gun A.
Q And finally -- and those were all .45 GAP?

A Yes, ma'am, those were .45 GAP caliber.
Q And what's the significant of the GAP?
A That's just another cartridge. So you have 9 millimeter Luger, .45 Auto. 45 GAP is just another specific cartridge designation.
Q Moving onto from interior -- interior fired by Gun C, SLED Item Number 6, which is .380 Auto pistol. So you were able to identify a gun with these three; is that correct?
A Yes, ma'am. Those SLED Items 8, 9 and 10, those are what we had determined to have been fired by the Item 16 pistol.
Q And since you've matched those to be determined fired by the Item 6 pistol, could those three .380's have been fired by other .380 or any or caliber gun?
A No. It's our opinion that it was fired by Item 6.
Q And as far the rifling and the things that are left on cartridge casings, is each gun unique?
A Yes, ma'am. There are -- not necessarily rifling on the cartridge cases, but there's other impressions on what we call the breach face inside the firing pin on that cartridge case.
Q And that would be absolutely unique. There's no other gun that could have fired these three.
A Yeah. They would be specific to that firearm.
Q Thank you. There are also a number of cartridge

casings. State's Exhibit Number 273, that you also identified as being fired by yet another gun, a fourth gun.

A Yes, ma'am.

Q And SLED Items Number 36, 37, 38 from the northwest corner of the business are from Markers 33, 34, 40, did you determine what calibers those were?

A Yes, ma'am. Those are .40 Smith and Wesson caliber cartridge cases. And we determined that those three items, 36, 37, 38, were fired by the same firearm, but a separate firearm than the ones we've been discussing. So this would be a fourth firearm.

Q And each one of these you separate that were fired by a different gun, none of this intermingles.

A That's correct. There are differences in the characteristics that we're looking at amongst the caliber as well that helps us to negate and to separate out into different firearms.

Q And the next group is fired by Gun E. And you put in there an unidentified 9 as you have before, but you state specifically not the same as Gun A or Gun F; is that correct?

A Yes, ma'am. When we looked at those cartridge cases there were differences in those characteristics on the fired cartridge case that we were able to say that was yet another firearm that was at the scene. So those Items 39 through 42

were all fired by the same firearm, a different firearm than the ones we've previously mentioned.

Q And then you also found a sixth gun, fired by Gun F, which is then an unidentified 9 millimeter Luger, but again not the same as Gun A or Gun E.

A Yes, ma'am, that's correct.

Q So the 9 millimeter shell casings that you found outside were from two different guns from the one 9 millimeter that was shooting inside.

A That is correct.

Q Okay. And this was found in the roadway at Marker 42, and it was a 9 millimeter as well.

A Yes, ma'am.

Q But it's different from this gun and from that one.

A That's correct.

Q You also received some additional projectiles/bullets. I don't know what term you want to use.

A Yes, ma'am. We did receive several bullets in this case and some other items that are considered projectiles.

Q And when you refer to something as a bullet, is that the part that comes out the end of the gun when you shoot it?

A Yes, ma'am. The bullet is the portion of the complete cartridge that will travel down the barrel of a firearm when it's fired towards a target.

Q According to SLED Item Number 3, which you have coming from the autopsy of Harris, what caliber was it?

A That was determined to have been a 9 millimeter Luger caliber.

Q And then you note what rifling type it's got?

A Yes, ma'am.

Q And what is rifling type? What does that mean?

A Rifling type is -- we see two different kinds, one is conventional, one is polygonal. And to back up just a moment here. Rifling is a grooves, lands and grooves that are imparted into the barrel by the manufacturer of the gun in order to give that bullet a spin and twist so that it will travel towards a target with speed and velocity. So when we're looking in the barrel of a firearm we can see either conventional styled rifling, which when we're looking at its overall appearance is squared off, if you will, and polygonal has a more rounded appearance. But together that rifling made up of lands and grooves helps to get that bullet the spin and the speed it needs.

Q And you put in the results column inconclusive. What does that mean? Explain that to the jury.

A So at SLED we're able to issue four different results. We have positive, meaning something matches it. We have negative, meaning it does not match. We have unsuitable, which means there weren't enough markings on the fired

bullet of the fired cartridge case, so we are not able to render a conclusion, so it's -- the bullet was unsuitable. That can be due to damage or any other type of issue like that. Inconclusive is our last result. And that just means that either due to damage, due to the limited markings exhibited on that cartridge case of that fired bullet we're not able to tell. We're not able to say, yes, that bullet was fired by the same gun that fired this bullet, or that bullet was fired by that gun. There's just not enough information on that fired bullet when we're looking at it under the microscope to know for sure. So it was kind of like a fancy word for we don't know. There just isn't enough there, and it's not necessarily an uncommon result.

Q Okay. So are you able to -- let me ask you this: When you're talking about bullets or projectiles versus cartridge casings, can you compare the two and tell if they came from the same one?

A No, ma'am. In order to do that we would have to have the firearm in order to fire and get a cartridge case and a bullet from it.

Q So it's inconclusive. So you cannot say whether or not it was fired by the gun inside, the 9 millimeter inside, but you know it's a 9 millimeter.

A That's correct.

Q And it's just inconclusive. It could be or couldn't be

fired by that gun.

A Right. We don't know without actually having that gun to test fire it.

Q And then going to Item Number 5, which is the autopsy of Colvin. What caliber did you determine that to be?

A That was determined to be .45 GAP or .45 Auto caliber.

Q And what's the difference between GAP and Auto?

A Those are just different cartridge designations. They share similar bullet measurements but the cartridge is just a little different, but we give both as an option.

Q An again, as far as your findings on that from Mr. Colvin, the result -- the rifling type was what?

A It was also polygonal rifling.

Q And is conventional or polygonal more or predominant one over the other?

A We see both.

Q You see both.

A We see both, yes, ma'am.

Q But you just notice. And were you able to come up with a conclusion or a result as far as that?

A Yes, ma'am. That comparison was inconclusive as well. We weren't able to tell what it was fired by in relation to our other projectiles that were submitted.

Q To the other projectiles? So at this point we're comparing projectiles to each other.

A Yes, ma'am.
Q But we aren't comparing the shell casings because you have to have a gun to do that.
A Correct. We cannot do that.
Q You just can't do it.
A No way.
Q So at this point you can't say -- but can you say based on the fact one is a 9 millimeter and the other is a .45, that those would have been fired by different guns?
A Those were fired by different guns, yes, ma'am.
Q But it's inconclusive as comparison to some more of this stuff.
A Yes, ma'am. And we'll see how we broke it down to the calibers there. So if something shared a similar caliber we compared that, they shared similar caliber. So upon further investigation into it and looking at it, those characteristics, counting the lands and grooves and examining the rifling type, we compared what was necessary. And so, for example, the .45 Gap that we were just discussing, Item 5, you see there's other .45 Gap caliber bullets, so we would have compared those. And that result is inconclusive.
Q That was inconclusive?
A Yes, ma'am.
Q You can't say they were fired by the same gun or not.

A Correct.
Q But you can say that the same .45 GAP or Auto caliber.
A They are the same caliber and exhibit similar characteristics, but the results of those comparisons with each other, we just don't know if they were fired by the same gun or by two firearms or by three firearms.
Q But you can say that they could have been fired but they can't -- they could or couldn't be.
A Right. They could have been fired by one gun.
Q Okay. Moving on to SLED Item Number 289, which is Number 4. And what was that piece of evidence?
A Item Number 29? Item 29 was a fired bullet.
Q Okay. And did you determine what caliber it was?
A Yes, ma'am. We determined that it was most consistent with being a .380 Auto caliber.
Q Okay. And what other rifling type did you find on that one?
A That one exhibited conventional rifling. So it was different than the polygonal rifling that we --
Q And this case -- you had the gun in this case, right?
A Yes, ma'am.
Q And were you able to make a determination as far as Item Number 29?
A Yes, ma'am. We compared the -- or, excuse me, I compared the Item 29 fired bullet to test fires from the

Item 6 pistol and determined that Item 29 was indeed fired by Item 6.

Q Okay. Moving on -- skip ahead to Item Number 31, which was found at Marker 27 in the foyer.

A Yes, ma'am.

Q I think you labeled that as a .380 fragment?

MR. SHELDON: Judge, at this point I'm going to object and approach, please?

THE COURT: Okay.

(A bench conference was held.)

THE COURT: Objection overruled.

Q I'm sorry, sir, where were we? We were at 29 and 31.

A Yes, ma'am.

Q And what is Item 31?

A Item 31 is a fired bullet jacket fragment.

Q Fragment?

A Uh-huh.

Q Were you able to determine the caliber on that?

A Through microscopically comparing that fragment we were able to say that it was fired by Item 6. So without having more of that fragment I could not say definitively that was a .380, but upon matching it to the bullet it most likely was a .380 at one point in time.

Q Since it matched Item Number 6.

A Yes, ma'am.

Q It was definitely fired by Item Number 6.
A Yes, ma'am.
Q Which is what caliber of gun?
A A .380 Auto pistol.
Q And then moving onto Item Number 30, which was Item Number 26 in the pool room. What was that item?
A That was determined just to be a piece of lead, and it was unsuitable. We weren't able to determine any information from that.
Q And where is the piece of lead from in a bullet?
A A piece of lead is typically in a copper jacket projectile, it could be the core of the bullet so it would be inside. You may see it at the base of the bullet if the base is exposed. But you would see that inside that copper jacketing.
Q Okay. Moving onto Item Number 32, which is again at Marker Number 28 at the entry hallway. What were you able to determine about that item?
A Item 32 was the bullet core. It was consistent with the -- being the core of some of the jacketed bullets specifically in a nominal .38 caliber.
Q When you say nominal .38 caliber, I have no idea what that means.
A Yes, ma'am. So a nominal .38 caliber is kind of like the umbrella term that encompasses some cartridges that you

might be familiar with. So that is like the family that a 9 millimeter Luger, a .380 Auto caliber, a .357 Magnum and a .38 Special belong to, if you will.

Q Okay. So all of those calibers could have been this and it's just in that .38 caliber range?

A Yes, ma'am.

Q So it could have been a 9 millimeter, a .380, a .38 --

A It's possible that it could be any of the those cartridges -- or those designations that fall under that nominal .38.

Q That was as much as you can tell?

A Yes, ma'am.

Q And when you talk about a bullet core, what part -- I mean, where is that in the bullet?

A The core of a bullet. If you're kind of thinking about it on an M and M, on the M and M you have the chocolate center surrounded by a harder shell, that shell would be the copper jacketing and that core would be the chocolate center.

Q Moving on to Item Number 33, which was on the floor near Colvin's knee. Were you able to determine the caliber of that projectile or bullet?

A Yes, ma'am. Item 33 was determined to be most consistent with a 9 millimeter Luger caliber.

Q And the rifling type on that was what?

A It was polygonal.
Q Which would be the same as SLED Item Number 3?
A Yes, ma'am.
Q Which was also a 9 millimeter?
A Yes, ma'am.
Q And was it also the same rifling as Item Number 35?
A That is correct.
Q Which is also a 9 millimeter.
A That's correct.
Q And as far as comparing it to the other 9 millimeter projectiles that you have in this case just here on this board, were you able to make any conclusions?
A Our conclusion was the results were inconclusive. So again, due to the just insufficient markings on those bullets we weren't able to tell if they were fired by one gun or multiple firearms.
Q Moving on to Item Number 34, which was at Marker Number 5 on the club floor. The caliber on that one?
A That was determined to be most consistent with .45 Auto or 45 GAP caliber.
Q And what was the rifling on that one?
A It was also polygonally rifled.
Q And, again, when comparing it to the other .45 GAP projectiles, were you able to make any conclusions?
A Our comparisons with 34 and Item 5 were inconclusive

with each other so we weren't able to tell.
Q Moving on to SLED Item Number 35, which was on the club floor, which is Item Number 23. Were you able to determine a caliber on that one?
A 35 was a 9 millimeter Luger.
Q And what was the rifling type on that?
A It was also polygonally rifled.
Q And for the same reasons, again, you couldn't make any further determination.
A That's correct.
Q Finally -- or not finally -- Item Number 45, which was a projectile from LaShonda Barnes' foot.
A It was determined to be .45 Auto caliber, or .45 GAP caliber.
Q And what was the rifling on that?
A Item 45 was polygonally rifled.
Q And when trying to compare it to the other .45 projectiles, were you able to make any conclusions?
A No, ma'am. Item 45 was damaged and exhibited poor engagement with the rifling, so it was unsuitable for identification.
Q So even if you were to get a gun in the future, which never happens, would you be able to make any further determination on that?
A No, ma'am.

Q Whereas with the others you might have been able to.
A It's possible, yes, ma'am.
Q Finally SLED Item Number 44, which says projectile outside of the club, the location was Deja Hinson's Honda.
A Yes, ma'am.
Q What caliber was that?
A Item 44 was determined to be a .40 Smith and Wesson, or 10 millimeter Auto caliber.
Q And how can it have two different calibers?
A Again, those two cartridges share similar measurements, so we include both as we could not eliminate one or the other.
Q And was this different from any of the these inside?
A Yes, ma'am.
Q Okay. And the rifling on that one was what type?
A It was conventionally rifled.
Q And you were able to make some determinations on that?
A Yes, ma'am. Basically Item 44 was not fired by any of the firearms that could have fired our other projectiles that were submitted, and it was not fired by the Item 6 pistol that was submitted as well.
Q So none of these SLED items on this right here, 3,5, 29, 30, 31, 32, 33, 34, 35, 45, could have fired that one?
A That's correct.
Q And that gun you have, the .380, didn't fire it either.

A No, ma'am.
Q So that would be separate from all of these.
A Yes, ma'am.
Q On the projectiles, when evidence is submitted to you, would you have noted any type of blood if it would have been on the projectiles that have been submitted to you?
A Yes, ma'am. One thing we do is look for foreign material that will be on there, and I would have noted that if I had seen the presence of blood.
Q And there wasn't any in this case?
A There was no blood.
Q Okay. And the final item that was submitted to you, I believe was a live round.
A Yes, ma'am.
Q What caliber was that?
A That was SLED Item 48, and it was an unfired 9 millimeter Luger caliber cartridge.
Q And were you able to make any determinations with this unfired cartridge?
A No, ma'am. The only result that I issued was that it was correct for use in firearms chambers for a 9 millimeter Luger caliber cartridges.
Q So like it could have shot from a 9 millimeter gun.
A Correct.
MS. CAMPBELL: Thank you, sir. I don't have anything

further.

THE WITNESS: Thank you.

THE COURT: All right. How are we doing, ladies and gentlemen? Y'all want to keep going or you need to take a quick break? Keep going.

MR. BELTON: I get the message, Your Honor, I'll be short.

CROSS EXAMINATION

BY MR. BELTON:

Q Since we used Madam Solicitor what she created here, mine is not as fancy. Do you mind if we use mine? Mine is more of a stick chart.

(Break in proceedings.)

Q Mr. Greer, good afternoon. I'll ask you some questions and she'll get set up here, just kind of some preliminary questions. Remind me, it's been a minute ago, what did you say your undergraduate degree is in?

A I have a degree in Biological Sciences, Biology.

Q You're a scientist.

A Yes, sir.

Q And in science facts matter, correct?

A Yes, sir.

Q And things that you can be conclusive on your conclusive on, and I think you said things that you can't be conclusive on you're not conclusive on, correct?

A Yes, sir.
Q And your report indicates that. And so, if you will, I want to kind of walk through some of these things just as Madam Solicitor did as well. Okay?
A Yes, sir.
Q And, again, no trick questions, I just want an understanding of what you're conclusive on and what you're not conclusive on. Okay?
A Yes, sir.
(Break in proceedings.)
Q All right.
THE COURT: If y'all need to stand up or turn, do whatever you need to do to see this feel free to.
Q All right. So the first thing I want to do is I want to hand you -- I'm going to ask to mark both of these as whatever number I'm on. And since you've already identified a lot of these we should be able to move through it pretty quickly. So I'm going to hand you what's been marked DS 4 and DS 5. Can you take a look at those and tell me what those are? Hold on a second, before you answer.
MR. NEWMAN: Your Honor, may we approach?
THE COURT: A yeah.
MS. CAMPBELL: Just -- I'm sorry, Your Honor.
Q All right. I'm going to hand you -- to be clear I'm handing you this for identification purposes only just to --

what's DS 4 and 5. Do you know -- can you tell us what those are?

A Yes. These appear to be copies of the firearms reports that were issued on this case.

Q All right. Mr. Greer -- all right. They appear to be or is that what they are? I need an agreement from you. No trick questions.

A In quickly glancing at it they appear to be the reports. I have not compared it completely.

Q Okay. Thank you. Will you pass them back to you me? Can we agree that the one that's dated September 27th, 2021, was authored by you?

A Yes, sir.

Q Can we also agree that the one that was authored September 27, 2019, was peer reviewed by you?

A Yes, sir.

Q And incorporated as a whole to the -- from the firearms department from SLED, South Carolina Law Enforcement Division, to Officer Brad Whiteside (sic).

A Yes, sir.

Q And we can agree that this is the ballistics report, the actual ballistics report for this particular case that we're here for today.

A This is the firearms report, yes, sir.

Q Firearms report. Thank you. All right. If you can

stand and help me here I would appreciate it. So let's go and try to identify the number of weapons that we have here. Now, there was another report that was completely generated that identified how many weapons were undoubtedly conclusively identified by your report.

A I'm sorry?

Q By a report from SLED there were a number -- I'm sorry, let me step back so I can ask the question. There were a number of weapons that were absolutely conclusively identified by SLED. Do you know how many numbers were absolutely 100 percent conclusively identified?

A As far as how many different groupings of cartridge cases that I examined? How many different firearms were present based on that?

Q Let me ask the question a different way. How many firearms were identified as associated with the cartridges that were present to your office?

A We only received the one firearm, and we matched the Item 6 pistol to the I believe SLED Items 8, 9 and 10 cartridge cases. So that's the only firearm that we examined.

Q Okay. In your report -- so in your report were you able to identify that this cartridge came from firearm number one, but these cartridges over here came from firearm number two that's not firearm number one. Firearm three

came from a separate firearm that's not one and not two. Were you able to at least do that?

A Yes, sir.

Q Okay. All right. And so in doing that and in eliminating all of the different groupings, how many firearms did you say conclusively we have X number of firearms?

A Based on the cartridge cases alone I was able to identify five different firearms that would have been present, and also the sixth firearm would be the Item 6 pistol.

Q Okay. So five different firearms that were present plus the sixth pistol, which would be the .380, or five different pistols including the .380?

A Six total. So it would be five different firearms that were represented amongst the cartridge cases that I examined, and then the Item 6 Ruger would be in addition.

Q Okay. All right. Now -- and then the other cartridges -- there are other cartridges, and we're going to talk about them and kind of chart them out here for a second. So let's first start with the five -- let's go ahead on our chart let's eliminate the ones that you have conclusively identified as being grouped together. So let's start with what I have on mine. So the grouping that would be, I guess, as your Item Number 16.

A Yes, sir.
Q So what did you -- so if you don't mind I'm going to mark this one as firearm number one just for sake of ease. Okay?
A Okay.
Q All right. So we've got -- and what did you identify that one as? Which would be your -- I'm sorry. You're right, I'm confusing you. When SLED -- and we've said it two or three times, and Madam Solicitor said it, the marker number from SLED is different from the item number -- the item number from SLED is different than the marker number from Lancaster, correct?
A That's correct.
Q All right. So on the left column we have the item number. Okay?
A Right.
Q What's written in red you notice it says marker number.
A Uh-huh.
Q All right. And so your colleagues from Lancaster already filled in the red. Okay?
A Yes, sir.
Q So what I'm looking here at is your SLED item number.
A Okay.
Q So let's start with SLED Item Number 16.
A Okay. That was gun one if you want to call it that.

Q Yeah. And it's what? I'm sorry, identify the caliber, yes, sir.

A Okay. It's a 9 millimeter Luger.

Q 9 millimeter. Okay. So then your next item number will be Item Number 17.

A Yes, sir. That was gun one as well.

Q And what was that identified as?

A A 9 millimeter Luger.

Q Now let's get to Item Number 21, and we can move pretty quickly here. Item 21.

A Gun one.

Q And what is that?

A 9 millimeter.

Q Let's get to 22.

A Gun one, 9 millimeter.

Q 22. And that's a 9 millimeter. Now, let's get to your Item Number 23.

A Gun one, also a 9 millimeter.

Q Then your Number 28.

A That was fired by gun one, also a 9 millimeter Luger.

Q And I think it's fair to say from your report that that should be all that has come from what we're identifying as gun one.

A That's correct.

Q That's correct? Okay.

A Yes, sir.
Q Let's move on to gun two. And again, we have five that you positively identified, correct?
A That's correct.
Q So let me get another color here. So we're going to do gun two in green. All right? Let's look at your Number 18. What are you identifying that one as?
A That is a .45 GAP caliber cartridge case.
Q All right. Number -- I'm sorry, we're at Number 18. That's a .45, correct?
A .45 GAP caliber, yes, sir.
Q .45 GAP. And then what will be your Number 19?
A That would be for gun two as well, a .45 GAP caliber.
Q And your Number 20?
A Same thing, .45 GAP, gun two.
Q And your Number 24?
A .45 GAP, gun two.
Q All right. And please make sure if I'm writing anything up here that you're not saying make sure you correct me. Okay?
A You're fine.
Q Number 25. Your 25.
A 25 would also be gun two, a .45 GAP.
Q And number 26?
A Gun two, also a .45 GAP.

Q And your 27?
A Gun two as well, a .45 GAP caliber.
Q All right. Let's go to your gun three. Now we're going to try green again. All right. And we're almost there. All right. Your gun three. So let's start with your Number 36.
A Yes, sir. That was a .40 Smith and Wesson caliber cartridge case.
Q Let's go with your Number 37.
A That would also be gun three, .40 Smith and Wesson caliber cartridge case.
Q .40 Smith and Wesson. I forgot to write Smith and Wesson here so let me make sure I have 37. Your 38?
A 38 is -- would be gun three as well. And it's a .40 Smith and Wesson 40 caliber cartridge case.
Q All right. Is that all for your number three?
A Yes, sir.
Q So let's go with your number four, which I think should start with your Number 39.
A Yes, sir. That is -- that would be gun number four, and that's a 9 millimeter Luger caliber cartridge case.
Q 9 millimeter Luger. And then you have a number .40.
A Gun four as well, another 9 millimeter Luger caliber cartridge case.
Q And then you have Number 41.

A 41 would be gun four as well, and it's a 9 millimeter Luger caliber cartridge case.

Q How about 42?

A Gun four, another 9 millimeter Luger caliber cartridge case.

Q All right. Is that all that we have for -- I want to make sure that's everything that we have for gun four.

A Yes, sir.

Q All right. And then we have one more that you were able to identify, which is number five, correct?

A Gun five.

Q Which is your Number 43, correct?

A Yes, sir.

Q And what is that?

A That's also a 9 millimeter Luger caliber cartridge case.

Q Okay. All right. So we have -- is there any other fragment or bullet that's not -- is there any other bullet or fragment that is not able to represent up here as the five that you absolutely can conclusively identify?

A Cartridge case wise that is -- those are my conclusions. We're not able to say or compare bullets to cartridge cases, so I have no way of knowing if those bullets came from the same firearm as the cartridge cases.

Q Got you. All right. So -- and what was the

description of three up here? What was -- which would have been, I guess, at SLED 3. What would SLED 3 be?

A That was one fired bullet.

Q And does it indicate on your report where that bullet came from?

A Per the submission documents that was from Aaron Harris autopsy.

Q And does it say what kind of bullet it was? What caliber casing?

A It was determined to have been a 9 millimeter Luger caliber.

Q All right. And then -- now, this bullet that came from Harris, let's start with that one. Are you able to conclusively say that this bullet here from Item Number 3 came from any other 9 millimeters that you have up here, inside or outside, wherever they would have come from?

A Bullets or cartridge cases?

Q However you want to --

A So, again, we're not able to compare bullets and cartridge cases to each other so I cannot say whether that 9 millimeter Luger caliber bullet came from any of these 9 millimeter caliber cartridge cases.

Q So the bullet that's from Harris, you don't know whether that bullet or -- that bullet compares to any of the other cartridge cases. So there is a possibility that this

could have come from a gun that is not accounted for in any of these other things; is that correct?

A It's possible. We cannot examine the bullets to the cartridge casings.

Q And that's fair. The question is, so is it logical then that that bullet that's in Mr. Harris could have come from a gun that's a 9 millimeter that's not accounted for up here?

A That's possible.

Q Okay. And so then that would get us -- and so now this would be my annotation right here. Since that's possible that could possibly get us to six guns. Okay. So then let's go to the Number 5. What is Number 5 on your list?

A Number 5 was a fired bullet.

Q And that bullet is from where on your report?

A Per submission documents this was from Henry L. Colvin autopsy.

Q So that bullet is from Mr. Harris. I'm sorry, Mr. Colvin.

A Yes, according to the submission paperwork.

Q And certainly I think that you have acknowledged that you can't compare a cartridge from a bullet, correct?

A That's correct.

Q All right. So you can't compare -- your testimony is you can't compare this bullet to these .45 cartridges that

are found here on the scene, correct?

A That's correct.

Q Now let's get to -- a couple of more questions here. Let's get to Item Number 30, which is the piece of lead that's on the floor. Your 30, Item Number 30. We have no idea what that bullet is, do we?

A No, sir. It was just a piece of lead.

Q Okay. We have no idea if it's accounted for because -- so to say that there were only three firearms fired inside of this club is not a fair scientific statement, is it? Because the truth is we don't know, do we?

A I don't know where the origin of that piece of lead was from.

Q Correct. It could be from one of these guns here or could not be scientifically, correct?

A It could be from one of those guns.

Q Or could not be?

A And it may have originated somewhere else, yes, sir.

Q Correct. All right. So we're going to put here at Number 7 -- and I want to keep using the same -- so we're going to put -- and I'm just circling what I'm putting up there. Okay? So we've got six, we've got seven. Now let's go down to your Item Number 32.

A Yes, sir.

Q Your Item Number 32. How did you -- what was your

conclusion with Item Number 32?

A Item 32 was most consistent with being the core of the jacketed bullet that's loaded into some nominal .38 caliber cartridges.

Q Nominal .38. And I think when Madam Solicitor asked you that question you said it could be a .380, a .357 or a .38, correct?

A Those are possibilities.

Q All three of those are possibilities.

A Yes, sir.

Q And as a scientist you don't know which one it is, a .38, a .380 or a .357, do you?

A That's correct. There was not enough information on that core for us to determine the exact caliber.

Q And you're the scientist, right? So if a .38 is inside of this club, could it have come from a .38? Could it have been shot from a .38?

A What are you referring to as a .38?

Q I'm sorry. Number 32, could it have been fired from a .38 pistol, or a .357 pistol, or a .380 pistol?

A Any of those firearms that are chambered for a cartridge that fits with a nominal .38 it could have been fired from something.

Q So I'm going to draw up here. And it may be a .380 that's up here or maybe another gun that's not here. So now

we're at nine -- we're at a possibility of eight. And so let's move on. In the last two that I want you to look at. Did you see a 6.35 round? Did you test that at all?

A No, sir. I don't recall seeing anything with that description.

Q Okay. So Marker Number 39, was that sent to SLED?

A I'm not aware of what was at Marker 39.

Q Okay. You're not aware of Marker 39.

A No.

Q Okay. And the last question that I have about this, your Item Number 33, what is Item Number 33? So we've got something, a finding by everything that's up here but we don't have one by Item Number 33?

A Yes, sir. That was determined to have been one fired bullet.

Q One fired bullet. What was the marker number for that bullet?

A It was submitted to SLED as being a deformed bullet with copper jacketing from club floor near right knee of victim Colvin.

Q Does it have a marker number -- I assume everything else has a marker number there at least that I've seen. Do you see a marker number there?

A On the submission paperwork I do not see a marker number. It's possible it's on the evidence tent itself.

Q Okay. All right. So on 33, did you determine a caliber for 33?
A Yes, sir, I did.
Q All right. And what caliber did you determine for 33?
A Item was most consistent with being a bullet loaded into some 9 millimeter Luger caliber cartridges.
Q Does it go with any of these others?
A I compared the Item 33 bullet with the Item 35 bullet and also Item 3, and those results were inconclusive.
Q All right. So in other words, this bullet right here, this fired bullet, which is Item Number 33, is not -- could be or could not be consistent with these other bullets that are up here, is that accurate?
A Items 33, 35 and Item 3 could have been fired by one gun or they could have been fired by multiple firearms.
Q Understood. So I'm going to -- again, I'm going to annotate with mine and put nine. So we know for a fact, we know for a fact that -- or from at least from the scientist that five guns were fired there. We know -- the scientist has indicated that at least three -- and these are questions, I'm saying them as a statement but they are questions -- that we know -- your report stated at least three in the inside. Your report stated, correct, or at least five fired there that you could conclusively say were different firearms. But the reality of it is there are at

least a possibility that several more guns could have been fired somewhere on that scene, right?

A Based on our cartridge case results there were five firearms present, and then we did have the three cartridge cases that matched the Item 6 pistol. So that was a total of six firearms that were present at the scene --

Q Okay.

A -- based on cartridge cases. Based on bullets, we can't say for certain since several of those results were inconclusive.

Q I understand that you can't say for certain and I'm not asking you for certainty, I appreciate science. And my last question, there is a possibility, that's all I'm asking you.

A It's possible that some of those bullets that we did have inconclusive results could have been fired by multiple firearms.

MR. BELTON: Thank you, Mr. Greer.

THE WITNESS: Thank you.

THE COURT: All right. Thank you. Now we'll take a break, ladies and gentlemen. Y'all head on back to your jury room, get you a midafternoon snack or use the restroom. We'll get you back out here in about ten minutes.

(The jury left the courtroom.)

THE COURT: Mr. Witness, you're free to step down and refresh yourself, just don't talk about your testimony.

THE WITNESS: Yes, sir.

(A break was taken.)

THE COURT: Thank you, ladies and gentlemen. Mr. Sheldon, your witness.

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

THE COURT: Yes.

CROSS EXAMINATION

BY MR. SHELDON:

Q Thank you, sir, for being here. I know we're all tired and probably thoroughly confused so I'm going to try and keep this really brief. I want to just start by talking about -- and I've put this up, too, so if at any point in time you come down, I don't even know if you -- have you had an opportunity to actually see the Lancaster County Sheriff's Department markers? Have you seen a map of where those markers are at all? Or no.

A No, sir.

Q But you certainly reference -- when you're referencing -- so again, now we have evidence numbers, we have SLED numbers and we have marker numbers, right? And those marker numbers are what I'm going to be referring to, and those were put on as identifying on the tin that you received; is that right?

A Yes, sir, to some extent, or just on submission paperwork.

Q Somehow whatever you're looking at was associated with a marker number, right? Whether it was on the tin or something else, you knew what you were looking at when you were doing it, that's how you keep it all straight, right?

A Yes, sir. I try and match up whatever item number or marker number or description that is lifted on the evidence packaging to what is listed on submission documents, and then that translates to the new SLED item number.

Q And so I just have -- and what I have placed on it just for the record is what's been marked as State's Number 263. And you're welcome to come up here and look at it as I'm doing this if you want to. It is simply up here so I could point out the specific marker numbers referenced in your record, but if you want to come down and look at it you're happy to come join me.

THE COURT: Your choice.

Q So whatever you want to do.

A Yes, sir.

Q But before we get to that I just want to ask one question about what is marked as SLED Item 48. That's this unfired cartridge; is that right?

A Yes, sir.

Q Tell me about that. It's -- I believe that it was physically and microscopically examined is what you said in your report; is that right?

A That is correct.
Q And, of course, that correlates as per your report with Evidence Marker Number 6, right?
A Yes, sir.
Q Okay. And so what about -- was it tested against the fired 9 millimeter cartridges for chamber marks?
A I did microscopically examine that cartridge. There was nothing that I -- we used to compare to the fired cartridge cases.
Q Why -- since there was nothing that you used to compare or -- say that again.
A Yes, sir. There was no comparison done between the unfired cartridge and the fired cartridge cases.
Q Why not?
A There was just nothing done.
Q I understand, but -- so do you agree or disagree that unfired cartridges can have chamber marks.
A It's possible that they will have chambers marks. We also did not have a 9 millimeter Luger caliber firearm submitted. Sometimes when we're looking at those chamber marks it can be difficult to determine what is the chamber mark. The cartridge could be damaged and just have scratches. That could also be from rolling around at a scene. It could be from the magazine going in and out. So we do not always commonly compare those chamber marks.

Q But we do in this case have spent casings from 9 millimeters, right? We have 9 millimeter shell casings, right?

A That's correct.

Q So it would have been possible to test the unfired 9 millimeter with the known 9 millimeter casings that you have and just look, right? I mean, that's possible to do.

A It's possible, and I did microscopically examine the Item 48 unfired cartridge. Based on my training and experience it was not something that I was going to perform at that time based on the markings I saw on that unfired cartridge.

Q Were you in the courtroom earlier when it was indicated, I believe -- and I don't remember her name, the woman that -- from your office that took the DNA evidence. Were you in here for her testimony?

A Yes, sir.

Q Okay. And so -- and she works at SLED, too, right?

A That's correct.

Q And you heard a question that was asked by the prosecutor about well, did anybody -- did any lawyers or anybody else request additional testing on specific items, right? Did you hear that question?

A Yes, sir.

Q Okay. And her response was no, she received no

requests. What about, have you received any such requests at all in this case as far these items?

A It was for these items I did look at the evidence based on what was submitted as far as firearms request as it was submitted to the lab, and I did microscopically examine that Item 48.

Q And when did these items come in to you?

A They came in on different dates.

Q Okay. Well, tell me what came in on what date if we can quickly. Give us a rough idea. We certainly know from previous testimony that Item 3, Item 5 and Item 6 had to have been at SLED before September 27th of 2019, because that's when the report was issued, right? Like certainly you have to have the items in order to test them, right?

A Yes. We would need the items to be tested.

Q Okay. So we agree on that. So we know that those came at some point prior to September 27th of 2019. We also -- I mean, certainly you'll agree that if the incident date is September 21st, 2019, we know that they came on that day or after that. They certainly didn't come to you before the crime or incident occurs, right?

A That would be correct.

Q So we have a six day window at least where SLED gets these first additional items, and so I'm not entirely concerned as to when you got those items because we know

that we can narrow that down within a week, right? Some time between September 21st and September 27th you received those items. What about the rest of these? So this would be items -- essentially Item 7 through 45. When did you get those?

A Well, Items 7, 8, 9 and 10 that were part of the firearms examination were submitted on the original submissions back in 2019.

Q Back when? I mean, we know that -- we narrowed these others down to a six day window. When was it?

A That was September 24th of 2019.

Q And that was 7, 8, 9, 10?

A That was items 3, 5, 6, 7, 8, 9 and 10 as far as what was related to the firearms examination.

Q And you got those on September 24th of 2019?

A Yes, sir.

Q Okay. What about the rest of this stuff?

A Items 16 through 45 were submitted on July 10th of 2020.

Q And presumably between September of 2019 through July of 2020, those items are with whomever collected them, right?

A Yes, sir.

Q Okay. All right. So we get the initial run in September of 2019, the next run in July of 2020. And I

think that's the rest of the items listed in terms of the ballistics stuff, right, in terms of bullet stuff.

A Yes, sir. Some of the items did return back to the submitting agency and were resubmitted also at a later date, which was July 29th of 2021.

Q July 29th of 2021. Why were those resubmitted?

A Those were resubmitted for comparison purposes.

Q So was the testing not done all at once or was it -- I guess I'm confused by that. Tell me about why we would resubmit something. Was it previous -- were Items 16 through 45, were those tested back in July of 2020? Or no.

A Evidence was submitted to the laboratory and the original report was issued in September of 2019. Later on additional evidence was submitted to the laboratory for examination on multiple dates throughout 2020. The supplemental examination, which is the second report that was issued, the exam on that evidence was conducted all at the same time, it was just submitted to the SLED laboratory on different dates.

Q 16 through 45 were submitted on July 20th of 2020? Or no.

A 16 through 45 were submitted to the SLED laboratory on July 10th of 2020.

Q I'm sorry, July 10th. Okay. I must have misheard. July 10th. All of those items on the same day. You get

them in a box, or however they come, you get them that day.
A Yes. They were submitted to our evidence control department.
Q And so -- and then you tested 16 through 45 in 2020 and sent them back and then they were retested and resubmitted? I don't understand what you mean by resubmitted.
A No, sir. The items that were reported on in the original report were sealed and I believe sent back to the Lancaster County Sheriff's Office.
Q And let me stop you, because I'm going to let you finish, but in the original report we're talking about from September of 2019.
A That's correct.
Q And that's 3, 5, and 6, the two bullets from the deceased victims and the .380 firearm, right?
A That's 3, 5, 7, and 8, 9 and 10.
Q And 6, which is the firearm?
A And Item 6, yes, sir.
Q And 7 is the magazine, right?
A Yes, sir.
Q Okay. So I understand that those were originally tested in September of 2019, there's no dispute, we've got that report, right? We went over that with Mr. Darden when he testified. So those items were then sent back to Lancaster, right?

A Yes, sir. I would need to verify with the chain just to make sure, but that evidence was most likely sent back, yes, sir.

Q And I'm not -- and let's assume that it was. It's -- typically SLED is going to send it back after they're finished with it, right?

A That's correct.

Q And so then those items, along with the additional items, were sent in July of 2020; is that right?

A Yes, sir.

Q And then those items that were sent in July of 2020 were then tested in July of 2021; is that right?

A No. The examination on all of these items was conducted in September of '21.

Q So -- and I just want to go back for a minute to my original question. You were here when the woman from the DNA testified saying nobody had requested anything. Well, how is it possible to request anything when you don't test the evidence and do the original test on 16 through 45 until a month ago? How can that be requested by anyone?

A I'm sorry, I don't understand the question.

Q So law enforcement sent this to you in July of 2020.

A Yes, sir.

Q And I'm only talking about 16 through 45. I understand that you were able to pump out the stuff on the two bullets

that were found in the deceased victims, the firearm, the magazine, and the three shell casings, I think, too, right? 8, 9 and 10, is that what we're talking about?

A That's correct.

Q That all of that information was provided to you and was tested and sent back within the span of three days, right?

A Yes, sir.

Q Three days. So now my question is something that was submitted -- other firearms evidence that was submitted July 10th of 2020 wasn't tested for 14 months, right?

A There was a period of time that the evidence sat at SLED before it was examined.

Q And I want to talk about that period of time. Do you agree or disagree that it was 14 months?

A It was around about that time, between July of 2020 to September of '21.

Q July 10th of 2020 to September 27th of 2021, right?

A I began my examination on September 20th, yes, sir.

Q Okay. So I said 14 months, but it was actually 14 months and ten days, right?

A Sure, yes, sir.

Q And your initial -- and then that report is issued, and this is -- the only report that you issue on Item 16 through 45 is on September 27th of this year.

A That's correct.
Q So my question for you is -- and maybe this is just informational for the future, how can one go about asking you to test this evidence if it takes 14 months for you to process it for law enforcement? How could that have been done?
A At any point in time the law enforcement agencies can discuss the exams that they've requested for the evidence they submitted. We may have to discuss what exams they've requested based on the evidence just to see if there's something else that we should do, or maybe what they've requested wasn't correct. So we can adjust those, or they can call and inquire is this something that y'all can do, or is this something that can be done, or an analysis that can be added to this evidence.
Q All right. I'm just going to move on to talk about the actual bullets now. So we know that the .45's -- the .45 caliber cartridge casings, SLED Items 18, 19, 20, 24, 25, 26, 27. And those are going to be highlighted, I believe, in blue up here, .45 caliber highlighted in blue. These are the cartridge casings, right?
A Yes, sir.
Q We know without any doubt within a reasonable degree of scientific certainty that those were not fired by that .380.
A Yes. It's my opinion that Items 18 through 20 and 24

through 27 were fired by one gun, but that they were not fired by the Item 6 .380 pistol.

Q And those are at markers -- just so we know, those are at Markers 10, 11, 12, 17, 18, 19, 20, right? Evidence markers.

A That's correct.

Q We know within a reasonable degree of absolute scientific certainty that Item Numbers 16, 17, 21, 22, 23, 28 were not fired by that .380 pistol?

A Yes, sir. It's my opinion that those items were fired by one firearm but they were not fired by that .380 pistol.

Q And those are at Evidence Markers 7, 8, 13, 15, 16, and 22 under the stage, right?

A That's correct.

Q We know within a reasonable degree of scientific certainty that Items 36, 37, 38 and 44 were not fired by the .380.

A Items 36, 37 and 38 were fired by one firearm. Those cartridge cases were not fired by the .380 Auto pistol. Item 44 is a fired bullet.

Q I'm sorry. Item 44 is a fired bullet, and -- but -- and we also know that that's consistent with being loaded into some sort of .40 Smith and Wesson or 10 millimeter Auto caliber cartridge, right?

A Yes, sir, that's correct.

Q And that would be inconsistent with something that was loaded into Item Number 6, the .380, right?
A Yes, sir.
Q Okay. So within a reasonable degree of scientific certainty can we say that that bullet was not fired by Item 6?
A Correct. Item 44 was not fired by Item 6.
Q We also know that Item 39, Item 40, Item 41 and 42, which are listed as 9 millimeter caliber cartridge cases found, I believe, outside at those markers, we know within a reasonable degree of scientific certainty that those were not fired by the .380?
A Items 39 through 42 were fired by one firearm and they were not fired by the .380 auto caliber pistol.
Q We know within a reasonable degree of scientific certainty that Item 43 was not fired by that .380.
A Item 43 was fired by a different firearm and it was not fired by the .380 Auto caliber pistol.
Q We also know that Item 7, which is the magazine, holds -- I believe that Mr. Darden testified holds six bullets; is that right?
A Yes, sir. The Item 7 magazine would hold six unfired cartridges.
Q And we know at least when SLED received it that there were three of those cartridges remaining, right? Or that

there were three cartridges within it.

A That's correct.

Q And we know that based on, I believe, Items 8, 9 and 10 that there were three cartridges that were fired by Item Number 6 that were sent to SLED.

A That is correct.

Q Okay. So there are three unfired bullets in the magazine and there are three cartridges that SLED receives; is that right?

A There's three unfired cartridges with the magazine, and three fired cartridge cases submitted as 8, 9 and 10.

Q And so now I want to draw your attention to Item Number 29 on your report, which is Marker Number 4; is that right?

A Yes, sir.

Q We know that Marker Number 4 was, in fact, fired by Item Number 6, which is the .380; is that right? I'm sorry, Marker Number 4 -- that's why I didn't want to do this -- Item 29, which is Marker 4, was fired by Item Number 6, the .380.

A That's correct.

Q We also know that Item Number 27 -- I'm sorry, Marker Number 27, which is Item Number 31 on your report, is also consistent with being fired from the .380, it was fired by the .380 as well; is that right?

A That's correct.

Q And those are parts of projectiles. Those are parts of fired bullets, right?

A Item 31 was.

Q Item 31 -- and, I'm sorry, when I say those, Item Number 29 as well, right?

A Right. Item 29 was a fired bullet.

Q So both. And those would be Markers Number 5 and Markers Number 27, that both of those markers were fired by the .380 that was sent to SLED. When a gun is fired, do you agree that a bullet is just going to travel, at some point it's going to come down, but it's essentially for the most part going to travel until it hits something. Is that fair to say?

A It should.

Q If we're just going to fire it in the air like this it's going to go a long ways before it eventually comes down, right?

A Yes, sir.

Q But when a bullet hits something that is going to impact the trajectory, at least it can, right? I mean, it certainly can. When a bullet hits something solid it could stop, it can ricochet, it can wiggle around, it can -- but ultimately that's -- any resistence is going to slow that down, right?

A Yes, sir. I don't study the ballistics or the

trajectory of it, but I would imagine that interference would slow it down.

Q Then I'm not going to go any further with that. Other than Item 4 and 27, were there any other fragments that you could -- I'm sorry. Other than Item Number 29 and Item 31, which are Markers 4 and 27, were there any other bullet fragments or bullets or anything like that that were associated where you could directly tie that to the .380 SLED Item Number 6?

A Those were the only two projectiles submitted that we were able to identify as having been fired by the Item 6 pistol.

Q And you agree that there were several projectiles that were not fired by the Item 6 pistol, right?

A That's correct.

Q And which projectiles are those? What about your Item 33?

A Item 33 was not fired by the Item 6 pistol.

Q And item 33 is going to be Marker Number 24; is that right?

A I do not have a marker number on the submission paperwork for -- for Item 33.

Q Say that again.

A On the submission paperwork I do not have any marker number for Item 33.

Q Who filled out the submission paperwork?
A I'm not sure. It would have been someone from the Lancaster County Sheriff's Office.
Q Someone from the Lancaster County Sheriff's Office submitted -- certainly Item 33 in your report is referenced as a fired bullet, right, listed as from club floor near right knee of victim Colvin; is that right?
A Yes, sir.
Q That's how it's referenced in your report.
A Yes, sir. Because that is the description that was given on the submission paperwork.
Q But they didn't even bother to list the marker number?
A It was not included on that item.
Q Okay. How about Item 35? Is that characteristic of something fired by the .380?
A Item 35 was not fired by the .380 Auto pistol is Item 6.
Q And to be clear, that's Marker 23, right?
A That's correct.
MR. SHELDON: Beg the Court's indulgence for just one second.
(Break in proceedings.)
MR. SHELDON: I don't have anymore questions. Thank you so much.
THE COURT: All right. Redirect?

MS. CAMPBELL: Briefly.

REDIRECT EXAMINATION

BY MS. CAMPBELL:

Q Just to be clear, when Mr. Belton was asking you questions and putting those pieces of paper up on the wall, was all of that information included in what we had gone over before in these charts?

A Yes, ma'am.

Q Except for the fact that we refer to them as fired by gun A, B, C, and D and E, rather than one, two, three and four.

A That's correct.

Q And nothing that he put up there is different from anything that was down here other than there's more information on this.

A The bullets on the charts exhibit there were not separated out into different firearms there, that was the only difference.

Q Because we separate them out to different firearms on here.

A For the cartridge cases, yes, ma'am.

Q For the cartridge cases is what I'm referring to.

A Yes, ma'am, that's correct.

Q And then as far as the projectiles, it's got the rifling type and the results.

A That's correct.
Q And as far as the live rounds, you indicated that you looked at it microscopically?
A Yes, ma'am.
Q But it wasn't suitable for further comparison?
A No, ma'am. There were no markings that I thought necessary to proceed with that exam.
Q Okay. And finally you have State's Exhibit Number 203 up there?
A Yes, ma'am.
Q And is that SLED Item Number 33?
A Yes, ma'am, it is.
Q And what was the description that was put on the submission form that you put in your report just to be clear?
A It was from club floor near right knee of victim Colvin.
Q But on that tin that was submitted, is there a further description as far as the marker numbers so we can be clear?
A There is where someone wrote on this evidence tin Marker Number 24.
Q And that's on there.
A Yes, ma'am.
MS. CAMPBELL: Your Honor, may I approach?
THE COURT: Yeah.

Q So there's no doubt that State's Exhibit 203, SLED Item Number 33, is from Marker Number 24 according to this.

A According to the evidence tin that's written on there, Marker Number 24.

Q And the description is also on there that was put in the submission form.

A Yes, ma'am.

Q Thank you. As far as how long it took to get to testing this, does SLED have a backlog?

A Yes, ma'am. We do have quite a number of cases that are being submitted to the laboratory for analysis.

Q And how did covid affect y'all's backlog?

A Covid did affect us. We did have to work on some shiftwork during the pandemic. Some cases came in quicker than others and some did not come in as quickly, so we have worked through that situations.

Q And as was stipulated to earlier, as long as the chain is maintained, nothing is altered or tampered with, it doesn't matter when you do your testing.

A That's correct. As long as the evidence is submitted and sealed it will remain in our evidence vault, or within my own personal evidence storage area that is secure. No one has access to that other than the appropriate supervisors of the building or that department, so it will remain secure and the evidence will be fine until it's

examined no matter how -- what that period of time is.
Q Finally, he asked you about the .380, the magazine, could it handle six rounds.
A Yes, ma'am.
Q Could you also have a seventh round put in that gun with a magazine?
A You could have six cartridges loaded into the magazine and one cartridge loaded into the chamber for a total of seven.

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

THE COURT: All right. Mr. Belton?

MR. BELTON: No questions, Your Honor.

THE COURT: Mr. Sheldon?

MR. SHELDON: Yes, I have a question, just very briefly.

RECROSS EXAMINATION

BY MR. SHELDON:

Q You were just asked about timeliness and covid, and this and that and the other. Does SLED control when law enforcement sends the stuff?
A No, sir. The evidence is submitted to the SLED laboratory whenever the submitting agency is ready to submit it and bring it and deliver it to the laboratory.
Q So the ten month delay in getting it to SLED, is that

attributable to SLED?
A I cannot attest to why the evidence was not -- or when it was submitted and what the issue may have been getting it there.
Q You can testify as to when it was submitted, can't you?
A I can tell when it was submitted but I do not why it was submitted on that date after the incident date.
Q And just to be clear, the delay -- for whatever reason the delay the report wasn't done until a month ago.
A That's when the examination was conducted.
MR. SHELDON: I don't have anymore questions.
THE COURT: Thank you, sir, you can step down. State can call its next witness.
MS. CAMPBELL: State would call Dustin Dailey.
The witness, DUSTIN DAILEY, was first duly sworn and Testified as follows:

DIRECT EXAMINATION

BY MS. CAMPBELL:
Q Agent Dailey, where are you employed?
A The South Carolina Law Enforcement Division commonly known as SLED.
Q What do you do there, sir?
A I'm a Special Agent assigned to the Fugitive Center. More specifically I am tasked with apprehending fugitives.
Q And how long have you been at SLED?

A Since March of this year.
Q Prior to moving to SLED in March of this year, where were you employed?
A The Lancaster County Sheriff's Office.
Q And how long have you been in law enforcement?
A As a certified police officer since 2011.
Q Since 2011?
A Yes, ma'am.
Q And in September of 2019, what was your position?
A I was a criminal investigator at the Lancaster County Sheriff's office.
Q Did you become involved in the investigation of that case that morning?
A Yes, ma'am, I did.
Q And tell the jury how you became involved.
A In the early morning hours around 3:00 a.m. I received a phone call from the primary on-call investigator that was working that night, he advised me of a shooting incident and that they were in need of assistance just because of the sheer size and scope of what was going on.
Q And what did you do once you got that call?
A I responded to the hospital. My goal there was to begin identifying and speaking with victims that were there at the local medical facility for treatment.
Q And were you able to make contact with at least some of

those victims that night?

A Yes, ma'am, I was.

Q And without saying what they said to you, were you able to get information from Ms. Kjana Locke?

A Yes, I was.

Q And Dominique Davis?

A I believe so, yes, ma'am.

Q And Brenia Davis?

A Yes, ma'am.

Q Was LaShonda Barnes able to talk to you at that point?

A No. She was in -- it appeared that she was in too much pain.

Q Did you also try to make contact with a Mr. Mobley and Mr. Barnes (sic)?

A Yes, I did.

Q Were you able to get in touch with them that night?

A I was able to visually make contact with them but I wasn't able to obtain any information.

Q And I said Barnes, I meant Mr. Belton. Was Mr. Mobley and Mr. Belton flown out that evening for necessary treatment?

A I believe both were flown to an actual trauma center shortly after I arrived at the hospital.

Q After speaking to at least several of the victims were -- did you develop a person of interest in this case?

A Yes, ma'am, we did.
Q And based on just the information you got at the hospital that night, was a warrant drawn up for a certain person in this case?
A Yes.
Q And who was that?
A A Mr. Breante Stevens.
Q And was that based on the information you were able to get early in this investigation?
A Yes, the very preliminary investigation that we got.
Q And with just preliminary information, what did you draw up a warrant for?
A I believes it was for a weapons violation. It was possession of a pistol by a person convicted of a crime of violence.
Q That night, did you also request from SLED some photo lineups be generated?
A Yes, I did.
Q And were those generated and forwarded to you?
A Yes, ma'am.
Q And did you also attempt to get into a Facebook account for Mr. Breante Stevens?
A I was shown one at one point. I believe at that early morning hours I actually submitted what we call a preservation to preserve records for a future search

warrant.

Q Was one of the victims there at the hospital able to show you a Facebook account?

A Yes.

Q Okay. During the course of the evening, did you find out that there were at least two deceased in this case?

A Yes, ma'am, I learned that early on. I don't remember exactly where along during that.

Q And once you got the warrant on Mr. Stevens, did you enter it into NCIC so you could begin looking for him?

A Yes, ma'am. It was immediately turned over and entered into NCIC.

Q NCIC, sorry. What is NCIC?

A It's a -- really I don't remember exactly what it stands for, but it's a nation initial system. If someone is stopped generally the officer that stops someone would run their information and it would alert that that individual has a warrant.

Q Moving into the morning hours of the 21st after daylight, did you make contact with Ms. Davis for the purpose of showing her a photo lineup?

A Yes, ma'am, I did.

Q And did you, in fact, show her that lineup?

A I did.

Q And was she able to identify anyone in this case?

A She was able to identify Mr. Breante Stevens.
Q At that point after speaking with her, did you go back to the scene?
A Yes. I believe I relocated back to the scene and met with the other investigators.
Q Let me ask you at this point, had you seen any video in this case?
A At that point, no, ma'am.
Q Had the video even been taken from the establishment?
A I don't believe so.
Q Did you meet with Captain Miller there at the scene and talk about getting the video surveillance?
A Yeah, I believe.
Q And was -- did you make contact with a Mr. Joe McGriff?
A Yes, ma'am. I actually obtained the written consent to search for that video system.
Q So he was cooperative with you?
A Yes, ma'am, he was.
Q And he voluntarily gave the entire security system for your investigation?
A Yes, ma'am, he did.
Q Once you got back to the sheriff's department with the actual video, were y'all able to start reviewing some of the video?
A Yes, ma'am. We began reviewing it trying to, of

course, gather as much information as we can, identify potential suspects, witnesses. Just kind of help us get a better picture of what had gone on in those early morning hours.

Q And in every investigation, explain to the jury, does everyone that's going to be in the establishment have information that's going to help with the investigation or are you just trying to come up with anybody that can you talk to?

A In that particular incident there was so much chaos, so many people leaving that initially the only people we got to speak with are mostly the victims that were at the hospital. We needed some way to begin tracking down witnesses, other people who were there who were not actually directly injured to get their account of what they may have seen or heard in that incident.

Q And based on your initial somewhat cursory review of the video, were there two persons that you were interested in finding out information on?

A Initially there was actually a couple. Mr. Breante Stevens, of course, was observed on the video. There were some individuals that appeared to be around him at different points in time, and other individuals that we observed on various points.

Q And one of those was an unknown male with long dreads

and a hoodie following Stevens with a small handgun?
A Yes, ma'am, that's correct.
Q And there were other people seen in having handguns -- firearms as well.
A Yes, ma'am.
Q Are you familiar with a Corey Carruthers?
A I am.
Q And without saying how you know Mr. Carruthers, was he seen in this video?
A He was. In the video as right before the shooting incident occurred he was in a very unique patterned shirt following Mr. Stevens towards the stage area.
Q And after the shooting, do you see him come off the stage area?
A Yes, ma'am, you do.
Q And what does he have in each hand, do you remember?
A I believe it appeared to be some sort of drink container and a -- possibly a ball cap.
Q And he's in that shirt with a design on it?
A Yeah. I don't recall the exact design, but I believe it was almost like a checkered pattern with possibly some letters on it.
Q And were you able to make contact with Mr. Carruthers?
A We were. Not immediately, I think it was a day or two later.

Q I want to turn your attention to that Sunday. Did you meet up with one of the security guards, Mr. Neal?

A Yes, ma'am, I did.

Q And did you interview him at that time?

A I did.

Q And over the course of the next several days, and you can't say what they said to you, but did you talk to dozens of witnesses in this case?

A Yes, ma'am, we talked to numerous people. Anybody that was there and was willing to talk to us we, of course, wanted to talk to them to get as much of an understanding of what transpired as we could.

Q As the investigation continued over the next several days, did y'all continue to review the video and notice more things every time you watched it?

A I believe Investigator Whitesides reviewed most of the view throughout that time period. At points I was able to review different parts of it, but I didn't dedicate as much time as some other people did. But, yes, ma'am, we -- our team, did.

Q Did you want to come in contact with a young man named Jamarcus McIlwain?

A Yes, ma'am, we did.

Q And why were you interested in him?

A He was observed in that video with a handgun. I

believe he had the handgun that was located in proximity to Mr. Colvin.

Q You actually see him pick it up on video off the floor?

A Yes, ma'am.

Q Did you also interview Tony Henderson?

A Yes, ma'am, I did.

Q And when did that interview take place?

A I believes that was on the 24th but I'm not 100 percent sure. We spoke to quite a few people over those couple of days.

Q And ultimately were you able to make contact -- you or other members of your investigative unit able to make contact with all the victims eventually depending on their medical conditions?

A Yes, ma'am, we were.

Q And are you familiar with a young man named Too Cool that's seen on video?

A Mr. Brandon Lindsay, yes, ma'am, I am.

Q And did you make contact with him?

A We did.

Q Do you know where he is now?

A I am not aware of his current whereabouts.

Q Over the course of this investigation as you kept talking to people and reviewing the video and getting information back from SLED as far as the firearms, you

didn't actually make contact with Mr. Champion, did you?
A No, ma'am, I did not.
Q Let me ask you this: Is Breante Stevens, where is he from?
A My understanding he's from the Lancaster, South Carolina area.
Q Lancaster?
A Yes, ma'am.
Q In the City of Lancaster.
A I believe so.
Q And Mr. Champion, where was he located and lived?
A I believe the investigators located him in the vicinity of 14th Street, I don't remember the exact numbers, but that's also here in Lancaster, South Carolina.
Q And would you agree with me that Lancaster, the city, not Indian Land so much, but the city is a fairly small community?
A I believe it is.
Q You interviewed Mr. McIlwain, Ms. Henderson. Did you also track down Tavarus Harris?
A We did.
Q And were those three individuals ultimately charged in this case?
A Yes, ma'am, they were.
Q And what were they charged with and why?

A I'm sorry, I've got to refer to their exact charge. I believe it was obstruction of justice. They were charged with that because they were individuals that had been observed during the investigation removing what we would call evidence had it been there at the time that we responded and actually processed the scene.

Q And there's been a lot of talk in reviewing this video about different people picking up things. Do you see different people taking things from the scene?

A Yes, ma'am. And we made efforts to identify every single one of those individuals. Some we were able to, like these that you just named off. Others we were unable to.

Q Some were seen taking even clothing?

A I believe shoes was one that stood out to me by other people.

Q At any point in this, do you see anyone picking up shell casings?

A No, ma'am, I do not.

Q There has been talk about a shooting that occurred shortly after this at Ms. Hinson's house?

A Yes, ma'am, on West Meeting Street.

Q And was someone charged with that?

A Yes, ma'am. There was an individual arrested and charged.

Q And then there was the allegation that you didn't tell

her about that. Was that true?

A She was notified. I don't know of the exact time but I believes it was relatively close to the arrest.

Q And, in fact, if that person had made bail, would she have been notified by the jail as well as y'all?

A Yes, ma'am. At that time my understanding was the policy would be she would have been notified of a bond hearing and if he was released.

Q And the person that was charged in that case, who is that?

A Mr. Harris -- I'm sorry, Truesdale. Aaron Truesdale.

Q Aaron Truesdale?

A Yes, ma'am.

Q And are you aware of what his relationship was with Mr. Stevens?

A I believe at one point through information that we were gathered, or we had gathered --

MR. BELTON: Objection, Your Honor.

MS. CAMPBELL: I will move on.

Q In this case there were GSR kits collected from both security guards, I believe?

A Yes, ma'am.

Q Because they both had firearms there at the scene?

A Correct.

Q And when those GSR's were collected, that would have

been done within six hours of the actual shooting; is that correct?

A That is my understanding based on the, I guess, policies and procedures.

Q For it to be tested even by SLED.

A Correct.

Q So that was done prior to anybody reviewing any of the security camera?

A I believe so.

Q And in reviewing the security camera at the time of the shooting inside, and outside for that matter, can you see where those security guards are?

A Yes, ma'am. For most -- you can tell where they are.

Q Are they shooting anyone?

A Does not appear to be.

Q At one point I think, though, I think one or both actually draw their weapons after the shots occurred.

A Yes, I believe as what appeared to be a reaction.

Q And they were both fully cooperative with you.

A Yes, ma'am, they were.

Q In your contact with Ms. Brenia Davis there was a question posed earlier about a comment that was made by you.

A Yes, ma'am.

Q I think Mr. Belton said that you said what?

A I don't recall specifically, but something along the

lines of clearing her name in the future.
Q Did that happen?
A No, ma'am, it did not.
Q What, if anything, did you say to Ms. Davis?
A So in a majority, if not all of my interactions with witnesses and victims, at some point I would provide them with my contact information, and it would be something along the lines of if there's anything you need, hear something, remember something, please let me know. A common practice in criminal investigations, in fact, the majority of my cases at some point have used confidential informants or sources. We would refer to that as leaving their name out of certain paperwork because people are often fearful of retaliation.
Q And so when Ms. Davis -- when you were speaking to her that's what you said to her, was if she needed to become a confidential informant you would keep her name out of it if you could.
A That's what I was referring, yes, ma'am.
Q So you didn't promise to clear her name or wipe the slate clean or anything like that that was, quote, said.
A No, ma'am, nothing like that.
Q And that's on the body cam.
A Yes, ma'am, it is.
Q There's also been some questions about some witnesses

not being forthcoming at first. With certain witnesses with the video in this case, was it helpful in using that in order to get some cooperation from some witnesses?

A Yes, ma'am, it was.

Q Specifically Mr. Champion.

A Yes, I believe so.

Q There's also been some questions about whether the McGriffs had a gun. Are you familiar with the type of gun that they had?

A Yes, ma'am, I am. I believe it was a Derringer style .38 Special.

Q And in addition to your current duties at SLED and being an investigator, are you also a firearms instructor?

A Yes, ma'am, I am.

Q And so you had specialized training in firearms?

A In the safe operations, handling and training of firearms systems.

Q And I want to turn your attention to I believe it was maybe June of 2020. Did you have a meeting with a Lieutenant Rogers about what evidence needed to be submitted that had not initially been submitted in this case?

A I believe that would have been around June 25th or -- yes, ma'am, 25th.

Q And what was the purpose of that meeting?

A At that point there was so much evidence in this case

we were wanting to make sure, just doublecheck and verify that everything that needed to be sent was sent to be analyzed and compared.

Q And is that some nine months after this actually occurred?

A I believe it is.

Q And that was after covid hit in the early spring; is that correct?

A Yes, ma'am, I believe.

Q Is it unusual -- did covid affect y'all's ability to do things or submit evidence and things of that nature?

A It did. There was a period of time where we were working split shifts, working partially from our home or remotely. Of course, doing that we're not able to do certain things at the office, so our time at the office around other people was restricted.

Q And did you go over the items that needed to be submitted or resubmitted at that point?

A Yes, ma'am, we did.

Q And that was done the next month.

A I believe so.

Q There's also been talk about a single cartridge casing which was collected at, I believe, Marker 39 over near that steakhouse?

A The smaller caliber six-point something?

Q Yes. And I show you what has been marked as State's. Exhibit it's either 214 or 219. Is this that item?

A I believe it is. I can take a look. Yes, ma'am, it is that item.

Q And based on the caliber alone, is there any reason to submit that for any testing since it was a single item collected out there?

A No, ma'am. Not only based on the caliber alone, but it was inconsistent with victims statements that gave us the same general area inside the club where they had all been shot.

Q Let me ask you this: Based on the witness' statements in this case, where did the shooting occur inside?

A If you were to walk in the main entryway doors on the side, walk through that little foyer there would be a ramp to the left, you walk up that ramp and to the right will be the bar, almost across into the right will be like a laminate or tile dance floor area. To the left there is a seating area and a stage. That area just in front of the stage kind of between the stage and the shooting area and seating area is where the shooting is described to have occurred.

Q And that's the only place inside the shooting is described it occurred?

A Correct.

Q The victims in this case, the ones that got shot, some of them more than once, some of them three times, where were they standing?

A Much more to that left side. Almost like you would walk up that -- through that foyer area up that ramp to your left and back to the left towards that wall if you're facing the stage, right off to the left area.

Q And in the video you actually see several of these victims standing there; Ms. Lock, Ms. Barnes --

A Yes, ma'am.

Q -- Mr. Harris.

A Yes.

Q And of all of victims that were shot, who was the furthest from the gun?

A I'm not 100 percent sure on that.

Q Let me ask you this: Was Mr. Harris kind of in the back of the crowd?

A He appeared to be on the video.

Q Ultimately there were two people charged with murder in this case?

A Yes, ma'am, that's correct.

Q And let me ask you this: When did Mr. Stevens come back to Columbia?

A When did he come back to South Carolina or to --

Q To South Carolina, I'm sorry, not Columbia.

A After he was located in Florida. I believe it was around October 9th or 10th when he was actually brought back to South Carolina, or to Lancaster County.

Q And Mr. Champion and Mr. Stevens were both charged with two counts of murder.

A Correct.

Q And eight counts of ABHAN.

A Yes, ma'am, that's correct.

Q As well as a accompanying gun charges.

A Yes.

Q Mr. Tavarus Harris, was he charged with the gun he had that night?

A Yes. He is charged -- I know he's charged with obstructing justice, and I believe he was also charged with the gun charge but I don't see that in my notes.

Q But the obstruction of justice is for what he did to Mr. Colvin afterwards?

A Correct. He appeared to be removing the items from his pockets.

Q And Tanya Henderson, she was charged?

A Yes, ma'am. Ms. Henderson was charged with accessory after the fact to the murder.

Q And Jamarcus McIlwain who took the gun?

A He was also charged with obstruction of justice, and additionally unlawful carry and unlawful carry in an alcohol

establishment.

Q Did law enforcement create a model of the interior of the club?

A Yes, ma'am.

Q And have you had an opportunity to look at that?

A I have.

Q Does it fairly and accurately depict the scene inside the club?

A It does.

MS. CAMPBELL: Your Honor, at this time I would offer State's Exhibit 276.

THE COURT: All right. Without objection?

MR. BELTON: Without objection.

MS. CAMPBELL: And, Your Honor, may the witness step down for a minute?

THE COURT: Yeah.

THE WITNESS: I'm sorry, I didn't --

THE COURT: You can step down.

(State's 276 was received.)

Q Can you kind of walk the jury through what this shows?

A So this is an overhead view -- so this area down below here at the bottom of the display would be Old Charlotte Road or Old Charlotte Highway, I don't recall exactly what it's referred to as. This would be the front roadway parking and this is your side access driveway. This is the

main entrance to the establishment where patrons would enter an event or party or anything like that.

Q Does this show the two double doors we've been talking about, the exterior door and then the secondary door to the foyer?

A It does. So then beyond those two doorways here into the foyer area, again, I don't recall the exact camera numbers, I didn't spend much time with it, but there was a security camera that we actually viewed a significant amount of video from back towards this entrance here and then another one that was kind of facing downward over the cash register area. This is the little kind of step area that leads up into the main dance floor.

Q There's been a lot of talk about the ramp. Is this the ramp right here?

A Yes, ma'am, it is.

Q And then there's stairs right next to it.

A I believe so.

Q So you can access the second level through either one of them.

A Yes, ma'am.

Q There's also been some questions about the bathrooms. Can you see it?

A I believe the bathrooms are these back in here.

Q And where would the pool table have been?

A That's this area right here that is immediately to your right near the cash register as you enter the establishment.
Q And I notice that this floor is raised a little bit?
A Yes, ma'am.
Q And that would have been -- all right. And this is kind of what we were referring is that wall with the mirrors on it?
A Yes, ma'am. And there's actually -- there's the mirrors in here, but then there's actually that area that we could see through that I believe is pointed out on the video. A couple camera angles from over in this area back towards the corner you could see the exit sign over the door.
Q Okay.
A So once you enter in or walk up this ramp way, this is that bar area to your right that we spoke about, this is your tile or laminate floor dance area. In this corner over here is kind of where the DJ booth would be. Then there's a little raised stage platform area.
Q So this right here would be what we've been referring to as the little stage area or raised platform area.
A Correct, yes, ma'am.
Q And then around the other part as you went to the right as you come up the ramp or the stairs, what is this?
A This is the back side of the bar, and I believe there

was a small -- I'm not sure about a kitchen area in this area here.

Q Because there's a doorway here on the back?

A Correct.

Q And that would correspond with those double doors we saw in the kitchen?

A Correct.

Q But nothing -- kitchen. And then the door that was -- the front door that you see on the front of it, where is it?

A That is this little cutaway hallway or whatever you would like to call it there that actually -- that's that door that is not commonly used by patrons or anyone.

Q And then on the exterior, you see in the video where Mr. Harris runs out or falls, or kind of drops right around car, where would that have been?

A So those cars would have been parked right along this area right here. The camera that we view that video from was approximately right here in this area facing back towards the parking lot area. And we can see Mr. Harris actually come out of the doors, run approximately right through here to where he collapsed right here at the edge of I think the concrete, or pavement.

Q And the VW Passat that Mr. Stevens allegedly came in, where was it located on the building?

A I believe it was parked approximately this corner area

up in here.

Q Okay. Thank you, sir. The third person that you see with Mr. Stevens and Mr. Champion going towards the stage that night besides Mr. Carruthers was a guy named Tool Cool?

A Yes, ma'am, Mr. Brandon Lindsay.

Q Was he ever charged in this case?

A No, ma'am, he was not.

Q Why not?

A Upon reviewing the video we didn't observe anything that appeared to be criminal. And at the actual time of the shooting he was amongst the crowd that was diving towards the dance floor away, and in essence it appeared he was trying to avoid the gunfire also, along with everybody else.

Q And Mr. Stevens and Mr. Champion, do you see them here in the courtroom?

A Yes, ma'am, I do.

Q Can you point them out?

A Mr. Stevens and Mr. Champion are sitting, Mr. Stevens right in front of the other, with a tie.

Q And what color are they wearing?

A Like a dark almost purple shirt and a purple tie on, Mr. Stevens. And then Mr. Champion is wearing a lighter colored shirt with a vest.

MS. CAMPBELL: Your Honor, may the record reflect he has identified the defendants?

THE COURT: All right, so noted.

MS. CAMPBELL: Thank you, Your Honor.

THE COURT: All right. Mr. Belton?

MR. BELTON: May it please the Court, Your Honor?

THE COURT: Yes, sir.

CROSS EXAMINATION

BY MR. BELTON:

Q Officer Dailey -- Agent Dailey, you indicated that Mr. Stevens came back to Lancaster in October of 2019. Why did it take him so long to get from Florida back to Lancaster?

A I believe part of that was the extradition process.

Q And that's generally done when someone is arrested out of state, just kind of the states working out his coming back, correct?

A Yes, sir.

Q And he didn't waive extradition, he came back, correct?

A I believe. So I'm not intricately familiar with that part of it.

Q All right. Also you indicated that you've been in law enforcement since 2011, correct?

A Yes, sir.

Q And you do investigations, you talk to lots of witnesses just as you did in these particular case here, correct?

A Correct.

Q And sometimes witnesses are evading talking to law enforcement, some witnesses are more forthcoming, some become confidential informants. But you go out and you talk to them, you do the best you can to run down witnesses, their statements, and what they know about a particular situation, correct?

A That generally sounds correct.

Q Yeah. And that's essentially what you and Lieutenant Rumbaugh and Investigator Whiteside (sic) and others did in this particular case? Y'all ran down and talked to people.

A Yeah. We identified and attempted to speak to everyone that we could.

Q Identified and talked, just did the very best you can, you're professionals and just did the very best you would in trying to solve this investigation, correct?

A I believe so.

Q And sometimes people -- like Ms. Brenia Davis was mentioned. Sometimes people tell the police one thing, correct? They say something to the police and they say something to other people or other investigators when they talk to them, correct?

A Sometimes everything does not always match up word for word if that's what you --

Q Inconsistent statements. Sometimes they're inconsistent with what they say to law enforcement versus

what they say to other investigators or others, or even family members or other people. And everybody is just trying to search for what happened in this club that night, correct? All of us are.

A I could agree with that.

Q And so I think it has probably been said and I think it's fair to say that we weren't at that club that night, correct?

A You're right.

Q And there's no camera on the stage where the actual shooting took place, correct?

A No, sir, there's not.

Q And with the exception of people who come in here to the stand, and we can all agree people have given different accounts of what happened in there that night, right?

A Yes, sir.

Q Particularly in the areas of the club that are not on camera. There areas of the club that are not on camera?

A I'm not sure what the question is there, sir.

Q Okay. Are there areas of the club that are not on camera?

A Yes, sir, there are.

Q And so you and all of us are just trying to piece it all together based on the evidence of what happened, correct?

A Correct.
Q And I think it's fair to say that you and your colleagues have done the best you can with the integrity to try to figure out what has happened, correct?
A I believe so.
Q And I think it's fair to say that others have investigated it and have come to court and just trying to figure out what happened, correct?
A Yes, sir.
Q All right.

MR. BELTON: Thank you. No further questions.

THE COURT: All right. Mr. Sheldon?

MR. SHELDON: May it please the Court?

DIRECT EXAMINATION

BY MS. CAMPBELL:
Q Investigator Dailey, you were asked some questions by the solicitor about Mr. Champion, and Mr. Champion being from Lancaster; is that right?
A That is my understanding.
Q And Mr. Stevens is from Lancaster; is that right?
A I believe so.
Q I think you said Lancaster is a small community, right?
A I think size is relative, but based on my experience I would call Lancaster a small community.
Q You said Lancaster is a small community. You did call

it a small community, right?
A Yes, sir.
Q And so Mr. Champion and Mr. Stevens are from the same town, right?
A Correct.
Q Okay. Well, where is the LaShonda Barnes from?
A I would have to refer to my notes on that one.
Q Is LaShonda Barnes from Lancaster?
A I don't recall specifically at this moment. I believe she is.
Q What about Tony Dixon? Is he from Lancaster?
A I believe he is also.
Q What about Brenia Davis? Is she from Lancaster?
A She was in Lancaster at the time that this happened. I don't know where she's actually from. I believe she grew up in this area.
Q Okay. All right. Certainly you agree being from Lancaster does not make you involved in this crime, right?
A Correct.
Q So it's not just the fact that they're from Lancaster alone. So we actually have to do an investigation to figure out what makes people involved with the crime, right?
A Yes, sir.
Q It is simply not just because you are from somewhere, right?

A No, sir.
Q Okay. So -- and in this case you indicated that you interviewed witnesses, right?
A Correct.
Q You looked at the footage of the club, although you may not have, your investigators did, right, and part of your team; is that right?
A Uh-huh.
Q And you gathered evidence, right?
A Yes.
Q And you did all of that to put together a puzzle. Because that's really what this is, right? We're trying to get put together this puzzle, aren't we, figure out what happened?
A Figuratively, yes, sir, we're putting together a puzzle.
Q I understand we're not literally putting jigsaw pieces on the floor here.
A Yes, sir.
Q And so -- and as part of putting that together, don't we also -- isn't it common for law enforcement to do other things like gather phone information?
A In certain situations, yes.
Q Well, let's talk about -- I don't want to talk about in certain situations, I want to talk about this one. Did you

or did you not say that you requested phone information?
A I did not.
Q What about Facebook information?
A I myself sent a preservation request to Facebook to have them preserve a particular account after it was identified to me.
Q Did the Lancaster County Sheriff's Department, did anybody in this investigation get phone records?
A I'm not sure about that beyond what we did to locate Mr. Stevens.
Q Did anybody in the investigation get these Facebook records? Did you get those things?
A I believe they were at some point, but that takes some time. I would have to check on that.
Q What about text messages? Did you get those?
A I don't recall seeing any specific text messages myself.
Q But you had Mr. Champion's phone in evidence three days after this happens, don't you?
A I believe so.
Q Okay. Well, let me give it to you. Here it is. Tell me where in that phone you found that he contacted Mr. Stevens.
A I didn't examine this phone.
Q Tell me where in that phone it says that he call

Mr. Stevens.

A Like I said, sir, I didn't examine it.

Q Tell me where in the phone that it says that he texted Mr. Stevens.

A Again, sir, I didn't examine the phone so I don't know personally.

Q Who did?

A I would have to do some checking on that.

Q Here is a stack of evidence, giving you all of the evidence in this case. Show me what on any of this table links Mr. Champion to Mr. Stevens, anything at all. I will wait as long as it takes.

A I would say the video where he follows him to the stage area, and then the ballistic evidence that was located in the area, and the firearm that he ultimately admitted to and was forensically or scientifically linked to those shell casings in that area.

Q Links him to Mr. Stevens or links him to this case?

A Both.

Q I'm asking what link him to Mr. Stevens.

A Both.

Q So which shell casings in here link him to Mr. Stevens? Do they have both of their fingerprints on them?

A No, sir. There was no fingerprints on shell casings that I'm aware of.

Q Do they have both of their DNA on it?
A No, sir.
Q Does it have their names on it?
A Mr. Champion attached himself to that firearm and then it was matched to the shell casings.
Q Here is the firearm. How does his firearm attach to Mr. Stevens?
A He claimed that it was his.
Q To Mr. Stevens.
A Or -- I'm sorry, to Mr. Champion.
Q I'm asking how Mr. Champion's firearm is linked to Mr. Stevens.
A They are not directly that I know of. It would be the video evidence of him following him through the club to the area where this occurred.
Q So that's a set -- the link is the video of them following each other throughout the club, right?
A In Mr. Champion's interview he also named Breezo, to quote, as an individual that he knew. In fact, I believe he was the only person that he specifically named when Investigator Simpson asked him about that a little bit further.
Q Okay. And the jury has seen that interview and we'll come back to that. Tell me about Corey Carruthers. Did you indicate that he has dreadlocks?

A I did not.
Q Okay. So who is Corey Carruthers?
A He is the individual from the security footage that had the very unique patterned, almost like checkered patterned shirt that was walking with Mr. Stevens, Mr. Champion, and Mr. Lindsay towards the stage area shortly before the shooting.
Q Did you interview him?
A Yes, I did.
Q Okay. And at the time of the interview did he have dreads or no dreads?
A I don't recall specifically.
Q Okay. Would your report help refresh your memory on that?
A I've got it right here, I can refer to that. I'm sorry, just give me one moment just to find that particular page.
Q And while you're looking for that let me ask you, you prepared -- did you indicate that you prepared the lineups in this case?
A No, sir. I requested them from SLED.
Q The lineups specifically that you requested from SLED had six individuals with dreadlocks in it. Who were those individuals? Why was that sent? Why was that prepared?
A I couldn't testify to why SLED prepared a lineup of a

particular way.
Q Okay. Well, who do you work for?
A I work for SLED.
Q So when you say they were prepared by SLED, they were prepared by your office, right?
A Correct.
Q By your employer.
A Correct.
Q So why would SLED prepare -- why would your office prepare a lineup with six individuals all with dreadlocks? Who is the actual individual in that picture that y'all were looking for?
A I would have to see which lineup what you're referring to. But they have a process, and I don't know how they do that so I don't know their particular processes, how they choose photographs for a lineup.
(Break in proceedings.)
Q This lineup right here, do you recognize that?
A I recognize it but I don't remember if I'm actually the one that requested this or if it was another investigator after we reviewed that video.
Q Is Corey Carruthers in that lineup?
A I believe he is.
Q Which one is he?
A I don't recall. It's been several years since I've

seen him now.

Q You believe he is in this, though.

A I believe he is.

Q Do all six individuals in this lineup have dreadlocks?

A They appear to have some sort of longer style hair.

MR. SHELDON: Put that video on, please, the man in the shirt. Let's take a look at that.

(The video was played.)

Q Show me where the long hair is in this video, the man wearing the hat.

A Mr. Carruthers is the individual right there on the screen. Can I mark the screen? This individual right here.

Q Okay. Great.

MR. SHELDON: Roll the tape. Go to just after 2:33:33, please.

(The video was played.)

Q This is Mr. Carruthers right here, is that what you're saying?

A This individual right here coming from the stage or DJ booth area.

MR. SHELDON: Rewind that just so the jury can watch that one more time.

(The video was played.)

Q Again, you identified Mr. Carruthers as being in this photo.

(The video was played.)

Q Do you see any long hair on that side?

A No, sir, I do not.

MR. SHELDON: No more questions.

THE COURT: All right. Redirect?

MS. CAMPBELL: I don't have anything, Your Honor.

THE COURT: All right. Thank you, sir, you may step down. The State can call its next witness.

MS. CAMPBELL: Your Honor, I think we can rest at this point. Let me check the exhibits and make sure they're all in.

THE COURT: All right. Well --

MS. CAMPBELL: With that caveat we rest.

THE COURT: All right. So the State rests but you want to check all of the exhibits.

MS. CAMPBELL: Just to make sure I've moved them all in.

THE COURT: All right. Thank you. Ladies and gentlemen, the State has rested their case. They are going to look through all of the evidence up here, the documentary evidence and photographs and such, but absent something being off with that the State has rested. Y'all head on back to your jury room, don't talk about the case, and I'll get you back out here momentarily. Okay? Thank you.

(The jury left the courtroom.)

THE COURT: Y'all check through everything, I am going to run to the restroom real quick in the back and I will hear from the defense. Have y'all had an opportunity, I'm sure, I hope you have, to speak with your clients about their right to testify? We'll use this --

MR. SHELDON: About the right but I'll make the decision after we leave.

THE COURT: Okay.

MR. SHELDON: We'll probably go to the jail and talk with him.

MR. BELTON: Your Honor, they have arranged for us to visit with our clients, and I was able to visit with mine early this morning, and I think Mr. Sheldon has this afternoon. I would like to reserve that decision until tomorrow, but I would like for you to give my client his --

THE COURT: Yeah, I'm going to go over it with them this evening, then they can sleep on it and give me an answer in the morning and we can decide what we're going to do.

(A break was taken.)

THE COURT: All right. Madam Solicitor, whoever is running the show, the State -- does the State rest? The State rests. Okay. The State has rested. Mr. Belton, I'm going to let you go first as to your client, Mr. Stevens, I have the operative indictments up here.

MR. BELTON: Your Honor, I don't have the indictment numbers, but I think the record is clear what the indictment numbers are. First I would like to renew all previous motions and objections. Your Honor, also I would like to move for a directed verdict. I want to start with the murder charge as it relates to Mr. Colvin. Your Honor, I do not believe there is -- in the light most favorable to the State there's not sufficient evidence to go to the jury on that charge. As it relates to -- and I assume the Court is going to rule on that one individually.

THE COURT: Yeah. I was going to let you -- you want to do any further argument on that?

MR. BELTON: Rule on Mr. Colvin.

THE COURT: All right. Thank you. Well, first of all, all previous objections and rulings will remain as I previously ruled. Your motion for a directed verdict is respectfully denied.

MR. BELTON: Thank you. Now, Your Honor, as it relates to Mr. Harris. I think we have sat now through -- we've sat through two weeks of testimony, and I think it has become pretty clear to all that Mr. Harris just got hit by a stray bullet, and he got hit by a stray bullet. But I think the question becomes right here is Mr. Stevens is the one that's charged with that bullet. Your Honor, I do not believe that there's been any testimony in here to connect a gun that

Mr. Stevens was actually firing. I know the State has a two gun theory, Your Honor, but no one who came in here and testified indicated that they saw two guns other than what the shadow is -- I'm sorry, I'm getting a little bit distracted back here. Your Honor, I know the State has a two gun theory, but certainly as everybody who came in here testified there's certainly no aforementioned, there's no premeditation, there is no conflict that was raised between Mr. Stevens and Mr. Harris. So, Your Honor, I do respectfully ask for you to direct a verdict as it relates to Mr. Harris, because I just do not believe that there has been a connection or any substantial circumstantial evidence, and I'm referring specifically to State v. Cherry, substantial circumstantial evidence to connect Mr. Stevens to Mr. Harris' death.

THE COURT: All right. Madam Solicitor?

MS. CAMPBELL: May it please the Court, Your Honor? He is struck with a bullet, one bullet to the back. He's in crowd, he's in the area where the shooting is occurring. The two of them are there together, they're both shooting. It doesn't matter which gun did it. Your Honor, we do feel like that there's more than enough. The security guard testified that he had to be shot inside because he was bleeding as he came out. He's part of the rest of them on the ABHAN's. Basically he is responsible. He initiates --

and as far as premeditation and everything, his premeditation as to Colvin, just because he misses Colvin and hits someone else, or ten other people, it doesn't matter. We think there's more than sufficient evidence to go to the jury on Mr. Harris and the other eight victims.

THE COURT: Okay. Any reply argument to that?

MR. BELTON: No, your Honor.

THE COURT: All right. Motion for a directed verdict is denied.

MR. BELTON: Yes, sir. Your Honor, as it relates to Mr. Belton, Mr. Davis, Mr. Dixon, Mr. Douglas, Mr. Harris, Ms. Locke, Mr. McCain and Mr. Mobley in terms of the ABHAN, Your Honor, I do not believe that the State also has presented evidence that Mr. Stevens and the gun that's been attributed to Mr. Stevens actually hit those victims. Certainly they had gunshot wounds. It appears that at least on those seven people the gunshot wounds were passed through. I think there's been sufficient evidence also presented that most multiple people in this club were shooting, at least more than one person in this club was shooting. So, Your Honor, I ask you to direct a verdict as it relates to Belton, Davis, Dixon, Douglas, Locke, McCain, and Mobley, and the corresponding indictments for those victims. And as for Ms. Barnes, in the light most favorable to the State I don't think there's sufficient evidence for

that to go to a jury.

THE COURT: All right. Any reply argument?

MS. CAMPBELL: Your Honor, again, there's evidence that's been presented that he goes out of the club after having an altercation with Mr. Colvin, that when he comes in there appears to be what are weapons or something in his waistband, then he goes directly to where Mr. Colvin is, he jumps up on the stage, there is shots fired from the stage. Three of those can be contributed to Mr. Champion and the rest. Your Honor, when he falls off the stage there has been evidence presented that he has a weapon in each hand. There are only three sets of shell casings in that area: One 9 millimeter, one .45 and one .380, which is attributed to Mr. Champion. So I think there's more than enough evidence as well.

THE COURT: All right. Considering the evidence in the light most favorable to the State I find that there is evidence to survive a directed verdict on each one of those counts, therefore your motion for a directed verdict is respectfully denied.

MS. CAMPBELL: Thank you, Your Honor.

THE COURT: All right. Mr. Sheldon?

MR. SHELDON: Directed verdict on Mr. Harris. He didn't shoot him, we know that, it wasn't his gun. There was one bullet in Mr. Harris, it was a 9 millimeter. Only

one gunshot wound. We heard through the testimony that the .380 did not fire the 9 millimeter. So the SLED Item Number 6 did not fire SLED Item Number 3, that's the bullet that hit Mr. Harris, and so we would ask for a direct verdict on that. Certainly the light most favorable to the State is obviously the standard that we're using. But Judge, mere suspicion is not enough to get there. They have presented -- I think the evidence actually suggests that they didn't communicate, not before, not after, not during. There's no communication. We've seen the altercation. They can say that there may be two different crimes being committed at the same time but there's nothing to link these individuals. And the only way they can survive a directed verdict as to Mr. Harris is if it's under hand of one. We know without a doubt, there is no dispute, I don't think, from anybody that Mr. Champion did not shoot Mr. Harris, that bullet did not fire from that gun, and so -- and there's no evidence that there's more than one firearm. And so as to Mr. Harris, we certainly move for a directed verdict on that.

THE COURT: Okay. Madam Solicitor?

MS. CAMPBELL: Your Honor, there is evidence in the hand of one, hand of all. Mr. Seegars testified that Mr. Stevens came back in the front door, that the person he circled, who is Mr. Champion, said: Let's go, and then they

immediately go in and the shooting happens within, I believe, three seconds up on the stage. He's next to him. You then see both of them come off the stage right next to each other, each of them have guns in their hand -- Mr. Champion has one gun in his hand, and then you see them exit the thing. Under the hand of one, hand of all theory they are both equally liable for the other one's act. This isn't one where it's merely someone looking out or things of that nature. This is someone there actively shooting with the defendant Stevens, so we think we've met our burden there.

THE COURT: Of course, you know, under the any evidence standard in the light most favorable to the State I do find that there's enough evidence for the case to survive directed verdict, therefore your motion for a directed verdict is respectfully denied. Now --

MR. SHELDON: Judge, and it's the exact same for the ABHAN. I think that it's clear that he did not shoot Mr. Harris, so under only an act of one, act of all theory can you survive the ABHAN as well. You've got to prove that they hit somebody under the ABHAN statute, not just --

THE COURT: And I plan on -- of course, I haven't heard anything yet from y'all's presentation, whatever that's going to be, but I plan on charging hand of one, hand of all. That's subject to be argued, of course, tomorrow. I plan on charging the long circumstantial Logan charge, I

think it is called, where it has to be substantial circumstantial evidence. And --

MR. SHELDON: I'm just going to preserve the record on the ABHANs. Because if the hand of one fails, if the appellate courts disagree -- somehow we don't prevail here and they disagree the same applies for the ABHAN's. When you only fire three times you didn't hit ten people, and so there are at least -- we know there's one dead person that he didn't hit. We know that then -- even if you include the potential dead person that has the through and through bullets, I mean, there was no testimony that those came from .380's, there's still going to be six victims out there -- or seven people that absolutely -- or six other people that absolutely didn't get hit. And so we would just preserve that for the record with the understanding you've ruled on the act of one, act of all as to Mr. Harris and that's going to apply to the ABHAN's. But if that is incorrect -- I mean, there isn't any evidence to survive that three bullets hit six over people.

THE COURT: Yes, sir. Your position is certainly protected in the record. Madam Solicitor, what's the State's response as to the other ABHAN charges with the other eight injured?

MS. CAMPBELL: It would be the same argument, Your Honor, under the hand of one, hand of all. It doesn't

matter who's bullet hits who, it's just that both of them are up there participating.

THE COURT: They actually precipitated and this mayhem occurred.

MS. CAMPBELL: Yeah.

THE COURT: That's the argument of the State, as a direct and proximate result of the initial unlawful act everything else occurred. Okay. Understood. All right. My rulings clear on the record. And certainly, gentleman, y'all's clients' position is protected on the record specifically, those motions for directed verdict as to each indictment are denied. Like I indicated earlier we'll do our charge conference tomorrow prior to doing closings and jury instruction on Friday, Friday morning. At this point in time let me speak to both of you.

MR. SHELDON: Judge, I'm sorry to interrupt you. I also just want to preserve for the record with any argument that we are also asking for a directed verdict as to Mr. Colvin. I know that wasn't argued, but as to any charge we are asking for a direct verdict to be preserved for the record.

THE COURT: By implication you were, and all of your arguments and objections that were previously made adversely ruled upon to your position are protected as well.

MR. SHELDON: Thank you.

THE COURT: All right. We're all good now. So let me have Mr. Stevens and Mr. Champion both come up here. One of them can stand right there and one of them can stand over there. Security, y'all come with them as well, as well as your lawyers, because I want to talk to both of you gentleman. Obviously y'all have been here the last week and a half, almost two weeks, you understand what's going on. Okay? And I know y'all have got a lot riding on this situation, I understand. Okay? But I want to make sure you understand that you have certain constitutional rights. Both of you have been excellently represented by your lawyers, and I know y'all have gone over stuff, you've had questions, they've answered your questions and you've seen what's happening. At this time I'm going to explain to you certain rights which you have. If you don't understand what I'm telling you or anything I say to you, please, you know, ask me a question and I'll answer it the best I can. Okay? Do you understand that, Mr. Stevens?

DEFENDANT STEVENS: Yes, sir.

THE COURT: Mr. Champion, do you understand?

DEFENDANT CHAMPION: Yes, sir.

THE COURT: We have now reached the stage of the trial, in other words the State has just rested. We're not going to start today and I'm going to let you sleep on your response until tomorrow morning, but this is going to be the

first thing we do in the morning so I want to make sure you get a good night's rest and you're able to think about it and go over this with your lawyer. But we've now reached the stage of the trial where each of you get to present your defense. All right. And in deciding how you're going to present your defense, each of you have the right to claim the protections given to you by the 5th Amendment to our United States Constitution, which states in pertinent part that no person shall be compelled in any criminal case to be a witness against himself. What this means, gentlemen, is that nobody can force you to testify in this case, that's a personal right that you have. You have the right to testify if you want to, however nobody can make you testify. Okay? That's your personal right and nobody can make you testify if you don't want to. Do you understand that, Mr. Stevens?

DEFENDANT STEVENS: Yes, sir.

THE COURT: Mr. Champion, do you understand?

DEFENDANT CHAMPION: Yes, sir.

THE COURT: All right. Now, if you do decide to testify you will be subject to the same rules that have governed other witnesses in this case that you've participated in, that you've seen and heard. Your lawyers have effectively cross examined all of the State's witnesses and tried to make them look not believable or not credible or tried to make them look bad in front of the jury. Okay?

So if you testify the solicitors, they get to cross examine you and try to make you look not good and not credible and not believable. Do you understand that, Mr. Stevens?

DEFENDANT STEVENS: Yes, sir.

THE COURT: Mr. Champion, do you understand that?

DEFENDANT CHAMPION: Yes, sir.

THE COURT: All right. And if you have a criminal record for convictions involving dishonesty or false statement or for crimes which are punishable by more than one year and I determine that the probative value of that information coming in outweighs the prejudicial effect to you, the State may be able to bring up your criminal record, or certain matters in your criminal record, to try to make you look not believable, which would affect -- potentially could affect your believability with the jury. Do you understand that, Mr. Stevens?

DEFENDANT STEVENS: Yes, sir.

THE COURT: Mr. Champion?

DEFENDANT CHAMPION: Yes, sir.

THE COURT: And for the record, does the State have any -- do either one of these defendants have any prior record which the State would seek to introduce for impeachment purposes if they testify?

MS. CAMPBELL: No, sir.

THE COURT: All right. So neither one of them has an

impeachable record for their testimony. Okay.

MS. CAMPBELL: Well, let me correct that. It might be arguable but we would like to keep the record clean so we will not be impeaching them.

THE COURT: The State is not -- you're looking at the long haul.

MR. SHELDON: And in addition to that, Judge, and I just want to point out, the gun charge, which he was charged, has been brought up and he was on probation, the door just to those charges I may just say, hey, you need to address this without opening the door to anything else. It wouldn't be for any other purpose other than it's already been brought out in his interview.

THE COURT: What about me accepting both of their guilty pleas to possession of a weapon during the commission of a violent crime?

MR. SHELDON: It was only this one.

THE COURT: Oh, that's right, Mr. Stevens didn't do it. Y'all talked to me about doing that.

MR. BELTON: Well, we stipulated and I'm not opposed to your accepting his guilty plea.

MR. SHELDON: And I think I have to say he pled guilty to it but not open the door to anything else. Because it's not before them and they know he was charged with it. I mean, I think that needs to be cleaned up somehow.

MS. CAMPBELL: I think all he did was he said he was arrested on a gun charge later that day.

THE COURT: Well, what I'm asking is if -- because if Mr. Champion decides to take the witness stand, do you intend on asking you pled guilty to possession of a weapon during the commission -- or whatever it was.

MR. SHELDON: Yeah.

THE COURT: I just want to make sure.

MR. SHELDON: I do, because I want them to know why it's not before them.

THE COURT: Well, you can ask him that.

MR. SHELDON: Yeah, other than that, without opening the door, well, didn't you have this, this, and this, but only because there's no indictment there. I mean --

THE COURT: I understand. I just want to make sure Mr. Champion understands that if he takes the witness stand what could happen on cross examination, that's what -- I'm trying to keep it as simple as possible so Mr. Champion, you understand that?

DEFENDANT CHAMPION: Yes, sir.

THE COURT: They could potentially ask you about you pleading guilty to that -- one of these charges here, about you possessing a weapon but you had a previous crime of violence on your criminal record. Do you understand? Okay. And, of course, Mr. Stevens, you understand about the State

is not going to try to ask you questions about previous crimes you may have been convicted of, which would fall into this exception, but they could try to argue to do that but they're telling me right now they're not going to. You understand that?

DEFENDANT CHAMPION: Yes, sir.

THE COURT: Okay. But they can still cross examine you and try to make you look bad. You understand that?

DEFENDANT CHAMPION: Yes, sir.

THE COURT: Okay. So, Mr. Champion, Mr. Stevens, if you decide to testify that decision has to be made by you freely, voluntarily and intelligently with the knowledge of these 5th Amendment protections which have been given to you, as well as your consequences if you decided to testify. Now, here is the thing, you've got to understand this, if you decide not to testify, and that's your right, I will instruct the jury that they can't even bring that up in the jury room. They can't talk about it and consider it, the fact that you didn't testify, because you have a constitutional right to not testify. Okay? And I will specifically tell them that they can't give that any consideration whatsoever, and there is absolutely no prejudice to either one of you because you did not testify. You understand that, Mr. Stevens?

DEFENDANT STEVENS: Yes, sir.

THE COURT: Mr. Champion, you understand that?

DEFENDANT CHAMPION: Yes, sir.

THE COURT: Okay. So it's totally your personal decision as to whether or not you testify. Now, I want you to each listen to your lawyer and talk to your lawyer about the positives of possibly testifying versus the negatives of testifying and the like but you've got to understand your rights. So Mr. Stevens, do you understand what I've explained to you?

DEFENDANT STEVENS: Yes, sir.

THE COURT: Mr. Champion, do you understand what I've explained to you?

DEFENDANT CHAMPION: Yes, sir.

THE COURT: And have you discussed with your lawyer up to this point whether or not you should testify?

DEFENDANT STEVENS: Yes, sir.

THE COURT: Okay. And you've discussed with your lawyer whether or not you should testify?

DEFENDANT CHAMPION: Yes, sir.

THE COURT: All right. Y'all both have indicated to me y'all want to sleep on it and let me know tomorrow, correct?

MR. SHELDON: I have not discussed that in the detail that we need to discuss it, I'm going to go to the jail tonight.

THE COURT: Perfect. Okay. Talk about it tonight and

I'll ask you in the morning whether or not you wish to testify. Okay?

DEFENDANT CHAMPION: All right.

THE COURT: And Mr. Stevens, talk with your lawyer some more about it and I'll ask you in the morning whether or not you wish to testify. Okay?

DEFENDANT STEVENS: Okay.

THE COURT: Sounds good. We're all good on there. Thank you very much, y'all can be seated. Bring the jury back out, please. We're going to start tomorrow morning at 9:00 a.m.

(The jury returned to the courtroom.)

THE COURT: Thank you, again, ladies and gentlemen, for your patience. The State has indicated to me and I'll ask them again, does the State have any other witness or any other evidence to present?

MS. CAMPBELL: No, sir.

THE COURT: The State has rested its case. Okay? So what's going to happen, ladies and gentlemen, tomorrow the defense may wish to present a case, they don't have to, of course, because I have already told you about the presumption of innocence and I'll go into that more in detail later on. But I want you in your jury room tomorrow morning at 9:00 a.m, we'll start the rest of the case tomorrow. Remember, give the same courtesy to the defense

that you've given to the State as far as paying attention. Thank you, again, for everything. Do not do any independent research, don't listen to any news reports, don't talk to anybody else about the case. See you in the morning at 9:00 a.m. Thank you very much.

(The jury left the courtroom.)

THE COURT: Anything else for the good of the cause tonight?

(Break in proceedings.)

(Court recessed for the evening and resumed at 9:00 A.m., on Thursday, October 28, 2021.)

THE COURT: Let's go ahead and go on the record since the jury is not in yet. Let's pick up from yesterday. Mr. Belton, have you had an opportunity to go over with Mr. Stevens whether or not he wishes to testify?

MR. BELTON: Yes, Your Honor. I went to the jail last night and met with Mr. Stevens in lockup, went to the jail for actually quite a long time last night, and met with Mr. Stevens in lockup this morning.

THE COURT: All right. And what does he indicate to you that he wishes --

MR. BELTON: Your Honor, we're going to proceed and Mr. Stevens is going to testify.

THE COURT: Okay. Mr. Stevens, you can keep your seat, just speak loudly. Is that correct?

DEFENDANT STEVENS: Yes, sir.

THE COURT: You do wish to testify?

DEFENDANT STEVENS: Yes, sir.

THE COURT: Okay. And you remember all of those things we talked about yesterday.

DEFENDANT STEVENS: Of course.

THE COURT: Okay. And that's what you want to do.

DEFENDANT STEVENS: Yes, sir.

THE COURT: All right, thank you.

MR. BELTON: Your Honor, before you go on from that I assume you're going on to Mr. Champion now. I do want to just remind the Court and remind my counsel, and I'm sure it's not a problem, of all of the pretrial motions that we talked about, and unless we open the door to lyrics of rap music, character evidence, all of those things that are excluded in cross-examination, that they don't go down that road. I assure you I'm not going to open the door and I just want to remind counsel not to go down that road.

THE COURT: I mean, we'll deal with it if it comes up, but I know they're aware of whatever rulings I've made. All right. Mr. Sheldon, did you have an opportunity to speak with Mr. Champion about his decision of whether or not to testify?

MR. SHELDON: I did, Your Honor.

THE COURT: And what did he tell you?

MR. SHELDON: Well, Judge, right now I think that it's just -- it's depending on what the evidence shows after Mr. Stevens testifies. I mean, I don't think we can fully make that decision until we hear defendant Stevens case, that's sort of where we're at. If we could just revisit that after they put up their case.

THE COURT: Okay. Is that correct, Mr. Champion?

DEFENDANT CHAMPION: Yes, sir.

THE COURT: That's what you want to do.

DEFENDANT CHAMPION: Yes, sir.

THE COURT: All right. I'll let you make that decision then after Mr. Stevens testifies. So I guess y'all agree then that Mr. Stevens is going to go first?

MR. BELTON: I didn't agree to that but I'm okay with it.

THE COURT: Are you okay with that?

MR. BELTON: Yes.

MR. SHELDON: And, Your Honor, there's one other -- there's a couple of other things I think that we've discussed amongst us. First of all, if Mr. Champion were to testify that would be my only witness just so the Court is aware, that I don't intend to call that witness. There are two experts that we've identified, both Mr. Belton and myself have used the same experts in this case. It's our full intention, I think, and this is the fairest way to do

this, Mr. Belton will call those experts, he directs those experts. If I have any follow-up I'll go next and direct them so as not to get to lead essentially my own expert, which would normally be a cross, right?

THE COURT: So in other words you're saying that you and Mr. Belton both go first as to each expert and then the State gets to cross.

MR. SHELDON: Right. And we may only need one expert, but regardless I will -- yeah. I'll direct -- we'll both direct before the State crosses.

THE COURT: Okay. Well, does the State oppose that?

MS. CAMPBELL: (Shakes head no.)

THE COURT: Okay. That will be good. And remember, I said I think it was yesterday or the day before, Under 611 I'm allowing y'all to lead anyway to facilitate testimony to get this case over with. Okay? So there you go. I don't have an issue with that because I've allowed the State to lead some witnesses as well to facilitate the trial of the case. All right. Sounds good to me. Anything else that we need to talk about before we bring the jury down? Okay. Sounds good. Who is your first witness?

MR. BELTON: I'm talking to the expert right now, I'm trying to go back and forth to see which one. Are you bringing the jury down?

THE COURT: I was about to.

MR. BELTON: Go ahead and bring them on down.

THE COURT: Okay. Bring them in.

MR. BELTON: Your Honor, I don't think it is that big of an issue --

THE COURT: Hang on.

MR. BELTON: Mr. Stevens has that brace on his leg, I think they have got to walk with a limp.

THE COURT: That's why I asked who you were calling first.

MR. BELTON: Yes. Can we go ahead and get him on the stand?

THE COURT: Come on up here, Mr. Stevens.

DEFENDANT STEVENS: Can I bring my water?

THE COURT: Yeah.

(The jury returned to the courtroom.)

THE COURT: All right. Good morning, ladies and gentlemen, I hope you had a good evening. We'll jump right into this morning. Remember when we left yesterday the State has rested, now it's defense's opportunity to put up a case if they wish to do so. Again, they don't have to do that as I've told you before, and we'll we get into that again toward the end of everything. All right. You can call your witness, Mr. Belton.

MR. BELTON: Your Honor, may it please the Court? I would call Breante Deon Stevens, please.

The witness, BREANTE STEVENS, was first duly sworn and Testified as follows:

THE COURT: Just speak loudly into that microphone.

DIRECT EXAMINATION

BY MR. BELTON:

Q Good morning.

THE COURT: You're good right there. You don't have to lean in, I don't want it popping and locking and stuff. Thank you.

Q Good morning, Mr. Stevens.

A Good morning, Mr. Belton.

Q I'm going to move this out of the way so I can -- will you state your full name for the record, please?

A Breante Deon Stevens.

Q How old are you, Mr. Stevens?

A Thirty-three.

Q Where were you born and where did you grow up?

A I was born in Lancaster and I was raised in Lancaster.

Q Okay. Who did you spend primarily most of your life with?

A I was always back and forth between my mom and my dad. I think they split up when I was like nine.

Q Nine? And when you say back and forth between your mom and dad, did they live in different places or did they live in the same place?

A They both stayed in Lancaster but different areas.
Q All right. So tell me -- let's start with your dad, where did he live?
A My dad stayed in the community called Antioch but it's like the suburbs, kind of like the country area.
Q And how about your mom?
A For a long time we stayed in Pardue, Pardue Street Apartments, Palmetto Place now.
Q Okay. Pardue Street Apartments. All right. So you primarily grew up in Pardue Street Apartments?
A I can say I spent an even amount of time in both.
Q In both the country and Pardue?
A Right.
Q Okay. How about your schooling? Did you go to school here in Lancaster?
A Yes, sir.
Q And where did you go to elementary school?
A Elementary school in Lancaster.
Q Okay. All right. And I assume there's only one high school here in Lancaster, right, or in the City of Lancaster.
A Right, Lancaster High.
Q And that's where you went, Lancaster High?
A Yes, sir.
Q All right. Are you married?

A No, I'm not married.
Q All right. Do you have any children?
A Yes.
Q How many biological children do you have?
A I have two.
Q All right. Is it Ms. Tanya Henderson the mother of at least one of those children?
A Yeah, that's my son's mom.
Q How old is your son?
A Seven.
Q All right. How about another child, is he younger or older than your seven year old?
A She's older.
Q How old is your oldest child?
A Ten.
Q All right. Where were you living on September the 21st, 2019?
A Me and Tanya, I was staying with her on [redacted] Meeting Street.
Q [redacted]Meeting Street. Just you and Tanya lived there?
A Us and the kids.
Q Tell me -- so you told me about one child. Are there other children?
A Yes. She has two other children.
Q Okay. So if I'm understanding you correctly living at

Meeting Street was you, Tanya Henderson, and three children?
A Yes.
Q Okay. Because your oldest child, I assume, doesn't live with you?
A No, she stays with her mom.
Q Okay. And where is that?
A Columbia now.
Q Columbia. Okay. All right. Let's turn your attention to September the 21st, 2019, and we're going to have to just kind of slowly walk through this day. And I know it may be laborious, but just walk us through the day. Okay? How did your day start? And you don't have to give us I got up, I brushed my teeth, all of that, but just an overview. Give of us an overview of your day on September the 21st of 2019.
A Well, I got up, I brushed my teeth --
Q You don't have to go into that much detail. Give us an overview.
A No, I spent some time with the kids. And then I got with a couple of friends and we went to the mall, because it was my one of my older cousin's birthday, so I went to get something and went to her little function.
Q Okay. And so at some point that evening, did you go to a club in Charlotte?
A Yes, I did.
Q All right. And what time did you leave that club in

Charlotte?

A Roughly like 2:00 a.m.

Q Okay. And when you left that club in Charlotte, where did you go?

A I ended up at Old Skool.

Q Old Skool. Is Old Skool a club that you're familiar with?

A Yes.

Q All right. And is Old Skool a club that you've visited before?

A Of course.

Q Is Old Skool kind of a local place in Lancaster where people your age hang out?

A Yes, sir.

Q All right. Hang out to dance there, to party there, to meet up with friends there, et cetera.

A Right.

Q All right. You went to Old Skool that night. Did you drive?

A Yes, sir.

Q What did you drive to Old Skool?

A I drove Tanya's Volkswagen Passat.

Q Is that the Volkswagen Passat that has been mentioned here the last two weeks of this trial?

A Yes, sir.

Q And you acknowledge you drove that car there.
A Yes, sir.
Q You acknowledge that the parking space that's been pointed out where this car was parked, that's where you parked the car.
A Yes, sir.
Q All right. Was the car pointed coming out of the -- so when you're coming into Old Skool -- tell us about the driveway in Old Skool so I don't have to pull that over.
A It's one way in, one way out.
Q One way in, one way out?
A So when I came in the parking lot was packed. I couldn't park across the street at Adela's, I couldn't park at the top parking. And usually when I go somewhere I park somewhere that's easily accessible so I can easily get in and easily get out. So I went and I kind of created my own parking spot just outside the back of the building.
Q All right. And so when you drive in -- and let's assume that this way is going in. Okay? Did you turn the car around so your nose was facing out or was your nose still facing going in?
A My nose was kind of facing out.
Q Facing coming back out the driveway?
A Like not coming back out the driveway but kind of like facing towards the woods.

Q I've got you. All right. So still facing the direction toward the back of the place.
A Right.
Q Okay. I'm with you. Who rode in the -- did you ride by yourself or were others in the car with you when you arrived at Old Skool?
A It was me, Brandon Lindsay, and my friend, Tysheem Blackmon.
Q Now Brandon Lindsay, does he have a nickname?
A Too Cool.
Q Too Cool. Is he the person that we've seen on the video the last two weeks with you in the club?
A Yes, sir.
Q All right. He's the gentleman that has the fanny pack, for lack of a better word, around his waist?
A Right.
Q All right. There's been a lot of talk in this trial about Antonio Champion, the gentleman who has sat behind you for the last two weeks. Did Antonio Champion come to the club with you at all that day -- that night?
A No, sir.
Q Did you have any phone communication, text message communication -- and I want to make sure I cover it all because I get in trouble with my children so I want to make sure that I try to cover everything -- Tiktok, Facebook,

Instagram, Snapchat, and anything else that might exist that I'm not aware of, any communication whatsoever at all with Antonio Champion on September the 21st, 2019, or in the immediate days before then?

A Well, Tiktok wasn't around at that time, but no, I had no contact at all.

Q And I know I'm being redundant, I've asked it and you've answered it but I want to make sure that I'm clear that I'm not playing with words. Any communication with him in the immediate days before, text messages, meet me at Old Skool, anything like that?

A No, sir.

Q All right. Nobody can come in this courtroom and say that you had conversations, came to that club with Antonio Champion.

A No, sir.

Q All right. Also there's been some conversation that you know Antonio Champion. Do you acknowledge that you know him from the Lancaster community?

A Of course, I've seen him around.

Q Okay. But you're not friends.

A No.

Q Y'all didn't regularly hang out together.

A Not regularly. We've been in some of the same circles, some of the same areas. I've seen him at the club, you

know, occasionally we've spoken to each other. But as far as like friends/friends and hanging out on a daily, no.

Q Okay. All right. So I just want to make that clear that Antonio Champion did not -- one more time, did not come to the club with you that night.

A No.

Q And the two people that came to the club with you that night are whom?

A Brandon Lindsay and Tysheem Harris.

Q And Brandy Lindsay, what do we refer to him as the last two weeks?

A Too Cool.

Q All right. Now, the car that you were driving is the black Passat and it's owned and registered to Tanya Henderson, correct?

A Yes, sir.

Q Did you have a car at that time?

A Yes, I did.

Q What kind of car did you have at that time?

A I had -- well, at that time I didn't, but I had a BMW X3.

Q All right. And what happened -- why weren't you driving your car? Why were you driving her car?

A I let a friend drive it while in Atlanta and he wrecked it.

Q All right. And how -- this incident happens on September 21st, give us a date of approximately when your car was wrecked in Atlanta.

A I can't give you an exact date, but I know it was like a week before.

Q All right. So essentially you and Tanya were down to a one car household?

A Pretty much so.

Q All right. Let's talk about Ms. Henderson. You were here when she came in and testified, correct?

A Uh-huh.

Q Did she go to Old Skool that night?

A No, sir.

Q Did she even know you were going to Old Skool that night?

A No, sir. She asked me repeatedly was I going and I told her no.

Q Okay. So even though she was your girlfriend, I assume -- do you know where she was while you were at Old Skool and the club before?

A I assume she was at home.

Q All right. But she wasn't with you.

A No.

Q She had no knowledge of your going to Old Skool that night.

A No, sir.
Q Okay. Now, Old Skool on Friday nights, I mean, we've seen the video certainly prior to the shooting and I think we all have to acknowledge that it was packed in there. Is that normally how Old Skool is on a Friday/Saturday night?
A On most nights. It depends on whose event it is.
Q All right. Now, there has been some talk, and certainly I think we have acknowledged, do you carry a gun?
A Everyday.
Q All right. Do others in your circle carry a gun?
A Everyday.
Q Others in your neighborhood carry guns?
A It's just normal. Growing up where I grew up it's normal, everybody carry guns daily.
Q All right. The particular gun that you carry, did you go to the store and buy it?
A Of course not.
Q Where do you all get guns? If everybody carries guns where do you all get guns?
A Guns being sold like Now and Laters. I mean, you can get them from anybody.
Q All right. So is it -- I mean, you heard the testimony in here earlier this week about a buck buying a gun. Is that uncommon? We all laughed at it, but is that uncommon?
A Not at all.

Q So is it your testimony then that I can walk over down the street in your neighborhood and probably by the end of the day I could find somebody selling a gun?
A Surely.
Q All right. Do you carry two guns?
A No, sir.
Q Do you know anybody that carries two guns?
A Not normally, no.
Q Okay. All right. When you and your friends and others go to clubs and nightclubs and bars, do you normally carry a gun inside the club?
A Every chance I get.
Q Okay. Tell me -- so if you're normally carrying guns inside a club, would you say that in Old Skool that was common for people to have guns?
A Yes, sir.
Q Did you carry a gun in Old Skool the night of September the -- I guess it would have been the night of September the 20th into the early morning hours of September -- I think you got there it was already September 21st.
A Yes, I did.
Q You did? Now, there's been talk in here, and I want to be clear, when you came through the front door the first time -- obviously we know there are two entrances, and we'll talk about the second entrance, I want to isolate it to the

first time you came through the door, and I don't want to have to pull the camera, and I don't remember the exact time. Okay. 2:00, sometime after 2:00. Okay? Were you searched at that door when you came through?

A Honestly I can't remember if I was or if I wasn't, but I'm pretty sure I was. I can't say for certain if I was or if I wasn't.

Q Okay. So even though we don't necessarily see it on camera you being searched, you really don't remember whether you were or you were not?

A I really can't. I want to say I was.

Q You were searched.

A Yeah.

Q Well, if you were searched coming through the door, are you searched normally when you go to clubs?

A Yeah, normally.

Q Okay. If you were searched coming through the door, how did you get a gun in the club?

A Well, like if you've got on boxer briefs -- like I can't remember exactly what type of -- what brand it was but I normally wear boxer briefs, and it's a little pocket in your briefs that you can put almost anything in. It don't matter how big it is, if you've got the stretcher boxers or what, just tuck it in that little pocket in my boxers and push it down and keep it like right here by my private area.

And, you know, normally when they're searching they're not going to pat your private area, so, you know, you kind of like sneak it in that way. And if my pants is low then that only gives them a limited area to come up the leg so they won't feel it. I mean, it's normal to us.

Q So that may seem strange and normal to those of us who don't frequent clubs and don't try to take a gun in a club, but the people in your world, is that unusual?

A Not at all.

Q All right. And certainly I don't know, you don't know, but we all saw the video, there were others in there that had guns in there as well, correct?

A Correct.

Q And those people, based on your knowledge of the people going out to these clubs, probably brought theirs in similar ways as well, correct?

A Probably.

Q All right. So this whole notion that you can't get a gun in this club our you didn't have a gun in this club, is it your position that that's just ludicrous?

A Yeah.

Q All right. And so you acknowledge that you brought your gun in that club that night. And then what typically happens -- obviously you bring it in, you testified that you brought it in in your penis area of the -- of your clothing.

What happens once you get inside of the club? You get past security, pay your money, what happens then?

A I mean, you can choose to leave it in that spot or you can find a way to adjust it. Like I could be in a crowd of people and reach in my pants and just put it on my waist easily. It's going to look weird, but, you know, I can't remember exactly where I was when I adjusted it to my waist or what time I adjusted it to my waist, but eventually I put it in my waist.

Q All right. So if someone had seen you with a gun inside -- and I'm not talking about the owner, I'm not talking about security, I'm just talking just a normal patron at Old Skool, or any other clubs that you visit and frequent, and they had seen you with a gun or seen you adjusting a gun, would that have been an unusual sight for these people at the club?

A I mean, not unusual. You seen Colvin bouncing around in the club with a gun on his waist and nobody told security.

Q All right. So it's not uncommon to see a gun inside of the club.

A Right.

Q And is it kind of common knowledge that many of the people in the club has a gun?

A No, it's not uncommon knowledge.

Q It's not uncommon knowledge.
A Right.
Q Which means it is common knowledge.
A Yeah, it's common knowledge.
Q It's common knowledge. Okay. Do you know whether Mr. Blackmon or Too Cool had a gun that night?
A I'm not sure. I don't want to speculate, I'm not sure.
Q And that's fair. That's fair. I appreciate your being -- that's fair. But you brought in your own gun that night.
A Yes, sir.
Q Okay. Now, Old Skool you have indicated is a place that you frequently visited. At Old Skool, were you on any type of trespass notice from Joe McGriff who testified in here that he's the owner of the club, had he ever told you you couldn't come to the club?
A No, sir.
Q Had law enforcement ever told you you couldn't come to the club?
A No, sir.
Q Did anybody try to stop you at the door of the club and say: Mr. Stevens, you're not allowed inside of this club?
A No, sir.
Q All right. So to your knowledge you had every legal right to be in that club as we assume everybody else did.

A Yes, sir.
Q All right. And at Old Skool and other clubs, but let's specifically talk about Old Skool, once you -- we noticed on the camera that you stopped there and it appeared that you were paying money. Was there an entry fee that night?
A Yeah. I can't remember exactly what the amount it was, but yeah.
Q Is there typically an entry fee?
A I mean, I normally don't pay, but I paid that night because it was somebody else's event.
Q Okay. And whose event was it?
A Alonzo Seegars.
Q Okay. It was his event.
A Uh-huh.
Q So essentially I think what the testimony has been, and I just want to be clear, people would kind of partner with Joe McGriff, promote the party, their job is to get people there and they split the money, is that how that works?
A Yeah.
Q Essentially.
A Yeah, essentially.
Q So is Zoe Pound's events -- so making the money at the door is important, that's why --
A I didn't actually know it was Zoe Pound's event that night, but, you know --

Q And that's not important, I was just trying to get an understanding. So you stopped there and you paid to go in there. Now, once you pay, are you all able to go in and out of the club at will once you pay?

A I mean, yeah.

Q Now, is there some type of -- the -- so it's not uncommon to move in and out of the club once you have come in and paid your money.

A No, sir.

Q Okay. Now, once you were inside of the club -- and again, I know it's been two years ago and if you don't remember you don't remember, but do you remember what you did in the first few minutes that you were inside of the club?

A I do remember going behind the bar and talking to Shay, Marquitta Ford, I remember talking to her. And then I --

Q Now, is that the same -- I'm sorry to cut you off -- is that the same Marquitta Ford that came in here and testified earlier this week or last week?

A Yes, sir.

Q All right.

A I spoke with her briefly, and then I took a drink and went to the stage.

Q Okay. All right. So let's kind of get to what happened. There's been a lot of conversation about an

interaction, what we're going to call the initial interaction, with Mr. Colvin. I think we acknowledge, or do you acknowledge there was an initial interaction with Mr. Colvin?

A Yeah. An initial interaction, yeah.

Q All right. Tell me about the initial interaction with Mr. Colvin. And I'm going to be quiet and let you tell the jury about the initial interaction with Mr. Colvin and what happened.

A When I first I got a drink, like I said, I went to the stage, and I was in my own little zone. This is the area that I come to every time I'm at this establishment. Me and JoJo had a conversation and he asked me what --

Q Now, stop. Stop. You're using a name that we have not heard. Who is JoJo?

A Oh, okay. Mr. McGriff.

Q Okay. Thank you. Is JoJo a nickname?

A Joe McGriff, yeah. We call him JoJo.

Q Okay. All right.

A But it was kind of my idea for that platform to go in the club, so, you know, every time I'm in this establishment that's where I am, I'm on the stage. So I get my drink, I go to the stage, and here comes Mr. Colvin out of nowhere, and he stands right beside me shoulder to shoulder, so I felt uncomfortable. And I can't remember exactly what was

said between us, I don't think it was no words, but I just felt uncomfortable so I walked off of the stage. I walked off of the stage. And that's when you see me talking to a couple friends of mine.

Q Okay. So he comes up on the stage and you guys are next to each other. There was an exchange of words, you just don't know exactly what those words were.

A Right.

Q Was it an argument?

A Not necessarily an argument.

Q But a disagreement?

A Yeah, I guess you could say that.

Q Okay. All right, a disagreement. Because, I mean, it's fair to say that a lot of people were shoulder to shoulder inside of this place, right?

A Right. Because, like when he came, he came with that energy like, you know, he was just bouncing around on the stage like right beside me shoulder to shoulder. You've got to think, it's a stage and it's a few people up there, we're not the only ones on the stage. It's fair to say at least ten people up here on this little tiny platform.

Q Because we've called it a stage. A platform is probably a more accurate definition, is it not?

A Yeah, that's more accurate.

Q Okay. All right. So he's bouncing around on the

stage. Does he bounce into you? Does he touch you or he's just close to you?

A Yeah. No, he's touching me.

Q All right. And so there's this interaction and you leave the stage, and of course, we catch you at that point on camera, you're talking to some other guys there.

A Uh-huh.

Q And certainly, were you agitated when you're talking to these other guys?

A Yeah, a little bit, I admit I was.

Q Okay. All right. Now, you were there on the stage and you were agitated. And at this point -- did you know Mr. Colvin had a gun at this point?

A Not at all, not at this point.

Q Okay. So when he's bouncing around on the video that we now have all seen with the gun, bouncing around up in the air with the gun in his hand, do you know he has a gun?

A Repeat that question.

Q We all have seen him bouncing around with the gun, bouncing around with the gun, and he puts the gun -- at that time now that we have seen it, did you know whether or not he had a gun at that point?

A Yeah, that's when I seen it. And that's when I got -- I got scared at that moment. Because, you know, when you -- you never know what a person's intentions are, you know,

when they have a weapon like that. So when I seen him bouncing around with that gun I ran out of the club.

Q Okay. Now, why did you run out of the club?

A Because I didn't know what his intentions were.

Q Okay. So you run out of the club. And what do you do when you get outside of the club?

A I get in my car, I prepare to leave, but I remember I've got two people who came with me, you know. If you come together you leave together.

Q Okay.

A And I didn't want to leave my friends inside the club and then something happen to them, so I went back inside the club to try to get my friends. When I came to the door, you know, of course I had to --

Q Stop right there for a second. When you came back to the door, was the door locked and you couldn't come back in?

A No, sir.

Q All right. And certainly the camera speaks for itself, but you don't beauregard your way through the door, do you?

A Of course not.

Q You don't come through a secret entrance.

A Nuh-uh.

Q No one had told you you couldn't come back in.

A No, sir.

Q Law enforcement -- not law enforcement, I'm sorry,

security officers didn't stop you and say: Breezo, don't come back in the door.

A They did not.

Q And by the way, I did just call you Breezo. Is that your name that people have called you since you were a kid?

A Nowadays I prefer Breante, but Breezo is fine.

Q Okay, well I'll call you Mr. Stevens, how about that? All right. So Mr. Stevens, nobody stopped you. And at that club they knew you as Breezo, no one said: Breezo, don't come back through this door, you're not allowed to come back in here. Did anybody tell you that?

A No, sir.

Q When you came back through the door, you came back through the door that you initially paid your money in, did you not?

A Yes, I did.

Q And did Zoe Pound or Mr. Segars who testified in here, did they stop you or attempt to stop you?

A No, sir.

Q All right. So you come back through the door, and let's kind of stop right there, all right, for a second. There have been videos that have shown us, and clearly we see on the camera, there's no denying, that Mr. Champion is kind of standing at the door as you're coming back through the door. Did you even acknowledge Mr. Champion?

A Not at all.
Q Had he ridden there with you?
A No, sir.
Q Had you come back in there to get Mr. Champion?
A No, sir.
Q Do you remember Mr. Champion saying anything to you when you were gone?
A I do not.
Q All right. And let me ask you something that's important, because we've talked about -- we've talked about two guns and there's been a lot of conversation about text messaging and all of that. You know, how many cell phones did you have?
A I had two cell phones.
Q All right. Is that uncommon for people to have two cell phones?
A No, sir.
Q All right. And so you're coming back through the door, we see the thing with Mr. Champion standing there. Were you in concert with Mr. Champion to do anything?
A No, sir.
Q Had you got outside and text messaged him for -- now, let me back up because I want to make sure I'm clear and I'm not playing with words. I'm sure that -- and your cell phone. Tell us about how people in your community get cell

phones, where do you sign them up and why we can't just call Verizon and get your cell phone number. Tell us about the cell phone business in your community.

A You can buy a cell phone from somebody that already has a number on it, or you know, you've got Straight Talk, you don't even have to register your name or address or anything with a Straight Talk phone. They are through Verizon Towers but you can just buy a prepaid phone and activate it.

Q And so -- and we're going to get to Florida here in a second. But the officer, the SLED officer who testified about all of these multiple phones, all of these multiple phones, that's not uncommon, is it?

A No.

Q All right. So you acknowledge when you left Charleston or left Lancaster and ended up in Florida, you even had multiple phones then, correct?

A Yes, sir.

Q All right. So let's -- so you get back in the club. And now you tell us what happened once you got back in the club that led to the unfortunate death of Mr. Colvin.

A I came in the club, I seen Cool -- when I was coming back in we met in that little way, and the only thing I asked him --

Q Now, you're using the word Cool. Is that Too Cool?

A That's Too Cool.

Q Okay. All right.
A When I seen him I asked him, I said: Where is Tysheem? Tysheem has a nickname but I'm going to say Tysheem. I asked him where Tysheen was. I didn't even give him a chance to answer, I just walked straight on past them and went to the dance floor to try to find him. As soon as I bent that corner to come around, when I came up the ramp I hear one of my songs playing. And everybody know what type of affect music can have on you, it just -- it can just -- you hear the song, or a song you like --
Q Now, when you say one of your songs play, you're a local artist.
A Right.
Q And this is song that you developed and you played.
A Right.
Q Your song.
A Right.
Q And so you hear your song being played where you're the artist, and what happens?
A I went to the stage. At that moment I had forgot about what was really going on and what, you know. I went to the stage and I wanted to turn up to my song basically, you know, and I pulled my phone -- I got on stage, I pulled my phone out and was getting ready to go on social media; Snapchat, Instagram and, you know, promote my song. And

then I see Colvin pull out a gun.

Q And the crowd at this point, where is really kind of the focus of the crowd?

A The focus is on me.

Q All right. And you're on the stage and you use a colloquialism that certainly I'm familiar with but let's make sure that some of our members of the jury are familiar, you say you were about to turn up. What does that mean?

A That means basically dance to my song, you know, promote my song, or --

Q All right. So at that point you see Mr. Colvin with a gun, and what happens?

A Everything went left. I was in fear for my life at that time. When I seen him with a gun I pulled out and I fired.

Q All right. And so you acknowledge -- and what kind of gun did you have?

A I had a .45.

Q So there's no dispute whatsoever the .45 rounds that are found in the club came from Breante Stevens.

A Yes, sir.

Q The .45 rounds that was found in Mr. Colvin's leg came from Breante Stevens.

A Yes, sir.

Q Breante Stevens shot Mr. Colvin in the chest --

possibly shot him in the chest, certainly shot him in the leg, and could have, in fact, shot him, and could have, in fact, killed Mr. Colvin.

A Possibly.

Q All right. Mr. Harris, he has kind of been kind of a -- certainly he died there, certainly he died unfortunately there but his name hasn't been mentioned that much in here. Did you see Mr. Harris with a gun?

A No, sir, I didn't.

Q Did you shoot at Mr. Harris?

A No, sir.

Q Is it fair to say that Mr. Harris -- your intended target was who?

A Mr. Colvin.

Q All right. So is it fair to say that Mr. Harris, in fact, may have been hit by some stray bullet somewhere else?

A Yes, sir.

Q Were you shooting a 9 millimeter?

A No, sir.

Q Did you have a 9 millimeter?

A No, sir.

Q All right. Now -- so we are -- so at that point you shoot. There's also been -- tell us what happens at that point.

A At that point -- after I realized what was going on,

you know -- the only thing on my mind at that point was saving my life. So when I realized what had happened I tried to run off the stage and I ended up falling. I fell, I dropped my phone and I dropped the gun, and I picked them both up and I just ran out the door.

Q Now, you're running out the door -- you're running out the door. You know, on the camera it seems like forever, but, in fact, we're talking about seconds, aren't we?

A We're talking about seconds (snaps his fingers.)

Q So as you're going out the door -- and now, of course, you know, it's really not a fair question because you've had a chance to look at the camera, but do you kind of remember what you were doing as you are running out the door in real time?

A Not in real time, no.

Q But now that you've had an opportunity to look at the camera, what, in fact, were you doing as you were going out the door?

A I was trying to put the gun in my pants in one hand and I had my phone in the other trying to hold my pants, trying to pull my pants up and slide my phone at the same time. It's been awhile, it's been over two years so I can't remember detail for detail (snaps fingers.)

Q And again, you've had the chance, as we all have, to watch the video, and I'm sure that brings back -- but to be

fair with the jury, we're talking about a short period of time overall, aren't he?

A Right.

Q All right. So you get outside of the club. Tell us what you do.

A I get outside of the club, I ran to the left back towards the car. As soon as I get to the car I hear more gunshots; boom, boom, boom, boom. So I'm thinking somebody is shooting at me. I don't want to get in my car, it's one way in and one way out. If I get in my car and I try to exit somebody could catch me at the front and then unload bullets into my car, so I ran through the woods.

Q Now, you ran through the woods. And Madam Solicitor, I'm sure -- I think she has mentioned, asked somebody and I'm sure it's going to come up, what did you do with the gun?

A I tossed 'em. I tossed it.

Q Tell us in here in court, where did you put that gun?

A I put it in a gutter.

Q What gutter and where? Don't play. Tell us where you put it.

A It was a yard. Like when I come on the other side of the woods, I came out in a group of houses, I tossed the gun in the gutter and I kept on going.

Q Now, from that day to this day, have you seen the gun?

A No, sir.
Q Have you had the gun anymore?
A No, sir.
Q Do you ultimately know what happened to the gun?
A No, sir.
Q Okay. So you leave the gun -- and this is kind of immediately after the shooting you put it in -- when you say gutter, are you talking about a ditch in someone's house in the --
A Like the drainage that's up under the driveway.
Q Okay. And so at one of these houses down behind Old Skool, is that where you left it two years ago?
A Yes, sir.
Q Okay. And tell us what you do then in the immediate time after this, and just take us as far as you want to talk us. What happens in the hour or two hours or three hours after the shooting?
A While running through the woods I dropped my second phone. So I'm -- when I came out I tossed the gun and then I get back in the woods and I come out on another group of houses. So I ran into a group of guys, and I pulled one of them to the side and I asked to use his phone, and I made a phone call to one of my friends and told -- was trying to tell them basically I needed a ride.
Q Okay. And what happened? Did this guy give you a

ride?

A No.

Q All right. So what did you do from there?

A I end up running. It's kind of strange the way the pattern ended up, because I ran behind Old Skool and then I ended up coming all the way out on 521. After I ran into the group of guys, one of the guys told me -- I guess he was -- said that he was going to try to pick me up or give me a ride, he was like: Just run, run that way, run that way. So I ran in the direction that he was pointing, but, you know, I'm scared. At this point I'm still scared, I'm still shooken (sic). So I'm running in the woods. You can't find me if I'm running in the woods. So I turn around and --

Q So let me ask you just to be clear, the guy -- you don't know whether the guy came to get you or you just missed him, but at any rate you didn't get in the car with him.

A I didn't get in the car with him. If Old Skool is right here, way up the street is Lancaster Motors, and I -- the way I came through back around Old Skool. So essentially I went all the way around in a strange pattern, I ended up at this I guess it's an old folks home or something behind Lancaster Motors, I came out of the woods up there, and then I came all the way back down by the car

wash. I ran in the woods behind the car wash. At one point I'm laying down in the woods because it's a whole bunch of cars running past, I still hear people causing a scene at Old Skool. I had a friend who stayed right beside Lancaster Inn. I ran all of the way around from the back of Old Skool through the woods and came all of the way back around by Lancaster Inn and ended up in his backyard.

Q Okay. So now you've got to your friend's backyard, and what happened from there?

A I knocked on the door, no one came to the door. So it was like a little cut in the glass. You know how you've got the glass panes in the back door? It was one of those panes was missing, so I let myself in. And then his mama came out of the back room and she was like: What's wrong? You know, of course she know me well, she was like: What's wrong? I was like: Nothing, I'm fine. I said: Is your son home? She was like: Yes. And she was like: He's in the room. So I went in the room and then I asked him, I said: Man, ask your mama if she will give me a ride home. I didn't explain anything to him or nothing like that so he wouldn't ask of me, obviously you can look at me and tell something is wrong. So he asked his mama to give me a ride home, so she gave me a ride home.

Q. Okay. So your mom takes you home. And just for the purposes -- two questions I've got to ask that are somewhat

redundant but I want to make sure we're clear. From the time you leave out of Old Skool after the shooting until the point where you are now in the story, did you have any conversations with Antonio Champion?

A No, sir, I did not.

Q Have you had -- and no conversations with Antonio Champion at all.

A No, sir.

Q Okay. All right. He didn't leave the club with you.

A No, sir.

Q He didn't run through the woods with you.

A No, sir.

Q No text message, no Facebook, no social media, Instagram, anything else with Antonio Champion before this thing happened, during this thing happening, after this thing -- and I don't want to say that just -- before the shooting or during --

A No communication at all.

Q All right. Just want to make sure we're clear. All right. So we all know now, I think Investigator Whiteside (sic) has seared it in our brains that this happened at 2:33:33. About what time did you end up on Meeting Street where you -- because what was your address again?

A [redacted] West Meeting Street.

Q About what time did you end up at [redacted] West Meeting

Street?

A I was in the woods for a long time so I can't remember an exact time, but it had to be somewhere around 4:00.

Q Okay. So maybe a hour and a half after the incident you eventually got back to your place. All right. Were you at your house or near your hours, our did you know about your house -- well, let me backup and ask it this way. Certainly you're aware now that your house has been shot up. Were you aware of this that night?

A I heard the shots.

Q All right. Were you inside of the house when the shots rang out, or were you outside of your house or somewhere near your house? How did you -- obviously you had to be near it to hear it, where were you when the shots rang out towards your house?

A I was at a neighbor's house.

Q So you were not physically inside of the house.

A No, sir.

Q Okay. But you knew your house had been shot up.

A Right.

Q So when your house was shot up, what were you thinking? What were you feeling? What was your next move after your house gets shot up?

A I mean, at that point when I heard the gunshots I was just like, you know, I knew I had -- I knew that my kids and

Tanya weren't in there, so it was --

Q How did you know your kids and Tanya weren't in there? We haven't discussed that. How did you know?

A When I called my friend for a ride I told him what was going on, and I guess he went and got Tanya and the kids out of the house.

Q Okay. So for lack of a better word you knew they had been -- why did you have them -- let me ask this question, I don't know this, why did you have them to get Tanya and the kids out of the house?

A I didn't have them get them out of the house.

Q Okay.

A I guess he just, you know, kind caught on to the situation and assessed it hisself and wanted to make sure that they were okay.

Q Okay. That they were okay. Why? Is it common for something to happen when something like this happens? Was there -- I mean, obviously you don't know what was going through his mind, I'm asking you, is it common for retaliation to happen?

A Of course. You never know what type of people that you're dealing with, so, you know, you never know if somebody is going to try to attack your family or not.

Q Okay. All right. So you were near the house at a neighbor's house, but you weren't physically inside of the

house when the house was shot up.

A No, sir.

Q So tell me the next move. What happens? At this point we're 4:00 or 5:00 in the morning, tell me what happens from there.

A I stayed where I was until the morning, and then, you know, once I felt like everything was okay I went home.

Q Home as in?

A Back to the house.

Q Back to the house as in what address?

A [redacted] West Meeting Street.

Q All right. You went back to the house. And what --

A Tanya came and I told her about the whole situation where I needed to really get on through.

Q Okay. And we're not going to use colloquialisms, what does get on through mean?

A I needed to get out of town.

Q You needed to get out of town. All right. What did y'all do?

A We had already been trying to get a rental car.

Q Why had y'all been trying to get a rental car?

A Because my car got wrecked in Atlanta.

Q Okay.

A So we had been on the phone with the rental company for days but they had nothing available at the time, so I told

her, I was like, call and check. Because the car was, you know, still left at the scene. For what reason why I didn't send her to go get it or I didn't -- you know, I don't know. But we got the rental car --

Q So let me back up and just be clear about this. You all had planned on a rental car but you had actually not signed a contract for a rental car, correct?

A Right.

Q But you had been trying to work on one because your car had been wrecked.

A Right.

Q So are you saying it was an easy call to the rental car company and you were able to get the rental car?

A Right.

Q All right. You all get the rental car, and what happens from there?

A We go to Charleston.

Q You go to Charleston. So you get to Charleston, and tell me what happens in Charleston. Now, we've been talking about these multiple cell phones here. Tell me, how are you communicating and with all of these people that SLED said you were communicating with? Tell me, what are you doing.

A I bought another phone.

Q Both another phone from where?

A Wal-Mart.

Q Wal-Mart. Is that one of the Straight Talks that you were just telling us about?
A Yes, sir.
Q All right. And at some point you see something go down. Tell me what happens in Charleston, and what do you see in Charleston.
A Okay. After Tanya leaves --
Q When does she leave? When does she take you there and when does they leave?
A I can't remember the exact day. Let me think. Okay. We got there on a Saturday because that's the 21st, we got there on a Saturday, I think she left like that Monday.
Q Okay. So you all are there in Charleston for a day, day and a half.
A Uh-huh.
Q And at this point you're buying cell phones, communicating back with people, I assume, because SLED testified that's what you were doing.
A Right.
Q All right. So then Tanya leaves. So tell me what happens, and what happens in Charleston.
A Well, I found out that Tanya has been arrested, and once I find out that she's been arrested I'm looking out the window and I see a SWAT down the street. So, you know, I put two and two together, and I told my friends I needed to

leave, and that's when we left and went to Florida.
Q Now, let me ask you something, you say you saw SWAT down the street. Was SWAT there for you?
A I'm not sure, I don't know. I assumed they was. I don't know. I just seen them and got paranoid.
Q Okay. All right. Why didn't you just go down there and throw your hands up and say Mr. Policeman -- because at this point -- let's be clear and let's be honest to the jury, you know the police has a warrant for your arrest, don't you?
A Yeah. Yeah. Honestly I don't know. At this point there's been no word on whether I'm a wanted suspect or anything. There was nothing on the news about me or anything. Now, I know that I've committed a crime, but essentially I'm scared of law enforcement, you know, because I don't want to turn myself in without an attorney.
Q Okay. So at this point you go -- you know that you've shot somebody in this club. Well, you assumed that you've shot somebody in this club.
A Uh-huh.
Q That's the crime you're referring to?
A Uh-huh.
Q Is that a yes?
A Yes, sir.
Q All right. So you know that you've shot somebody in

this club, and you know that there's a high likelihood that law enforcement is looking for you, we don't have to dance around that, correct?

A Right.

Q All right. And so we know that you go to Charleston to try to get your bearings and get yourself together at some point, but you know law enforcement is looking for you.

A Right.

Q All right. So at this point you see SWAT, you don't go and turn yourself in, you don't go to the Charleston County Sheriff's Office, you go to Charleston -- you go to Florida, correct?

A Correct.

Q And we can acknowledge that you passed many law enforcement agencies on your way from Charleston to Miami, correct?

A I did.

Q And eventually you do end up in Miami, that's what the testimony has been. I assume Miami is in Broward County, correct?

A Fort Lauderdale.

Q So you ended up in Fort Lauderdale.

A Uh-huh.

Q All right. So you're in Fort Lauderdale. What are you doing while you're in Fort Lauderdale?

A Trying to get an attorney.
Q All right. How are you trying to get an attorney?
A Making phone calls, I had my family making phone calls, trying to get an attorney.
Q To your knowledge did your family, in fact, reach out to an attorney?
A John O'Leary.
Q They reached out to John O'Leary. To your knowledge, did you ever hear from any of your family members that they had, in fact, signed at least an initial retainer agreement with John O'Leary?
A Yes, sir.
Q All right. And when -- to your knowledge, when was this initial retainer agreement signed with John O'Leary?
A I can't remember the exact date.
Q Was it before or after you were arrested?
A It was before I was arrested.
Q It was before you were arrested. Tell me then if you were in contact with John O'Leary as an attorney, at least some preliminary conversations had been had, why didn't you just turn yourself in then?
A Because he told me he was in Illinois and he wouldn't be back until that following Tuesday.
Q And when were you actually captured?
A On a Sunday.

Q And I think we've established about a week after this incident happened, right?
A Right.
Q Okay. So anything that you were gone for some long period of time is just not true, is it?
A Not at all.
Q Okay. Now, SLED also testified that there were multiple numbers you were tracking. You acknowledge that you got different cell phones, don't you?
A Yes, sir, I did.
Q All right. Because once you saw SWAT, did you switch phones then?
A Yes, I did.
Q All right. Once you were in Miami, did you switch phones a time or two then?
A Yes, I did.
Q Now, is it uncommon in your world for people to switch cell phones and have multiple cell phones?
A Not at all.
Q All right. So we're here acknowledging that you were trying to be evasive until you could get yourself together.
A Just so I could get an attorney, because that's just the stigma in my community. Like you don't turn yourself in without an attorney.
Q All right. Once you were captured in Florida, and

we've all seen the video, it speaks for itself.
A Uh-huh.
Q It speaks for itself, and we'll talk more about that later, it speaks for itself. But once you were captured in Florida, do you know what extradition is?
A Yes, sir.
Q What is extradition?
A Extradition is basically the transfer from one state to another.
Q Did you fight extradition?
A Not at all.
Q Did you fight with the police when they came and got you?
A Certainly not.
Q And you came back -- you came back -- you could have fought extradition, couldn't you?
A Yes, sir.
Q You could have fought it and made them get a Governor's Warrant and all of those things they have to do to get you from another state, couldn't you?
A Right.
Q But you didn't do any of that, did you?
A No.
Q All right. You came back to South Carolina voluntarily.

A I did.
Q Now, let me finish up. So now you come back to South Carolina, and at this point there's no question that you are -- no question that you are charged. And so you had a bond hearing in October of 2019. Do you remember that bond hearing?
A Yes, sir, I do.
Q You mentioned in that bond hearing if that shot he fired had killed me, what would y'all be feeling? What did you mean by that statement that you said?
A I had seen Colvin pull out a gun and fire a shot at me. I can't remember exactly how many shots it was, I seen the initial shot, and I just felt like I was the victim in the situation as well. And at that point I kind of wanted to tell my story but I had no way of doing it.
Q I got you. All right. And you also said to the Harris family you said to the family, sorry for your loss. What did you mean by that?
A I knew that somehow Aaron Harris had been a victim in the situation as well and I felt bad. I didn't know at that point whether it was a bullet from the .45 or what, but, you know, I felt sorry for his loss because --
Q Because you weren't shooting at Aaron Harris.
A Of course not.
Q You never shot at Aaron Harris.

A No, sir.
Q You shot at Lee Colvin.
A At Lee Colvin.
Q And you shot at Lee Colvin with a .45.
A Yes, sir.
Q So if, in fact, a .45 is found in Lee Colvin it is from a gun that you shot.
A Possibly so.
Q All right. And you shot -- don't possibly me --
A Okay. Yes.
Q All right. And so if there is a bullet -- if there's a .45 in him it's a gun that you shot, and you acknowledge that, but you had no other guns in that place.
A No other guns.
Q You didn't have two guns.
A One gun.
MR. BELTON: All right. Thank you. I have no further questions for you, please answer any questions that the State may have.
THE COURT: Let's take a quick break. Okay? Ladies and gentlemen, don't talk about the case.
(The jury left the courtroom.)
THE COURT: All right. We're down for a little bit Mr. Witness, if you need something to drink or whatever, if you need to run to the restroom you can do that. You cannot

talk to anybody about your testimony. Okay?

(A break was taken.)

THE COURT: I want to make sure we understand the order of cross examination, and I'll let the State pipe in, but I think the way we should do it to preserve the State being able to fully cross examination is to have Mr. Sheldon go next and see if he wants to cross examine, and then that way if Mr. Sheldon brings out anything the State can then include all that in their regular cross before they have a chance to recross. What y'all think about that?

MR. BELTON: I don't have a position, Your Honor.

MR. NEWMAN: We're okay with that, Judge.

THE COURT: All right. Mr. Sheldon, are you okay with that?

MR. SHELDON: Yeah, either way, Judge.

THE COURT: I just think -- because see, what would happen is if the State went and crossed and then you didn't have any and then he didn't offer any redirect -- or if you had cross and then he didn't have any redirect the State is then precluded from going -- so you see what I'm saying?

MR. SHELDON: Or it would just be awkward if they ask you for recross on cross instead of a redirect. I'm okay.

THE COURT: Why don't we just handle it that way. And then, of course, when your client, if he puts up a case after you have a witness, Mr. Belton will cross first and

then the State gets it. Okay? Everybody good with that? Okay. They said yes. All right. Bring the jury down.

(The jury returned to the courtroom.)

THE COURT: All right. Mr. Sheldon, your witness.

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

THE COURT: Yes, sir.

CROSS EXAMINATION

BY MR. SHELDON:

Q Mr. Stevens, good morning, thank you.

A Good morning, Mr. Sheldon.

Q First of all, just to be clear, up until the start of this trial you and I, I don't think, had ever actually seen each other; is that right?

A Not at all.

Q I haven't spent any time talking to you. You've been represented by Mr. Belton and I -- until this moment I don't think I've ever said a word to you other maybe than good morning in the courtroom; is that right?

A I think that's the first time you ever said good morning.

Q Okay. Maybe it is. I want to just go over a couple of things with you. First of all, and just to be clear, you and Mr. Champion are both from Lancaster; is that right?

A Yes, sir.

Q And y'all have certainly known each other and have met each other; is that right?
A Yes, sir.
Q But I think you testified he is not a friend -- someone you would call a friend of yours; is that right?
A No, sir.
Q Describe for the jury like what that means. Like, what does a friend mean to you? Is it somebody you call everyday? Somebody you hang out with?
A Brandon Lindsay -- you know, people you see supporting me right there, like those are people that I call friends. Brandon Lindsay was a person that I thought was my friend. But, you know, we was together all day everyday, everyday just about. If we weren't together everyday we talked to each other everyday.
Q You talked to each other how?
A Cell phone, you know, talking on the phone. He would come to my house.
Q Would you text him to come over and things like that? I mean, would you communicate with him via phone, text?
A I mean, whenever he had a phone, yeah.
Q Okay. But -- so -- I mean, when your friends, your girlfriend, whomever, that had phones, would you call them, text them, things like that?
A Right.

Q Would you call and text Antonio Champion?
A No.
Q Okay. In the days leading up to this, did you and Antonio Champion get together and say: Let's go kill Mr. Colvin?
A Of course not.
Q I mean, we take that for granted but that seems to be sort of what's going on here, right? I mean, is there -- Mr. Champion's phone is in evidence, is there anything on that phone that you know of where he contacted you and plotted some plan to go kill somebody?
A No, sir.
Q Not only Mr. Colvin, but anybody.
A No, sir.
Q Talked about who you showed up with. I think it was Two Cool, Mr. Lindsay -- I'm going to call him Too Cool just because that's how I know him, and Mr. Blackmon; is that right?
A Yes, sir.
Q Okay. And those are the two individuals you showed up with at 2:13; is that right?
A Yes, sir.
Q And was -- when Mr. Champion rolled up by himself an hour and a half earlier, were y'all in the car just hanging out, having a good time in the parking lot?

A No, sir.
Q Well, there seems to be some testimony that the government didn't know that. So just to be clear, when Antonio Champion shows up at 12:44 a.m., are you and your friends in the parking lot watching him go and in and hang out in the parking lot?
A No, sir, we're not.
Q You're sure about that.
A Of course.
Q You didn't just sit at the club and wait an hour and a half and say: Oh, Champion is going in, let's wait an hour and a half.
A No, sir.
Q Okay. Let's talk about the people that you talked about in the club. You said you went and talked to Ms. Ford, right? Is that right?
A Uh-huh.
Q You talked to Mr. McGriff.
A I don't think I spoke with Mr. McGriff.
Q Okay. So you didn't speak to Mr. McGriff. What about Too Cool, did you speak to him?
A Of course.
Q Mr. Blackmon, did you talk to him?
A Yes, sir.
Q There's another couple of friends of yours that you

spoke to, I think, when you got off the stage; is that right?

A Yes, sir.

Q What about just kind of walking around? I mean, were you -- I mean, would it be fair to say that you are known in the club?

A Yes, sir.

Q You were known because you're a local rapper; is that right?

A Yes, sir.

Q Okay. So did you talk to other people who you may not have even been friends with but that know you because you're a local rapper; is that right?

A Right.

Q Would it be fair so to say that you talked to those people?

A Yes, sir.

Q Okay. You talked to some guy on the street afterwards, right, asking him to use a phone I think you said.

A Right.

Q You talked to your friend in the backyard, I think; is that right? Or you ended up in his back yard. At some point you talked to him, right?

A Right. Right. Right.

Q Did you talk to the security guards at the door, at

least say hi or anything like that?
A Not that I can remember.
Q Okay. So there's several people that you are talking to that night, right?
A Uh-huh.
Q There's -- and just -- I know this drives court reporters crazy, so if you could please just answer yes or no. It's really hard -- it's difficult to say uh-huh or nuh-uh --
A Yes, sir.
Q -- in a transcript. So there's several people you talked to. Well, did you talk to Antonio Champion?
A No, sir.
Q Did you say: Hey, what's up? Did you dap him up, anything like that at all that night?
A No, sir.
Q Did you really -- I mean, did you know he was there? I mean, you know of him, right?
A I remember when I first came in at the bar he might have thew his hand up to speak, and then after that no contact.
Q And so -- and that's when you went behind the bar and got a drink.
A That's when I first came in and went behind the bar to get a drink.

Q Did he follow you behind the bar and get your drink for you or anything like that?
A No, sir.
Q No? What about after -- I mean, you said you got to Charleston and then to Florida. At that point -- certainly at that point since you two had planned this murder of Mr. Colvin together in the four seconds before this happened, certainly y'all got together and planned your get away, right? He was with you in Charleston, wasn't he?
A Definitely not.
Q Come on. He had to have gone to Florida with you.
A No, sir.
Q How is that possible? This murder, this crazy, crazy murder that was planned seconds -- in seconds before it happened had to have -- the getaway had to be planned together. How is it possible that that didn't happen?
A I have no idea.
Q But it didn't, did it?
A No, sir.
Q You went to Charleston and you didn't have any contact with Mr. Champion, did you?
A Not at all.
Q You went to Florida and you didn't have any contact with Mr. Champion, did you?
A No, sir.

Q What about on the stage? Were you and him -- when you go up to the stage, do you realize that he's standing up there?

A Frankly I'm going to be honest with you, I do not remember even seeing this man outside of seeing him at the bar. If I walked right past him, if we passed each other, it's a lot of people in that club. You know, at this time I didn't have glasses and anybody can tell you I can't see. Without these glasses I can't see. If I'm in the club and it's dark I can't see. But I do know when I see a gun. I do know when I see a flash from a gun.

Q And you saw a flash from a gun. Was it a flash from a gun from Mr. Champion that you saw first or do you think it was from Mr. Colvin?

A I did not see this man shoot anybody. I seen a gun flash from Mr. Colvin.

Q You certainly acknowledge today that after sitting through however many days we've been here, and it's been a long, long trial for sure, that he, in fact, had a gun. I mean, there's no dispute about that, right? Watching the video you agree with that, don't you?

A Yes, sir.

Q But you don't remember seeing him that night in the club with a gun.

A No, sir. When I seen Mr. Champion's face on the news I

was in complete shock. I was in complete shock. I had no idea. I had no idea until that moment that, you know, that he was even a suspect in this case.

MR. SHELDON: Judge, I don't have anymore questions. Thank you for being here.

THE COURT: All right. Solicitor?

MS. CAMPBELL: Yes, sir.

CROSS EXAMINATION

BY MS. CAMPBELL:

Q And I just missed that last thing you said, you had no idea about what?

A That he was a suspect in this case.

Q Do you remember when you were apprehended in Florida?

A Yes, ma'am.

Q And do you remember talking to the police after they apprehended you?

A Vaguely.

Q Do you remember saying something to the effect of you got the guy that did this?

A No, I don't remember saying that. I don't remember saying it, no.

Q So you deny saying that.

A I'm not saying that I didn't say it, I'm just saying I don't remember saying that.

Q So is it your testimony that you did know that somebody

else had been charged but today is that you didn't?
A I knew when I seen his face on the news, at that moment I knew that he had been charged.
Q And while that was in Florida?
A I can't recall the exact time I seen -- well, I don't know -- it was -- I think it was while I was in Charleston when I seen his face on the news.
Q So what you just told defense counsel is wrong.
A What do you mean?
Q That you didn't know anybody else had been charged.
A No. I told him that I knew somebody else was charged. I didn't know that he was charged -- when I seen him on the news I was in shock. I couldn't believe that they charged him with him because I didn't see him doing anything.
Q Let me ask you this: What do you for a living?
A I'm a rap artist.
Q You're a rap artist? And is that how you make your money?
A I make money doing shows and performing and doing features with other artists.
Q And you performed at Old Skool before, right?
A Yes, ma'am.
Q And the McGriffs welcomed you there.
A They did.
Q And on this night you testified that you had been to a

party before this, right?

A Yes, ma'am.

Q Had you been to one party or two parties? Do you remember?

A My cousin had a birthday party at Mingos, and then I left there and went to Blue Olive.

Q Okay. And while you're at your cousin's house, were you drinking or doing any kind of drugs?

A No, ma'am.

Q And then you went to I think you said Mingos?

A I went to Mingos first. That's where she had her birthday party at.

Q Excuse me. Okay. And that night up until getting there, had you had any alcohol or drugs or anything?

A No, ma'am.

Q When Marquitta Ford said you were hyped that night, that was just you being on a natural high?

A Just -- yeah.

Q So there was no drugs or alcohol or anything influencing you that night?

A No, ma'am.

Q And to be clear, you're just telling the jury, you're a victim here, right?

A Yes, ma'am.

Q You did what you had to do that night because you had

no alternative but to shoot and kill Colvin, and then you might have shot a few other people around you.

A At that moment I felt like I was doing what anybody would in my situation would have done, which was defend they self.

Q And we'll get back to that. You talked about your cell phones.

A Yes, ma'am.

Q And that night I believe your testimony was you had two of them?

A Yes, ma'am.

Q Did you take both of them in with you?

A No, ma'am.

Q Where were your cell phones that night?

A I had one in my pocket, and I had -- I left the other one in the car.

Q When you went in the first time or the second time?

A When I went in the first time.

Q And you mentioned that it's not uncommon for you to change cell phones.

A No, ma'am.

Q So you might have a number for a couple days, and then you use that one, and then you get another number, is that how it works?

A I mean, not -- normally I hold on to them for awhile.

If I lose one then I go get another one.
Q And while you were on the run, though, you changed phones every day or so.
A Yes, I did.
Q Why was that?
A Because I didn't want nobody having my number.
Q Okay. So it could be difficult to get your number because you change your number a lot.
A Possibly.
Q And why do you have two phones?
A Because one is for business and one is for family.
Q And you testified that you always carry a gun.
A Always.
Q And that's just what you do. And you also testified that there was no legal reason that you couldn't have a gun in the club that night.
A I didn't testify to that.
Q Do you remember your lawyer maybe saying that to you?
A He didn't ask me --
MR. BELTON: Objection, Your Honor.
THE COURT: Sustained.
MR. BELTON: That was not the question I asked.
Q Well, let me ask you this: Did you think it was legal for you to have a gun in the club that night?
A I knew it was absolutely illegal for me to have a gun

that night.

Q And why do you always carry a gun everywhere you go?

A Protection.

Q Protection from whom?

A From anybody that may be trying to harm me.

Q From anybody that may be trying to harm you?

A Yes, ma'am.

Q So do you go places frequently where people are trying to harm you all the time?

A Not all the time, no.

Q And that night, and I'll get back to this, but you said that the music just kind of took you over when you heard your song.

A I didn't say it took me over. Whenever you hear a song that you like and it resinates with you, particularly something that's a work of art to me, then, you know, at that moment I got caught in the moment. I wanted to enjoy, you know, my creation.

Q And what was the name of that song?

A Big Gangsta.

Q Big Gangster? And you pointed out it's been two years so some things you just can't remember from that night, right?

A Right.

Q And when you were captured in Florida the first thing

you told the police was you didn't shoot anybody. That was on the video that was played.

A I may have. I was scared.

Q You were scared, understandably. But you did tell them that you'd been running for your life because people have been shooting up your house, right?

A Right.

Q And you mentioned in your account to your lawyer this two years later -- and let me ask you this: How many times have you had an opportunity to review that video in the last two years?

A The video of me in Florida?

Q No, the video of you in the club.

A I've watched it numerous times.

Q Numerous times? So would you say ten times?

A No, I haven't seen it that many times.

Q Would you say five times?

A I'll say at least twice, three times.

Q At least twice or three times?

A Uh-huh.

Q And in reviewing that, the video kind of narrows down what happened that night, would you agree with me?

A I agree.

Q And you would agree with me the video is pretty accurate as to what happened that night? Just to what

happened, that's all I'm asking you.
A No, not at all.
Q You don't think the video is accurate in what it shows?
A No, ma'am, it's not.
Q Okay. So different things happened than what's on the video from the inside the club?
A Right. Because, you know, you looking at it and then me knowing exactly what happened is two different things.
Q Do you know LaShonda Barnes?
A I grew up with LaShonda Barnes.
Q Does she have anything against you?
A Not at all.
Q So she wouldn't have any reason to make up things about what happened that night, what she saw.
A I don't know what reasons. I can't tell you what go goes through her head.
Q Do you know Brenia Davis?
A Yes, ma'am, I do.
Q And she was a friend of yours.
A No, we've never been friends.
Q Okay. But she knows you. Does she have a reason -- do y'all have a beef going on, a grudge? I'll go back to other grudges.
A Not that I'm of knowledge of, no.
Q So do you know of a reason she has to make up this

vicious lie about what you did that night?

A No, ma'am.

Q Okay. Mr. Colvin, how did you know him?

A We were colleagues in the music industry.

Q Colleagues in the music industry. So did he do rap music as well? And educate me because I'm just -- I'm not familiar with it.

A Yes, ma'am.

Q And did you and Mr. Colvin get along?

A At one point we did.

Q How long was that one point before this night?

A I would say maybe a couple of weeks, or a week or so.

Q A couple of weeks?

A Yeah.

Q Well, in that couple of weeks right before this happened, what happened that y'all had a falling out?

A It was over a mutual friend -- well, a friend of his and an ex-friend of mine.

Q And who is that ex-friend of yours?

A Aaron Truesdale.

Q And why did y'all have a falling out over Aaron Truesdale?

A I guess he was trying to take up for his friend, I guess.

Q Let me ask you this: The security guard, Mr. Neal, do

you know him?

A Not personally, no.

Q So he didn't have any beef with you, did he?

A Not to my knowledge, no.

Q Had you ever had any interaction with him before?

A No, ma'am.

Q Do you remember a night prior to this shooting where he was asking you to leave a club? Not this club, another one.

A No, ma'am.

Q Are you sure?

A Yes, ma'am.

Q And that you were having a dispute with Colvin that night.

A Never had a dispute with Colvin in any public setting.

Q So you're denying that you ever said, like Mr. Neal testified, that you threatened to kill him.

A Yes, I am denying that.

Q But y'all did have a beef.

A I wouldn't call it a beef.

Q All right. So y'all got along then. Let's change your testimony. You get along then with Mr. Colvin.

A Mr. Colvin -- yeah. For a long time we did get along.

Q Okay. Well, I'm interested in the time period before leading up to this night. Your testimony now is y'all did get along and you didn't have a beef, that you hadn't

threatened to kill him on a prior occasion.
A I did not threaten to kill Mr. Colvin on any occasion. A beef to me is something where I feel like my life is in danger. It was -- we may have had words but it wasn't a beef.
Q Words like I'm going to kill you?
A No, not those type of words.
Q Well, what type of words did y'all have?
A I can't remember the exact -- okay. It was an incident that happened where Mr. Truesdale faked his death. Mr. Truesdale faked his death. This had nothing to do with Colvin. So from my understanding, and this is just -- it's really hearsay, that Colvin was the one who influenced Aaron Harris -- Aaron Truesdale, excuse me, to fake his death. So, you know, at the time that it happened, you know, everybody is like, oh, you know, this -- and I know that me and Aaron are having issues, so you know, I'm thinking like the first person that they're going to think did something to this man is me. Long story shirt, Aaron Truesdale pops back up on social media, he's posting and all of this type of stuff. So I go on the internet and I go live and I make a post and I'm like, you know, y'all going through all of these extra loopholes to try to sabotage me, do all of this. I'm not worried about y'all, I'm focused on my career, I'm doing my thing. I can't remember my exact words or

everything that was said in that live post. So after that I get an inbox from Colvin and, you know, he's like, if it was me I would have shot your ass. Excuse my language. Those were his exact words.

Q Okay. So now for the first time we're hearing that he had threatened you on a prior occasion?

A Yes, ma'am.

Q But you didn't tell the jury that before.

A No. You just asked me about it.

Q So he had threatened -- according to you -- let me ask you this: Your Facebook, the first thing you did was scrub your Facebook after this shooting so that none of this could be found.

A No, I did not.

Q So now your testimony is -- and that would be important that he had threatened you on a prior occasions because that makes you the victim.

A I told my attorney.

Q But he didn't ask you about it?

A I told my attorney.

Q But this is the first time you're telling law enforcement or anybody else.

A This is my first time speaking with law enforcement in front of law enforcement or anything since the incident.

Q Let me ask you this: You've gone in there -- you have

been a victim, you had to defend your life, people are shooting up your house. At what point do you call law enforcement to protect you?

A In my community we don't relate well with law enforcement. As a -- in the black community we do not relate well with law enforcement. There is an underlying fear of law enforcement. I never know how they're going to react. So, you know, in my instinct, the first thing I do is try to get an attorney.

Q That night you talked a lot about how you ran out -- and I'm going to get back to what happened inside -- how you ran out and you ran through the woods and then you ran through some more woods, you ran into a friend of yours. What was that friend's name?

A I can't remember.

Q Can't remember?

A It wasn't a friend.

Q It was just somebody you knew.

A It was just somebody that was out at that moment. It was dark outside, I seen a group of guys standing around a barrel of fire and I walked up to this one of them and I said: Can I use your phone?

Q And he let you use his phone.

A And he let me use his phone.

Q And who did you call?

A I called my partner, Dennis Williams.
Q Dennis Williams?
A Yes, ma'am.
Q And who is that? I've never heard his name.
A His name is Dennis Williams.
Q And is he a friend of yours?
A Yes, ma'am.
Q And you called him and said what to him?
A That I needed him to come and get me. And he was like, you know: What's going on? I'm hearing this, you know, I'm hearing things. He told me what he had heard.
Q What was he hearing?
A Ma'am?
Q Did he tell you what he was hearing?
A Yeah, he told me what he had heard.
Q And what he was hearing wasn't really good for you, was it?
A No, ma'am, it wasn't.
Q So Mr. Williams, is he here in the courtroom today?
A No, ma'am, he's not.
Q Do you know how I can get in touch with him?
A No, I don't.
Q Do you know where he lives?
A He's currently incarcerated.
Q Do you know what institution?

A No, I don't.
Q So you called this Mr. Williams and he basically says: I ain't coming to get you because of what I'm hearing.
A He didn't tell me that, I hung up on him.
Q Really?
A I did.
Q That's your testimony now, you hung up on him? Why did you hang up on him?
A Because after he said what he said I was -- I hung up the phone and I asked the person that I was with to give me a ride and he told me go that way. He was like: Just run. I was like: Man, can you please just he give me a ride? And he just pushed me off in one direction and told me to go that way, and I just Forrest Gumped and went that way.
Q And I'm confused. So the person that you borrowed the phone from told you to go that way?
A Yes.
Q And you don't know his name.
A No, ma'am.
Q Did he not want to be around you either?
A Obviously not.
Q Okay. So at that point you run to a friend's house?
A I ended up at a friend's house, yes.
Q And you didn't say any names, again. What friend's house did you end up at?

A Deandrickus Campbell.
Q Deandrickus Campbell?
A Uh-huh.
Q Wasn't he at the club that night?
A No, ma'am, he wasn't.
Q And when you got there, was it Deandrickus' mother that gave you a ride?
A Deandrickus, yes, ma'am .
Q How do you spell that?
A D-e-a-n-d-r-i-c-k-u-s.
Q When you got with your friend Deandrickus, did you tell him: Man, I've been a victim of a crime, help me out.
A I didn't tell him anything.
Q Well, he wasn't police so why didn't you tell him what happened? Or had he already heard.
A I didn't tell him anything.
Q Had he already heard what happened?
A He stayed right across the street from the club, I assume he knew what happened but we didn't talk about it.
Q So at this point you need to get out of town, right?
A Right.
Q So then you testified, and don't let me put words in your mouth, if I say something wrong correct me, then you testified earlier today for the first time that at this point you go back over to a neighbor's house from where you

lived and you were there when the house got shot up. Did I mishear that?

A Yes, ma'am.

Q That's what happened?

A Uh-huh.

Q What neighbor's house did you go to?

A Chris Stevens.

Q And you just sat at the neighbor's house and watched your house get shot up?

A I didn't watch it, I heard the shots.

Q You heard it?

A Yes, ma'am.

Q You didn't testify, though, at any point in your direct examination that you called Tanya and told her to get the kids out of the house.

A I didn't call Tanya and tell her to get the kids out of the house.

Q So if Tanya came in here and said that's what happened, that didn't happen?

A I'm the -- I didn't have nothing to do with her testimony.

Q Well, do you and Tanya still get along?

A Yes, ma'am.

Q So how long do you stay at Chris Stewart's (sic) house? Is it Stewart? Did I write that right?

A Stevens.
Q Stevens. Y'all have the same last name?
A Yes, ma'am.
Q Are you related?
A No, ma'am.
Q Did you tell him what happened to you?
A No, ma'am.
Q You didn't want to tell him: Hey, man, I need to hang out for awhile because I've been a victim of a crime, I had to protect my life?
A At this moment I'm scared for my life. Somebody just made an attempt on my life and I'm in complete shock. I don't -- really didn't want to talk about it to nobody. You know, I didn't know how to properly assess the situation at that moment. That was the first time and only time I've even been in that type of situation in my life and I was just truly scared.

MS. CAMPBELL: Beg the Court's indulgence.

THE COURT: Yes, ma'am.

(Break in proceedings.)

Q I'll get back to that. How long did you stay at Mr. Stevens' house?
A A few hours.
Q And then where did you go?
A I went home.

Q After the house got shot up?
A After the house got shot up.
Q And at some point I think your testimony was Tanya showed back up?
A Yes, ma'am.
Q Let me back up for a minute, because you testified earlier that while you were running through the woods you got rid of the guns.
A I got rid of a gun.
Q And you also said something about dropping your cell phone?
A Yes, ma'am.
Q How many cell phones did you have on you when you were running through the woods?
A I had one phone.
Q So what -- you referred to it as a gutter, but where did you put that gun, the one you're now testifying to?
A In the drain in a driveway. You know, how like you've got a ditch that runs up under the driveway, the piping up under there, I tossed the gun in there.
Q Okay. Why did you toss the gun? You were acting in self-defense.
A I was scared. I didn't know how to properly react to that situation.
Q But your reaction after doing a shooting is to get rid

of the gun, because the gun can lead the police back to you like it did Mr. Champion, right?

A If I had known now what -- hindsight is 20/20. If I had known then what I know now, I would have done a lot of things completely different.

Q Was this ditch or thing underneath a driveway, was it in a neighborhood?

A I mean, you could call it a neighborhood, yes.

Q Where children live?

A I don't know if any kids stayed in the area or not.

Q But you weren't worried about anybody finding this gun? Because it worked, didn't it?

A I was trying to think fast.

Q And your natural instinct is to get rid of the gun when you're the victim.

A Just came across my mind.

Q You also said you dropped your phone?

A Yes, ma'am.

Q And then you went to your neighbor's house and heard your house get shot up, and then you went back to that house and met Tanya there.

A Uh-huh.

Q You weren't worried it was going to get shot up anymore?

A Of course I was. That's one reason why I left town.

Q Well now I'm confused. That's one reason why you left town?
A Yeah.
Q What was the other reason you left town?
A Because I didn't know what my status was at that time. I knew I had just fired shots in a club. I didn't know at that time, you know, what the damage was or anything. I needed time to get me a lawyer and get my bearings together.
Q Well, on direct examination you said you knew you had committed a crime.
A Right.
Q Okay. So you needed to get out of town; is that fair?
A I was scared.
Q Then y'all go to Charleston.
A Right.
Q And whose house did you go to in Charleston? We've never had that information either.
A A friend of mine.
Q What is their name?
A His name is Jus.
Q Jus?
A Jus. J-u-s.
Q Does he have a last name?
A I don't know his last name.
Q But this friend of yours with no last name was able to

take you in. So when you got there, did you tell him what happened?

A No, ma'am.

Q Did he ask why you were running away from Lancaster?

A Yeah, of course.

Q And what did you tell him?

A I didn't tell him.

Q You didn't tell him you had been the victim crime? That this person who had threatened you in the past pulled a gun on you and shot you, or shot at you?

A Initially I didn't.

Q So y'all stayed there two or three days, and then Tanya takes the rental and goes on back?

A Yes, ma'am.

Q Why didn't you go back to Old Skool and get the other car that you still had?

A I don't know. Hindsight is 20/20.

Q Because you didn't want to be associated with that car?

A I don't know.

Q Let me ask you this: You've been in that club before.

A Uh-huh.

Q Had it been awhile since you'd been there?

A Since I've been in that club?

Q Uh-huh.

A I can't remember the last time I was in there before

that.
Q So it might have been maybe a month before, six weeks before, something like that?
A I can't remember. Could have been a week before, could have been a couple months before, I can't remember.
Q But JoJo McGriff never came to you and said: Hey, I want you to know, I just upgraded all the cameras here inside and out.
A No, he never did that.
Q So then you end up in Florida.
A Uh-huh.
Q How do you get to Florida?
A Jus took me.
Q Jus took you to Miami?
A Took me to Fort Lauderdale?
Q To Fort Lauderdale. I'm sorry, I thought you testified on direct it was Miami. It was Fort Lauderdale?
A I said Fort Lauderdale.
Q I'm sorry. And when you got to Fort Lauderdale who did you stay with?
A My friend, his name as Johnny-Bow (phonetically.)
Q Johnny Bolton?
A Johnny-Bow. That's just his nickname. I don't know what his first was, or his real name, I don't know his real name. And I'm not -- you know, I'm being completely honest,

I don't know him by his real name.

Q Okay. And then when you got there you were staying with him, and that's when the law enforcement came and found you in Florida.

A Yes, ma'am.

Q And do you remember when you got arrested, in addition to the other things we've gone over that you said, that you were look, man, was it my phone? Meaning -- what did that mean?

A I've just wanted to know if they had tracked me down by using my phone, by using my phone number.

Q Because you'd been really good about getting a different phone like everyday.

A Right.

Q And both of the attorneys have gone over a lot about how you don't know Antonio Champion, and you don't. You just knew him by sight?

A I mean, of course I knew his name. I didn't know his government name, but I knew him, I seen him around. We had been in some of the same places together, we hang around some of the same people.

Q Well, what name did you know him by?

A Yayo (phonetically.)

Q And when you said you'd seen him around, how many times had you seen him around before?

A I can't count.
Q But you hadn't had any conversations or phone calls or anything with him?
A Not that I can remember, no.
Q Do you remember him accessing your Facebook account and liking your songs and stuff?
A I mean, everybody likes my songs and stuff.
Q Okay. That's fair. And you haven't have any contact with him since then?
A Since when?
Q Since this happened.
A No, ma'am.
Q Like right afterwards, anytime after.
A No, ma'am.
Q You haven't had any conversations with him?
A At what point in time?
Q Before is particularly important.
A No.
Q Or after.
A No.
Q Up until this day.
A Up until this day. I mean, we're in the same jail together.
Q So you do talk to him?
A Not occasionally, no.

Q I'm confused. Have you talked to him or not? I know you're in the same jail together, but do you go up and have conversations about the case or anything?

A No, we can't. No. No. Not at all.

Q So you've never had those conversations.

A No.

Q And you make a lot of phone calls.

A Yes, ma'am, I do.

Q And do you remember making one earlier this month on the 10th around 7:30 or 7:45 p.m.?

A To who is that?

Q Talking about how you talked to Yayo (phonetically)?

A No, I don't remember making that call.

Q Saying that Yayo talked to his lawyer today?

A And?

Q Telling you about how he's going to have a hearing?

A No. I didn't hear that from him exactly.

Q But you said you talked to Yayo.

A Yeah. I said I talked to Yayo but that was just reference, like I heard that from a third party.

Q So that's -- again, you're just being misunderstood when you said: I talked to Yayo?

A Yeah, I was misunderstood. I worded that wrong.

Q Yeah, you did. Let's talk about what happened. Before you get to that, with those same phone calls, do you

remember talking to a guy named Demarcus Barnes?

A Yes, ma'am.

Q And who is Demarcus Barnes?

A Demarcus Barnes is LaShonda's brother.

Q That's LaShonda's brother?

A Uh-huh.

Q And do you remember asking him to call one of the witnesses in this case?

A What witness in particular?

Q Bianca Davis, or Brenia Davis?

A Yes, I do.

Q And why did you want Demarcus Barnes to call one of the victims in this case?

A Because I was scared. I grew up with these people, you know. Me and Bianca -- we call her Bianca -- me and Bianca, we grew up together. We weren't particularly friends. I hung out with her brother. Her brother is deceased now, me and her brother are close friends. And I know a lot of people, I know LaShonda, and I'm being charged with murder.

Q I know.

A You know, I'm being charged with murder so I wanted some help. I needed some help.

Q So you needed them to change their testimony.

A I wouldn't say I needed her to change her testimony, no.

Q What did you need them to do then?
A I wanted him to get her to tell the truth.
Q Which would be to change her testimony.
A No. Because I never -- at that point I never knew what type of testimony she gave.
Q Woe, Woe, let's back up. You haven't discussed this case with your lawyer over the last two years?
A Yeah, I have. And I have a motion of discovery, yes.
Q And you had all of the discovery?
A Yes.
Q And you know what each witness said back then?
A Yeah. Well, unfortunately I didn't spend day by day going through my discovery. At that point I didn't remember seeing a statement in there from Bianca Davis.
Q Well then why are you asking him to call Bianca Davis?
A Because I wanted to see her -- what her position was in the situation and just to let her know that, you know, I needed some help.
Q What about when you talked to Demarcus Barnes and he basically tell you you don't have to worry about my people, meaning LaShonda?
A Uh-huh.
Q Because he was going to take care of it and make sure she didn't come and cooperate and tell the truth.
A I have nothing to do with what he said or what his

intentions were.
Q Do you remember talking to him about how he went to talk to LaShonda and she got mad at him and cussed him out?
A He wasn't talking about LaShonda, he was talking about Bianca.
Q Okay. Either one.
A Yeah, I remember that conversation.
Q And that he said that she was mad about being shot but that she wasn't going to come to court?
A Said who wasn't going to come to court?
Q The witness, LaShonda. Or you can call it Binaca if you want.
A That's where I was just trying to see, Bianca or LaShonda.
Q Again, correct me if I'm wrong, I'm just listening to the calls.
A Yeah. He had told me that LaShonda really didn't want to come to court, she didn't want to participate. LaShonda even ran into my brother outside of court and told him that that, you know: Tell your brother I love him, I know he didn't mean to shoot me, and, you know, we all grew up together, and you know, so on and so forth.
Q Do you remember saying in that same phone call to Demarcus Barnes about his sister: Man, just keep her away?
A No, I don't remember saying that.

Q And then they talk about how she needs money to get her kids some clothes.

A Who? LaShonda?

Q Uh-huh.

A LaShonda doesn't have any kids.

Q And that he was going to try to give her some money.

A I have no idea what his intentions were.

Q And then you said that if she isn't going to help you just keep her away.

A I don't remember saying that.

Q Let's talk about that night. You mentioned that you had been -- and I'm confused again. Is it one or two parties you went to first?

A Actually I went to two parties before I went to Old Skool.

Q But you weren't drinking that night or smoking or anything like that?

A No, ma'am.

Q And when you got to Old Skool -- was the plan to go to Old Skool?

A No, it wasn't.

Q And you were with I believe you testified two people?

A Brandon Lindsay and Tysheem Blackmon.

Q And Lindsay's nickname is Too Cool, right?

A Right.

Q And then the other man you mentioned, what's his nickname?
A Bizarre Blackmon, I think.
Q Bizarre Blackmon?
A I think it was his name on Facebook.
Q On Facebook? Is he here in the courtroom?
A I don't see him, no, ma'am.
Q Have you been in contact with him?
A Not in awhile, no.
Q And Too Cool, he's not here either.
A No, ma'am.
Q But you mentioned that you've had a falling out since this night.
A Yes, I have.
Q Why is that?
A Because I felt like Too Cool could help me in this situation because he actually saw what happened.
Q But he's not here.
A No, he's not.
Q Do you remember talking to Marquitta?
A Marquitta Ford?
Q Shay?
A Yeah, I remember talking to her.
Q And telling her I didn't shoot everybody in the club.
A Yeah, I may have said that.

Q And that he flashed a gun.
A He did flash a gun before I went outside.
Q But you didn't tell her he shot at you.
A Why should I have to?
Q I agree, why should you have to? But you are here today in court.
A Right.
Q You said you went in the club, you went behind the bar and you got a drink.
A I got a drink.
Q So did you drink the drink?
A Yes, I did.
Q Was it an alcoholic drink or a Coke or what?
A I believe it was a Hennessy and Coke.
Q A Hennessy and Coke?
A Yes, ma'am.
Q So did that affect your -- because you at times said you couldn't remember things that night and then at times you said they just took over you.
A The drink did not affect me at all.
Q Were you acting and behaving normally that night?
A Normal behavioral for me, yes, ma'am, I was.
Q So there's no reason for any friend of your, such as Shay, to come in here and say that you were hyped and you were different?

A If I was having fun and I was having a good night then I can be overly excited, you know.
Q Okay. And there were a lot of people in there that night having fun like they're supposed to be able to do?
A I was in a good mood, I was having a good night, had a good day.
Q When you came in the club the first time that night you came in and you said you thought they patted you down?
A I believe they patted me down.
Q And you have these special boxers that have a pocket?
A Not a special pair of boxers, just an ordinary regular boxer briefs.
Q And you mentioned, I thought, a pocket that you could just put your little gun in.
A It's just like what I have on now about, I have a pair of boxers briefs on. It's depending -- on what brand you're wearing there's a deep pocket in them, it's a deep pocket, and you can put just about anything in that pocket.
Q And you put your gun in that night because you wanted to be prepared if this situation that did present itself happened so you would be armed ready to go.
A That's in any night in any situation.
Q Every night is like that for you where you go.
A In any club, any environment I'm in, yes, ma'am.
Q Did you know that you weren't allowed to take the gun

in?

A Yes, ma'am, I did know that.

Q By law?

A Yeah, I knew.

Q So you knew you were illegally taking the gun in. But other people did it, let's face it, they did.

A Right.

Q And you knew a special way to evade being detected when you were going in that club so that they couldn't get your gun.

A Right.

Q So your testimony is is that you had the gun the first time you went in.

A Yes, ma'am.

Q And that you just kept your pants really low so that they couldn't see it.

A Not so they couldn't see it, but so it would be easy for them to avoid my private area.

Q I got it, I'm just asking. So at that point y'all come in and you have kind of a conversation, I think, with the lady at the cash register?

A Uh-huh.

Q And you've had an opportunity to review this video.

A Right.

Q Was that part accurate?

A Yes.
Q About what happened?
A Yes.
Q Okay. And then you go back in and you come off camera for a little bit, right?
A Uh-huh.
Q You can't see on the cameras anymore.
A Right.
Q For a minute or two.
A Uh-huh.
Q And then you go to the stage where that is kind of your place, that's your area, right?
A I go behind the bar, chat with Marquitta Ford and a couple of people that's behind the bar, fix me a drink and then I go to the stage.
Q Okay. And when you were going over to the stage -- I mean, let's face it, this night this place is packed.
A Uh-huh.
Q So you weren't going at that point over to see Mr. Colvin because you didn't know he was -- you couldn't even see he was over there, could you?
A I had no idea he was there.
Q Because you couldn't see through the crowd from the bar area.
A I couldn't see that far.

Q So in your defense you didn't know he was over there in your area.
A No, I didn't.
Q Okay. So you couldn't have seen it and anybody behind the bar couldn't have seen it.
A Couldn't have seen if he was over there?
Q Yeah.
A I don't know what they could have seen.
Q You couldn't see it through the crowd.
A I couldn't see it because I need glasses.
Q Were you driving that night?
A Yes, ma'am, I was.
Q So you could see well enough to drive but you can't see well enough to see across the room?
A Anybody sitting over there can tell you I have a hard time seeing driving at night, and they are definitely scared to ride with me.
Q Well, did you tell Too Cool and your other friend they shouldn't ride with you because you're blind?
A No. Obviously they felt comfortable riding with me.
Q Okay. And at that point you go over there for the first time, and that's what I believe your lawyer referred to as the first, I don't know, did he say confrontation? Altercation? Whatever term is good for you.
A Right.

Q Where did that take place?
A On the stage.
Q So you go over there and get on the stage because that's where -- if you're performing that's where you would perform; is that correct?
A That's where I would be whenever I'm in the club --
Q Because the stage is --
A -- regardless of whether I'm performing or not.
Q Okay. So that's your area.
A I ain't going to say necessarily my area, but that's the area I would like to hang out at.
Q And you go over there. And I believe you have this -- is it a face to face, or how does this happen, this first --
A Colvin comes -- I don't know where he come from, but I know he wasn't on the stage when I first got on the stage. He wasn't on the stage. He pops up out of the crowd. I'm not looking in either direction, I'm not looking for anybody, I'm just there bouncing my head to the music, what we call vibing to the music, you know, and then he pops up on the stage to my left and he's bouncing beside me.
Q Bounces besides you.
A And he bumps into me and I walk off.
Q And your testimony earlier was that because of that you became enraged and you had to go outside.
A No, I never said I was enraged. I said I was a bit

agitated.

Q You became a bit agitated because he bumped you?

A Yeah.

Q Well, how many people were on the stage?

A It was a few people on the stage.

Q And you aren't going to sit here and testify to these people that people weren't getting bumped everywhere they went that night.

A You know when you see a person that this person -- you and this person are not the best of friends and what they are doing is intentional. You can understand that, you know, when a person is bumping you -- you know, bumping you intentionally.

Q So he was intentionally bumping you.

A Intentionally bumping me.

Q Did he pull up his shirt and show you his gun?

A Not at that point, no.

Q Did he pull out his gun and wave it around at you while he was jumping?

A Not at that point, no.

Q And at that point you had your gun.

A Yes, ma'am, I did.

Q And did you have your cell phone?

A Yes. I had my second phone, yes.

Q Where was your first phone?

A In the car.
Q Where was your cell phone on your body?
A I can't remember exactly where it was on my body.
Q Did you stick it in your waistband or anything?
A I can't remember. I think it was in either in my back pocket or one of my pockets.
Q Was your gun still between your legs?
A No, ma'am.
Q Woe, I missed that. Where did you move your gun to and when did that happen?
A It's been over two years. I don't know exactly where I was when I maneuvered the gun from my pants to my waist, I can't remember exactly. At that time I had no idea where the cameras were in the club or anything, I don't know exactly where I shifted my gun from my pants to my waist.
Q Why is it important that you didn't know where the cameras were?
A I'm just saying I had no idea about the camera set up or anything so I don't remember exactly where I was.
Q Okay. So he bumped you intentionally and you became slightly agitated?
A I was slightly aggravated, because, you know, you can tell when a person has intention on causing problems.
Q So at that point do you know why -- and that's all that happened, right?

A At that point, yes, because I walked off.
Q You walked off and you went outside.
A No. I didn't go outside at that point.
Q Did you go talk to some of your friends?
A Yes, ma'am.
Q And that's shown on the video. Is that part accurate?
A Yes, ma'am.
Q About how you, in fact -- I think you shoved one of your friends at the one point who was talking to you?
A He was getting on my nerves. I couldn't remember exactly what he was saying, but he was, you know, just going on and on and he was getting on my nerves, so I didn't shove him, I just moved him out of my way.
Q Let me ask you this: When he bumped you and that's the altercation you're referring to, do you know why all the people in the club looked over there at y'all at what was going on?
A No. I don't know why they looked, no.
Q So y'all weren't arguing?
A No. I don't remember exchanging any words with him.
Q You don't remember exchanging any words. So there would be no reason for everyone at the club to look over there and to ultimately tell the security guards that there's an altercation inside.
A I don't know what they ran and told the security

guards, I wasn't paying attention to that.
Q Because you said that didn't happen.
A I said what didn't happen?
Q An altercation didn't happen, words didn't happen. There was no confrontation that would be reported to the security guards.
A I don't remember saying anything. I told my attorney when he questioned me that he came on the stage and he bumped into me, I told him that. As far as any words that were exchanged, I don't remember any words being exchanged. If there were any words exchanged I don't remember exactly what those words were. The only thing I remember is him coming on that stage, bouncing up and down, bumping into me intentionally, and I kind just looked at him like he was crazy and I walked off the stage and started talking to a couple of my friends.
Q And you were slightly agitated.
A I was slightly agitated. I mean, that would agitate anyone I assume. There was nothing to be really smiling about at that point.
Q Well, you were pretty sure with your lawyer on direct examination that that's all that happened, and that's what you just said a minute ago.
A That what was all that happened?
Q That it was just a bump, nothing, no words, no

argument, no confrontation.

A Intentionally, an intentional bump.

Q Got it, an intentional bump. But that's all that happened.

A Yeah, at that point that was it.

Q So all of these people that talked about there was an altercation, words were exchanged, there was a fight going on, that wasn't true.

A I imagine they were talking about the second altercation whenever I went back on the stage. When I went back on the stage he came at me again and --

Q We're going to get to that.

A Ma'am?

Q I'm getting ready to get to that point.

A Okay. All right.

Q But you admit you leave after this first bump because you are -- you testified --

A Yeah, I walk off.

Q -- that you were agitated. Don't let me put words in your mouth. What were you?

A I was kind of agitated.

Q And you testified earlier you were so agitated that you had to go outside to your car and you got to your car and you were going to leave but the rule is you never leave without your friends.

A Not at that point.
Q Well then I -- please tell me what happened.
A After the first altercation I went back to the stage, when I got back on the stage here comes Colvin again. And again, I don't remember where he come from but it was -- I think -- at this point had he went to the DJ and requested a song or something maybe, and I think the DJ testified to the fact -- well, he gave a statement saying it was Free D Dog by NBA Young Boy. So when he came back on the stage the second time the song came on and here he go again bouncing and bouncing again, he's bouncing and he nudges me again. This time, and I don't know if I neglected to say this whenever my attorney, you know, did his direct --
Q There's a lot you neglected, yeah.
A Okay. So boom. Whenever he came back he bouncing around to the song again and he elbowed me, and when he elbowed me I pushed him, and when I pushed him he lifted up his shirt and showed a gun and pulled the gun out, and that's when I ran out of the club.
Q Wow. That's your story now?
A That's the way -- that's my story -- that's the way my story has been all of the time, you can ask Mr. Belton.
Q And we're referring to the first altercation, this is now your version of what happened, not just that --
A This is the second altercation.

Q How many altercations did you have with him that night?
A I had two altercations with him that night.
Q And one was the shooting.
A Well, no. When I came -- when I went outside to the car, after he bumped me and pulled out a gun and all of that stuff I went outside, I was getting ready to leave --
Q Can I stop you? When you said he pulled out a gun, did you see him pull out a gun?
A Yes, ma'am, I did.
Q Is that your story now? That the first altercation -- and I'm sorry, I'm not being very smart. We're talking about before you ran outside, now your story is is that he bumped you, pulled out a gun and those things happened?
A The second time when I got back on the stage after he -- bumping into me the first time, the second time I got back on stage --
Q And just to clarify, is that before or after you leave?
A This is before I leave.
Q Okay. So there was a first altercation when you got on the stage when he bumped you?
A When he bumped me. That's when I walked off and started talking to my friends. The second time I got back on the stage and he -- I guess he was coming from the DJ booth, the song came on and he started bouncing up and down again. He elbowed me like that, he nudged me like that and

I pushed him, then he pulled up the first shirt and flashed the gun and pulled it out. When he pulled it out I ran outside.

Q So at that point you know he's armed, there's no question about that now.

A Yeah, I know he is armed.

Q Okay. So you go up on the stage the first time, he bumps you, you get off, you're slightly agitated, you talk to some of your friends, then you go back and get on the stage?

A After the first time, yes.

Q And you've -- he's already agitated you but you go back on the stage and then you -- he bumps you again and you shove him and then he flashes a gun?

A Yeah, he flashed a gun.

Q And then you leave the club.

A And then I leave the club. That's when you see him on the camera bouncing around with the gun in his hand and he put it back in his pants.

Q And you would say -- I know you said the cameras weren't accurate but that part was accurate, too?

A What part?

Q The part showing him with the gun in his hand.

A Right.

Q Got it. Then you go to your car, and at this point you

know he's armed and flashed a gun at you.

A Uh-huh.

Q You've had a beef with him of some sort, we could argue about what that was, right?

A I wouldn't necessarily call it a beef, but --

Q Well, we did earlier, but whatever. And you're so slightly agitated that you feel like -- or you testified earlier that you felt like it was in your best interest to leave.

A Right.

Q But you weren't going to leave your friends.

A I wasn't going to leave my friends.

Q And at that point when you're leaving the club as you're walking out the door, where is the gun?

A On my waist.

Q On your waist up here?

A When I'm going out of the door? Yeah, it's on my waist.

Q Or is it back here?

A It's up here.

Q I'm sorry. Like here? Is this right?

A Right.

Q Like right on your hip?

A Uh-huh.

Q So the gun is right here. And how big is this gun?

It's a .45, right?
A I can't remember the exact size how big it was. It's been two years since I seen that gun.
Q Since anyone's seen that gun.
A Right.
Q That we know of.
A Right.
Q But you don't remember how big it was?
A Nuh-uh.
Q Do you remember what color it was?
A It was black.
Q It was black. So is it like as big as a gun that a police officer might use?
A I can't say for sure.
Q But it's on your hip as you're leaving. Where is your cell phone?
A At that point my cell phone was in my pocket.
Q In your pocket. And you leave.
A Uh-huh.
Q And your testimony is is when you're having these conversations with your friends after the first bump but before the second shove you aren't saying anything to them like -- that you were agitated or anything like that about what Colvin had done?
A No, because like really it agitated me. Because I'm

like I did not know that man was in this club, you know. If you've before been in the situation to where you're in a confrontation or you are face to face with somebody that you don't like or that you know doesn't like you it makes you a little uncomfortable. So, you know, I wasn't thinking at that point there was going -- it was any threat or I had no reason to just up and leave, so I want to stick around and kind of wave it off and continue to enjoy myself like everybody else.

Q So then you went back and he was back on the stage and you went and got back on the stage with him?

A I didn't know he was on the stage. He wasn't -- when I went back to the stage the second time he wasn't on the stage. Like I say, he came from the DJ booth from that direction. That second time he came from the direction of the DJ booth.

Q Well you knew he was over there.

A Like I said, he wasn't on the stage. He could have been anywhere in the club.

Q Now I'm confused. Was he on the first stage the first time the bump happened that you testified to --

A When I first went to the stage the first time when the first bump happened he was not on the stage.

Q Where did the bump happen?

A On the stage.

Q So he came and got on the stage with you.
A He came and got on the stage. Like I said, I don't know where he came from, what direction he came from the first time but he popped up on the stage beside me.
Q So now your testimony is then you go talk to your friends and then you go back on the stage.
A No. When he -- he comes the first time and he bumps me, when bumps me the first time I walk off and I go talk to my friends.
Q And then where do you go?
A After I talked to my friends I kind of walk off in the direction towards the bar and I ended up coming back to the stage. At some point I came back to the stage.
Q It's not shown on the cameras?
A I don't know if it shows on the camera or not.
Q Okay. That's fine, fair. Then you go back to the stage where the last -- the first time you had been on the stage Colvin was on the stage with you.
A Right.
Q Okay. Then you go back there, and then he confronts you again.
A Confronts me again.
Q He jumps up on your stage again.
A Well, he jumps up on the stage again.
Q And that's when now you're testifying, I think, that he

flashes a gun and you shove him.

A No. He bounces up to the song again, he's bouncing and he elbows me, he nudges me like that on purpose, he nudges me, and I pushed him away. He kind of fell off of the stage a little bit, he didn't fall like flat on the floor, but he stepped off of the stage and lifted up his shirt a little bit and pulled out the gun, and that's when I ran outside.

Q And at that point you said it's common for people there to have guns; is that correct?

A Yes, ma'am.

Q So were you surprised that Colvin had a gun?

A I mean, not necessarily surprised, but I didn't know what his intentions were.

Q And he wouldn't have been surprised if you had a gun.

A I can't say whether he would have been surprised or not.

Q But at that point you didn't flash your gun back at him, or did you?

A No, ma'am.

Q You ran out of the club.

A Yes, ma'am.

Q And you ran to get in your car.

A Uh-huh.

Q Because at this point now are you still slightly agitated?

A At this point I'm scared.
Q Scared.
A Right.
Q Okay. We've moved onto scared. You were scared for your life.
A Right. Because I didn't --
Q Because this man has flashed a gun at you.
A Uh-huh.
Q So at that point you run out of the club because you're scared for your life.
A Right.
Q And you get into the car, and you said earlier in your testimony, and you can change it if you want to, that you at that point were going to leave but you didn't want to leave your friends there.
A I didn't want to leave my friends. We came together, we leave together.
Q Got it. So then you go back into the club, and you said the doors weren't locked.
A Right.
Q So you weren't standing out there for a period of time like --
A No. When I first went back to the door I seen there wasn't -- there was no one there really. I got up, I seen the security guard coming back out. So I seen Cool standing

in the distance and he walked towards me, and I asked him -- when we got in the little foyer right there I asked him, I said like -- okay. Whenever you're coming through the doors, there's two sets of double doors, it's the outside and then the inside. And that little partition in the middle I said: Where is Tysheem? I realized I'm already in here now so I walked on back in the club and we was going -- I was going to find Tysheem.

Q Got it. Let me back up for a minute. So you didn't have to stay outside the door while it was still locked for any period of time.

A No, ma'am.

Q So you walked directly from your car and went directly in the door as the security guard came out; is that correct?

A Right.

Q And he didn't pat you down at that point, did he?

A No, ma'am.

Q Did he even see you slip in behind him?

A I don't know whether he seen me or not.

Q And at that point you see Too Cool right there.

A Uh-huh.

Q And did you see Mr. Seegars?

A No, ma'am.

Q And you're still scared for your life, right?

A At this point I'm kind of calming down, because the

only thing that's on my mind is to find Tysheem so we can leave.

Q So where is your gun at this point?

A It's still on my hip.

Q Which hip?

A I can't remember exactly. It might have still on been on my right.

Q On your right hip?

A Yeah.

Q So what's seen in your video on your left lip, that's nothing?

A I don't think so. You know, you have a tendency to switch unknowingly, you know. Like I said, it's done been over two years, I can't remember whether I switched hips or not.

Q But your testimony is you only had your gun on one side and --

A It was still on my hip. It was still on my hip.

Q And that was one gun, right?

A Yes, ma'am.

Q And then where is your cell phone?

A My cell phone was in my pocket at this time.

Q So make sure your cell phone is in your pocket. And at that point you said to Too Cool come on, I need to find Tysheem?

A Uh-huh.
Q Who's not here today.
A No, he's not here today.
Q And you went to look for Tysheem on the dance floor.
A Right. As soon as I get on the ramp I hear the beat drop to my song.
Q To do your song, Big Gangster (sic).
A Right.
Q And you said the music kind of took over.
A I'm not going to say the music took other, but, you know, the song kind of distracted me from what was going on at that time.
Q So you're no longer scared?
A Not at this point, no. I'm thinking about promoting my music now. Because honestly, at that point, you know, it's all like -- when you're dealing with a person like that you don't know -- I'm thinking like this man ain't going to try nothing in the middle of this club in a front no crowd of people. Like nobody is that stupid.
Q Really?
A Right.
Q And so you've gotten over being scared for your life at this point.
A I'm still kind of like, you know, on the lookout, but I just want to get in here, get some promo for my song. I'm

still going to leave. After this is over with it's still on my mind to leave.

Q So you're no longer looking for Tysheem?

A Yeah.

MR. BELTON: Objection, Your Honor. May we approach?

THE COURT: Yeah.

(A bench conference was held.)

THE COURT: Objection overruled.

MS. CAMPBELL: Thank you, Your Honor.

BY MS. CAMPBELL:

Q So you hear your song and you're no longer scared for your life and you go to the stage.

A I go to the stage.

Q Where is Too Cool?

A I believe from watching the video he was behind me, but at that point I had -- I don't know whether he was behind me or whether he was out looking for Tysheem.

Q Because you've watched this video because that's important, right?

A Right.

Q And then you go and you get on the stage.

A Uh-huh.

Q And you're promoting your song. How do you promote your song from the stage?

A Social media. I pulled my phone out. Whenever I get

to the stage I pull my phone out, and my intention was to, you know, pull up Facebook or Instagram or whatever and make a post with me on the stage with my music playing in the background, and then upload that to social media.

Q Okay. And where is your gun at this point?

A It's still on my hip.

Q On your hip in your pants.

A Uh-huh.

Q And these are the same pants that were down around kind of close to your knees earlier?

A I mean, yeah.

Q Okay. And is your shirt over it so you can't see it? You can only see the imprints of it.

A The imprint of it. Yeah.

Q And to be clear, your cell phone is not in your waist with your gun.

A No.

Q And at that point you get up on the stage to promote yourself.

A Uh-huh.

Q Your song.

A Uh-huh.

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

A Yes, ma'am.

Q And you know this is where you just left Mr. Colvin who

flashed the gun at you.
A Uh-huh.
Q Right?
A Right.
Q But you went over there because you were no longer scared for your life.
A I'm not going to say I wasn't scared anymore, but, you know, it's still my main objective to promote my music.
Q And you're looking around because you know he's flashed a gun at you according to this testimony, right?
A Right.
Q And you get up on the stage?
A I get up on the stage.
Q Where is Too Cool?
A I have no idea.
Q And your gun was loaded, wasn't it?
A Yes, ma'am.
Q And how many rounds could you fire from that gun?
A I'm not sure.
Q You don't know?
A Nuh-uh.
Q And you're pulling out your phone. And this is what I don't understand, you're on the stage, right?
A Uh-huh.
Q How many people were on the stage with you?

A I can't be sure exactly.
Q Was it more than two? Was it more than three?
A Yeah. It was a few people on the stage. It was at least ten people on the stage.
Q Ten people are on the stage. Where is Mr. Colvin at that point, do you know?
A Mr. Colvin was standing like right on the corner of the stage.
Q On the corner nearest the DJ booth or the corner nearest the rest of the dance floor?
A The corner nearest the seats.
Q So the furthest away from the DJ booth.
A Right.
Q Near where LaShonda Barnes was -- she would have been behind him, right?
A I don't remember exactly where she was standing.
Q Do you remember where Kjana Locke was standing next to him?
A I don't know Kjana Locke.
Q Do you know Charles Mobley?
A No, ma'am.
Q Did you know Quay Douglas?
A No, ma'am.
Q Would you agree with me that that area had a bunch of people from Rock Hill as well as a few people from

Lancaster?

A I don't know if they was from Rock Hill or they was all from Lancaster, I don't know.

Q Okay. And so you're on up stage, you've pulled out your phone. And where are you on the stage?

A Just kind of like moving back and forth.

Q With ten people on it.

A Yeah. Because, you know, it's enough where you can -- you know, they'll back up -- if my song is playing and they're expecting me to maybe perform perhaps then they're going to give me room.

Q Well, did you start performing?

A No, ma'am, I didn't. I pulled out my phone. Like I said, I pulled out my phone and I was getting ready to, you know, go live or either make a post on Instagram or whatever, and then Colvin caught my eye. Once he caught my eye I seen him pull out his a gun and fire off a shot, and when he fired off a shot I came off the hip and kind of dropped down a little bit and I fired back. At that point I don't know what was on this man's mind. I don't know how he was feeling or what, I can't attest to that. But he pulled out his gun, he fired a shot at me, and then everything went left after that.

Q Where were you on the stage when you fired the gun?

A I can't remember the exact place where I was standing.

Q Were you on -- not one side, you can't even narrow it down that much?

A I know I was the further -- like far away from the DJ booth. I can't say exactly. I know it was some people standing to my left, so I had to be either like towards the middle or kind of like toward the far end of it.

Q And at that point is when you're testifying now that you saw -- even though you were caught up in the music and you were trying to text people --

A I wasn't trying to text nobody. I still got a peripheral view. I could still see, you know, head up and down still on point because this man just pulled out a gun at me. Not to say that I wasn't scared but I'm still on point and I'm focused on what's going on around me.

Q And at that point you said now that he pulled out a gun and he shot.

A He pulled out a gun and he shot.

Q How many times did he shoot at you?

A I can't say.

Q How many times did you shoot at him?

A I can't say. I can't remember.

Q Did you shoot him once?

A I don't know. At this point while the shots are being fired I don't know. You know, like I don't know -- I know I'm aiming at him.

Q Okay. How far is he from you? As far as you and me?
A Honestly I can't even remember exactly. It's been over two years, Madam Solicitor.
Q I understand. But you've remembered a lot of other things, but you don't remember the shooting where you defended your life?
A I can't remember everything detail for detail I can't, I'm sorry.
Q Would you say he was right by the stage?
A He was fairly close to the stage.
Q Was he facing you?
A Yes, ma'am, he was.
Q And tell the jury exactly what you saw when he came and pulled this gun out and shot at you.
A I just seen him pull out a gun and he aimed and he shot.
Q And he aimed at you.
A Yes, ma'am.
Q And he shot.
A And he hot.
Q How many times did he shoot?
A I don't know.
Q And you pulled out your gun.
A Uh-huh.
Q But you had to react and pull out your gun, so could he

have gotten off multiple shots at you?

A It's possible.

Q As many as five shots at you?

A He could have got off as many shots as he intended. I don't know, I wasn't counting because I was shooting back.

Q Did you get hit?

A No, ma'am, I didn't. By the Grace of God I did not get hit.

Q And so at that point after he started shooting -- and you would agree with me on a semiautomatic weapon every time a bullet comes out you can't just pull it and hold it and it spits out bullets, you have to pull the trigger every time, right?

A Right.

Q So you pull out your gun and you shoot at him.

A Uh-huh.

Q Do you hit him?

A Yes, ma'am.

Q And how many times do you shoot him?

A I don't know. I didn't see him -- I didn't actually see him get hit. I don't know how many times I hit him.

Q How many times did you pull that trigger?

A I can't remember.

Q And you're just focused on those. So you know he shot once and you shot more than once?

A Yeah. I know I shot more than once, yes, I did.
Q So there are three shots at least.
A Because at that point I'm fearful. I don't know -- you know, if I'm waiting to get hit by a shot. Obviously I seen him pull out and he fired off one shot, I don't know how many shots was coming behind that, you know. I'm waiting to get hit at any moment. So once I come to and I realize that, you know, everybody is scattered out and everything, that's when I fell and I ran and I tripped and I dropped my phone and I dropped the gun and I picked them both up and I ran out the door.
Q Okay. Just to be clear just one more time, you're up there, you've got your phone out.
A Uh-huh.
Q Is it in your right or your left hand?
A It's in my left hand.
Q It's in your left hand. You look down and you can see him pull out his gun --
A Uh-huh.
Q -- and shoot it at you.
A You see the flash. I seen him reach and pull out and I seen the flash, boom.
Q Boom. And he shoots at you at least once.
A Uh-huh.
Q You don't know how many times.

A I don't know how times.
Q And y'all are facing each other.
A We're facing each other.
Q Straight on. Or you at least this close?
A I can't say for sure exactly. It might have been. Might have been. Might have been. If I'm on the stage, it might have been at least like from me to you.
Q Maybe closer?
A I don't think it was no closer than that. From where I was positioned on the stage I don't think it was no closer than that. I can't really say.
Q Well let me ask you this: How many people were between you and him when you're shooting?
A There was none between me and him. Because like I said, I had the whole front -- I had the whole front. I'm talking walking back and forth.
Q On the front of the stage.
A On the front of the stage.
Q And is he on the stage or is he on the floor?
A He's on the floor, like right by the corner of the stage.
Q So he would be shooting directly at you and y'all are facing each other as these shots were going back and forth.
A Uh-huh.
Q And then you shoot him at least one time.

A Yes, ma'am.
Q And then do you notice that the person right next to you is shooting, too?
A I didn't see. You know, in a moment like that you tunnel vision. I'm not paying attention to what's going -- I'm not looking around and shooting, you know, but I can't see what's going on beside my me, I'm not really paying no attention, I'm thinking about my life. At this point in time I'm actually scared for my life. What happens all before that it all be maybe be a blur, you know, bits and pieces fall in and fall out. At that point in time when my life -- that man pulled out that gun and fired a shot up at me I'm scared for my life. The only thing I can think about is my kids, my girlfriend, my mama, and my family, and making it home to my family.
Q That is all you were thinking about. And then you fall down off the stage and you run out of the club.
A And I run out of the club.
Q And why is it you didn't go get your car?
A Because whenever I went outside and I got to my car I heard gunshots. I never want to be trapped off in my car and then somebody kill me inside the car, so I felt like can't nobody see me if I run through the woods.
Q Because you don't want to get caught.
A No, because I didn't want to die.

Q It's been two years since this happened?
A Uh-huh.
Q And when you first get captured down in Florida where you ran to staying with somebody whose name you don't know, the only thing you say is I didn't shoot anybody initially.
A At that point I wasn't sure. You know, it was like I say, I was scared. I was scared for law enforcement. I had never been in that situation like that so I was scared.
Q You said you wanted to wait until you got a lawyer; is that correct?
A Yes, ma'am.
Q And you would agree with me, though, that this is the first time that this version -- these versions from you have been told to anyone in law enforcement or anybody like that.
A Yes, ma'am.
Q And to be clear, you've had the discovery and you've reviewed the video.
A Yes, ma'am.
MS. CAMPBELL: Beg the Court's indulgence.
THE COURT: Yes, ma'am.
(Break in proceedings.)
MS. CAMPBELL: Your Honor, we do have a matter of law.
THE COURT: Ma'am?
MS. CAMPBELL: We have a matter of law.
THE COURT: Yes. All right. We're going to take a

break, ladies and gentlemen. Head on back down to your jury room and don't talk about the case.

(The jury left the jury room.)

THE COURT: All right. What's the matter of law?

MS. CAMPBELL: I have reviewed it, Your Honor, we don't need to pursue anything.

THE COURT: Okay. Good. Let's just take a break then. Are you through with this witness?

MS. CAMPBELL: I am, yeah.

THE COURT: What I'll do is I'll tender the witness back to you. Are you going to ask him anymore questions?

MR. BELTON: Your Honor, I'm going to talk for a second.

THE COURT: All right. If not while the jury is not we can go ahead and get him back down there, do you see what I'm saying?

MR. BELTON: Can you give me --

THE COURT: Yeah. I'm going to run to the restroom.

MR. BELTON: If you can give me five minutes, I need to think about it.

THE COURT: Okay.

(A break was taken.)

MR. BELTON: Your Honor, I have no further questions for Mr. Stevens.

THE COURT: All right. You can go ahead and step down.

All right.

MR. SHELDON: For the record we are not going to call Antonio Champion.

THE COURT: Okay. Is that correct?

MR. BELTON: Yes.

MR. SHELDON: He's got another witness. I just want to let you know I am not going to call my client. While the jury is not I'm just letting you know that.

THE COURT: All right. Well, Mr. Champion, I want to make sure you tell me that. Have you been over this with your lawyer?

DEFENDANT CHAMPION: Yes, sir.

THE COURT: All right. And so do you wish to testify?

DEFENDANT CHAMPION: No, sir.

THE COURT: All right. And you understand, of course, all I'll let the jury know that your failure to testify doesn't have any bearing whatsoever and they can't even bring it up in the jury room. Do you understand that?

DEFENDANT CHAMPION: Yes, sir.

THE COURT: And you've talked about that with Mr. Sheldon?

DEFENDANT CHAMPION: Yes, sir.

THE COURT: Okay. And you understand that's not his decision, it's your decision.

DEFENDANT CHAMPION: Yes, sir.

THE COURT: Is that what you want to do?

DEFENDANT CHAMPION: Yes, sir.

THE COURT: You want to invoke your 5th Amendment Right to remain silent.

DEFENDANT CHAMPION: Yes, sir.

THE COURT: Thank you, sir. All right. Okay. What we will do, I'll bring the jury back down here, and your next witness is the expert witness?

MR. BELTON: Yes, Your Honor. And just -- I'm not going to play games with the State, how many witnesses I'm calling, that's it. I don't even think we're going to call the second expert.

THE COURT: Well, here is my issue, I've got lunch ready for the jury.

MS. CAMPBELL: We can break.

MR. BELTON: We can break.

THE COURT: Okay. Good. Good. So what we'll do is I'm going to get them down here and I'm going to tell them we're going to take an hour break, eat, they're all here -- let's take a 45 minute break. Okay? That way your expert can get on the road and everybody else can eat. And is that enough time for y'all? Y'all want to do an hour or 45 minutes, y'all tell me.

MR. BELTON: Can we do a hour?

THE COURT: Hour. Okay. All right. Bring the jury

back -- well, I don't need to tell them that. Well, no, you need to -- yeah, bring them on back down here so I can tell them on the record.

(The jury returned to the courtroom.)

THE COURT: Y'all not going to be out here very long, just keep standing and I'll tell you real quick. All right. Ladies and gentlemen, we're going to go ahead and break for lunch at this point in time. Mr. Belton had no other questions for his witness, that's why he's not up here anymore. There is another witness which they plan on calling, but instead of doing this right now I'm going to let y'all eat lunch while it's hot and here, it just got here. Okay? Don't talk about the case, enjoy your time together. We're going to be down for a hour. Okay? So we'll reconvene at 12:45 to resume testimony or whatever else comes up. Okay? But until then don't talk about the case, we'll see you, enjoy your lunch. Thank you.

(The jury left the courtroom.)

THE COURT: Anything before we break for lunch on this case?

MR. BELTON: No, Your Honor.

THE COURT: We're down for lunch.

(A lunch break was taken.)

THE COURT: All right. All members of the jury are present. Mr. Belton, you can call your next witness.

MR. BELTON: Thank you, Your Honor. May it please the Court. I call Chris Robinson, please.

THE COURT: Mr. Robinson, if you would come on up here, please.

The witness, CHRISTOPHER NELSON ROBINSON, was first

Duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. BELTON:

Q Mr. Robinson, will you state your full legal name for the record, please?

A My name is Christopher Nelson Robinson.

Q Mr. Robinson, will you state your occupation?

A I'm a forensic consultant.

Q Please describe for us your training -- your training and your education.

A I received my Bachelor of Science Degree in Chemistry from Berry College in Rome, Georgia, in May of 1995. I began my career in the forensic field up in Georgia Bureau of Investigation, and I worked there for ten years as a firearm examiner and gunshot residue analyst. I then became the Director of the Crime Lab for the City of Atlanta Police Department, and held that position for two and a half years. And now I own my own company, Chris Robinson Forensics, for the past 11 years. During my career I have logged over 15,000 hours under comparison microscope, and performed over

100,000 forensic examinations. I completed eight armors course. I've been to eight manufacturing plants. And I currently work over 12,000 actual cases.

Q Do you have any special certifications beyond what you've just made, any special certifications, licensing or whatever types of accreditations that go along with your field of work?

A Yes, sir. I'm certified in the areas of firearms and ballistics, gunshot residue analysis, blood spatter analysis, and crime scene reconstruction.

Q Do you constantly take training refresher courses or continuing education courses in these areas?

A I do when I can. I try to stay up on the new techniques and things coming out. I haven't been to training in some time. But, yes, sir, I do try to take training when I'm available.

Q All right. Have you ever been qualified in a court, federal or state court, across the country?

A Yes, sir.

Q How many times have you been qualified as an expert?

A Hopefully it will be 727 times today.

Q 727. So you've been qualified 726 times as an expert?

A Yes, sir.

Q All right. Do you spend your time testifying mostly for defense lawyers representing defendants or for the State

representing the government?
A I would say it's about 90 percent for the defense at this time. I do work for the State when I'm called. But they have their own labs to do their work, so I generally work for the defense.
Q Okay. Prior to owning your own company, who did you work for and where did you spend most of your time testifying for?
A The City of Atlanta Police Department and the Georgia Bureau of Investigation, that was primarily for the State, yes, sir.
Q Have you done other consulting work with other entities across the country?
A Yes, sir.
Q What are some of those entities you've done consulting work for?
A CNN Headline News, Nancy Grace, New Detectives, Forensic Files. And then I do work for a TV show called Cold Justice currently.
MR. BELTON: Your Honor, at this time I would like to present Chris Robinson as an expert in Firearms and Ballistic GSR Analysis and Crime Scene Reconstruction, please.
THE COURT: All right. Any further voir dire to the qualifications, Mr. Sheldon?

MR. SHELDON: No, Your Honor.

MS. CAMPBELL: Your Honor, we would just reserve when we get up and do the cross examination, but no problem at this point.

THE COURT: I find he's qualified based on the information presented thus far, I'll therefore qualify him as an expert in those fields.

BY MR. BELTON:

Q Mr. Robinson, have you had an opportunity to read the report that was generated by SLED? One was generated in 2019, and I'm talking about firearms report, and the second one was generated in 2021.

A Yes, sir.

Q All right. And what's the date on both of those reports just to make sure we're talking about the same two reports?

A The initial report was September 27th of 2019, and then the second report is September 27th of 2021.

Q Well, let's get right into it, because you haven't been here in court the entire time, have you?

A I have not.

Q All right. So I'll try not to be redundant but there are just some specific questions I want to ask you about the report. Okay? You've read the report, right?

A Yes, sir.

Q Based on your reading of the report, how many guns based on your scientific opinion do you believe could have been fired in that club?

A Based on this report there could have been seven possible guns that were fired within the facility or the bar area.

Q And you're speaking -- when you say within the facility you're talking about inside and outside or just inside?

A I'm talking about inside the club.

Q Inside of the club.

A Yes, sir.

Q All right. So for the purposes of our conversation today, because we're not -- I think we all agree that -- and this is not for you, but I think we all agree that no one got shot outside. Certainly there were casings found outside, correct?

A Yes, sir.

Q And I think we can assume that a human being shot a gun outside and that's how those casings got outside, correct?

A Yes, sir.

Q But we're not going to talk about -- this case here today is not about what happened outside, it's about what happened inside. So just to be clear based on your scientific review of the document that was provided by SLED, how many guns could have been fired inside of this club?

A Seven.

Q Okay. I need you to explain to me how you're coming with the number seven. And before you start explaining, I had some charts that are gone but I'm going to use the State's charts just to give -- so I think they've got one that's called outside of the club and one that's called inside of the club. I'm going to get these two, and I'm going to try to -- so we don't have to bring back all of the stuff. I'm going to let you talk and then the jury can kind of --

MR. BELTON: If anybody on the jury can't see if you would just signal to the Judge and he'll stop me.

Q All right. Can you see these? Can you come down -- do you need your notes or can you come down, or what's easier for you to kind of explain this to the jury?

A I mean, I don't have to see what you've got on the board there, I can just talk on my notes and then you'll mark it off, I believe. Is that okay?

Q That's perfectly okay. All right. All right. So talk to me, how have you come to the number that you've come to?

A Okay. Let's start with number one, the first gun would have been the gun that shot Mr. Aaron Harris. It was a 9 millimeter pistol. According to SLED it could have come from anyone of like 13 different guns; Bursa, Glock, Carr, Sykes, Walther, F-i-e-h-e-k, Chris, Tanfoglio, or Girsan,

I-m-i-l-i-w, or a Vector. If you look at the other 9 millimeter bullets, which will be Bullet Number 33.

Q Is that the bullet that was beside the knee of Mr. Colvin?

A That's correct.

Q And that's a fired bullet, correct?

A It is.

Q All right. Tell us about the Items Number 33, the fired 9 millimeter that was besides Mr. Colvin's knee.

A Correct. That bullet weighs 113.80 grams. I'm sorry, let me go back to the initial bullet in Mr Harris. That bullet weighed 114.8 grams, out of 115, so it was 99 percent intact. The Bullet Number 33 weighs 113.8 out of 115, that's 98 percent intact. It had all of its lands and grooves, so those two bullets were in perfect condition. So that would be the second gun, because the SLED report states that they were unable to match the Bullet Number 33 to the Bullet Number 3 from Aaron Harris. That alone right there tells me that the bullets were in such great shape, why can't they match them? Well, the most likely would be that they just don't match. You have to understand, this is looked at by a SLED examiner, they work for the State so they have to have some kind of credibility. Then the second scientist has to come in and peer review this work, so that means two people looked at these two bullets and they can't

match these two bullets to each other. Well, to me that just indicates that they probably just didn't come from the same weapon. Or the alternative would be that maybe the examiner is just not competent, but I don't want to say anything, I don't know these individuals.

Q Okay.

A The next bullet would be Bullet Number 35, that's Marker Number 23. Again, the bullet weighs 115 out of 115, that means it's 100 percent intact. It has all of its lands and grooves. Again, they cannot determine if Number 35 was with fired in the same bullet (sic) that fired Number 33 or Number 3. So if you take the report for what it says there could be three different weapons right there with those three 9 millimeter bullets.

Q And let's make sure that we're going being clear for the jury. What you are reporting or what you are testifying to today, this is not your report, is it?

A It's not.

Q You didn't generate this report.

A I did not.

Q You did not do an individual analysis of the bullets?

A I did not.

Q You have not seen the bullets?

A I have not.

Q You didn't go to SLED, you haven't touched them, you

haven't handled them.

A I have not.

Q What you're testifying to is what's from the SLED report.

A That's correct.

Q Okay. All right. I just want to make sure that we're clear that you're interpreting the SLED report.

A Okay. So now we're at three guns.

Q Correct.

A Okay. The fourth gun is the .45 has been testified here today. The .45 bullet from Mr Colvin. The .45 GAP cartridge cases, Numbers 18, 19, 20, 24, 25, 26 and 27, the Bullet Number 34, which is the marker from the club floor. The Bullet Number 45, which is the foot of LaShonda Barnes, all of those can be accounted for with the .45 caliber pistol that was fired by Mr. Stevens.

Q And so if those bullets are fired my Mr. Stevens -- just generally speaking .45's hold how many rounds?

A Okay. Are we -- if we look at the cartridge cases that are recovered they're fired from a Glock. This is a Glock, this is a GAP, a .45 GAP. Model 37 would hold ten, Model 38 would hold eight or ten, and Model 39, which is a subcompact, I don't think he stated that, but it's between eight and ten.

Q Between eight and ten bullets? Okay. All right.

A That's in the magazine, sir, and you would have one extra in the chamber.

Q I've got you. Okay. All right. So the magazine plus one.

A Yes, sir.

Q Okay. So anywhere -- the particular gun that Mr. Stevens was shooting would hold anywhere between eight and 11, or would have between nine and 11 bullets.

A That's correct.

Q Okay. All right. Were these bullets damaged or were they intact?

A Okay. Again, now the testimony of Mr. Stevens was that he fired the .45, but again, we have the same problem. The bullet from Mr. Colvin is a .45 caliber bullet. It weighs 185 grains out of 185, that means it's 100 percent intact. The Bullet Number 34 from the club floor weighs 184.4 out of 185. They cannot determine if those two bullets came from the same gun.

Q Even though both of the bullets are essentially intact.

A Those bullets are as perfect as they can be. A fired bullet doesn't get any better than that.

Q Okay. All right. But they were not able to connect the bullet and Mr. Harris with the other -- I'm sorry, the bullets in Mr. Colvin with the other bullet that were found that were -- the two .45 bullets that were found intact were

never connected together.

A Oh, just hang on one second. Number 45 is the bullet from the foot of LaShonda Barnes, it weighs 184.4. But what you just said is correct, sir, the Bullets Number 34, 45, Number 5, three from Mr. Colvin, those three bullets were never identified, are never connected together. They can't determine if they came from the same gun or not.

Q Okay. All right. So there was some testimony in here yesterday from the State's SLED examiner who said that you cannot match bullets to cartridges. Is that true or not true?

A That is true. Because when the bullet leaves the cartridge case, the cartridge case leaves marks on the bullet, but when the bullet engages the rifling, the rifling obscures any marks from the cartridge case. What we would do is look at the bullet, determine who manufactured the bullet, and then we look at the cartridge cases and say this is a Remington bullet, these are Remington cartridge cases. This bullet is from a Glock and these cartridge cases are from a Glock, so we tie it together like that.

Q Could that have been done by SLED?

A It could have been done but it was not done in this case. They did not determine the manufacturer of the bullets.

Q Okay. What's our -- what's your next gun that you

found?

A The next gun would have been the fifth gun now, which would be the Ruger .380 caliber pistol, and the cartridge case is Number 8, 9 and 10. The .380 cartridge cases were identified as being fired in the Ruger .380 pistol, and then the Bullets Number 29 and 31 were identified as having been fired from the Ruger .380 caliber pistol.

Q Okay. What's your next one?

A The next one would be these 9 millimeter cartridge cases, 16, 71, 21 through 23, and 28. They were fired from a Glock 9 millimeter. They do not link those cartridge cases to the 9 millimeter bullets Number Three, Number 33, and Number 35. They were not able to connect those together. So if you take that for what's it worth then again now you're looking at a possible, you know, sixth gun right there.

Q So I think it's fair to say that there were more 9 millimeter casings found than other casings; is that correct?

A Yes, sir.

Q And it's fair to say that there was not a linking of all of these nine millimeters. It could have been from different guns in there, could not have been from different guns in there, but scientifically we just don't know, do we?

A Correct.

Q All right. So any testimony that there was one .380, one .45, and one 9 millimeter being shot in there, scientifically that's just not what the science says, is it?
A That's not what this report says, correct.
Q And that report was done by scientists, wasn't it?
A Correct.
Q All right.
A The last gun would be the Bullet Number 32.
Q And explain what that is. I'm sorry.
A Number 32 is a bullet core that was found in the entry hallway at Marker Number 28. The description of the bullet or the lead core is a nominal .38 caliber. Now, when I hear the term .38 caliber I think of a revolver or a Derringer, like a .38 Special or a .357 Magnum, I don't think of a .380. So when they say .38 caliber I'm not sure what they're meaning, but in my mind I'm thinking of, you know, a cowboy style gun, like a revolver.
Q Have you seen the picture of the Derringer that was found in this case?
A I did.
Q All right. Is it possible that that -- the .38 bullet could have come from that gun based on the report that was done by SLED?
A Correct. This is a .38 caliber core, it could be fired in the Derringer that was seen in the video.

Q And is it possible that -- well, let me ask you, Derringer revolvers, do they eject their shells like the semiautomatics and the other guns we've been talking about?

A They do not.

Q What happens with those?

A They're retained within the firearm. You open up the Derringer and extract the cartridges, or you would open the cylinder or revolver and manually extract the cartridge cases.

Q Okay. All right.

A So with all of that said you're looking at a possibility of seven different guns could have been fired within the club.

Q So let's talk about your experience. When you worked for law enforcement, I think you said you worked at APD, I guess that's the Atlanta Police Department, and GBI, we're using all of the acronyms, that's the Georgia Bureau of Investigations, correct?

A Correct.

Q And that's the sister agency to the South Carolina Law Enforcement Division, it would be kind of the same type of agency, correct?

A That's correct.

Q All right. So when you worked for these two agencies or other cases that you worked on, is it standard practice

to collect all of the firearms at a scene when you get there?

A Absolutely.

Q All right. So there was a .38 Derringer that was found and returned two days later prior to even this report coming out. Is that standard?

A No, sir. At the minimum you would want to take the weapon in, test fire the weapon. We could have the test fires to compare the test fires of the weapon, but generally they would submit the weapons for us to either verify that it was eliminated or we matched it back to the weapons.

Q All right. Also in this case there was a .380 found outside in a Lincoln Town Car. Is that -- because this bullet -- because this gun is outside certainly there's a dead body outside and there's a dead body inside, should that .380 have been taken at least tested --

A Yes, sir.

Q -- and excluded as one of these weapons?

A Absolutely.

Q Let's turn our attention now to GSR. There's been a lot that has been talked about in here about gunshot residue. Let me first ask a very basic question, is gunshot residue science or fake science?

A No, it's real science, sir. Back in the day when we used to use a mass spectrometer.

Q What you say back in the day, what is back in the day? I'm 48, so back in the day for me --

A Let me think. That would have been almost 20 years now we used to use a mass spectrometer, which is a machine that would test for GSR, and they would use these swabs on your hands and then we would have to dilute that into a mixture of acid and put in the machine. The machine would come back with false positives sometimes because mechanics who used heavy metals, so it got a bad name. Like even on suicides where we know the individual has committed suicide, they would swab the victim's hands and their hands would come back negative so the family would be thrown off by this, because they were like how could they commit suicide if it's not on their hands. Now, we use a machine calling a Scanning Electron Microscope, and it looks into the electron level, so if it tells you it's gunshot residue there's no doubt. It has to have a spiroid shape, it has to be barium, antimony and lead fused together. They have to be -- you know, all of this is detected by the machines, so if the machine tells you it's gunshot residue there's no doubt about it now. But I've been across the United States, sir, and every state almost is still using this technique.

Q Okay. Which technique? Because you just talked about two.

A The gunshot residue analysis. They use the SCM now,

it's the new machine. Nobody uses the mass spectrometer anymore.

Q So across the country, with law enforcement agencies across the country gunshot residue is still an accepted practice across the country.

A Absolutely.

Q Okay.

A And even the FBI. Now, there's been some -- people believe that the FBI doesn't run this test anymore, they do, but the back log is so great for the cases they kind of farm this out to the state level. But on high profile cases the FBI still does GSR themselves.

Q Okay. All right. So let's talk about, is there a difference between gunshot residue and gunpowder? And, again, I know, you're a chemist, you're talking up here, talk down so the rest of us can understand what you're talking about.

A Okay. The term gunshot residue is sometimes mislabeled. If I fire a weapon at you what comes out of the muzzle is gunpowder residue. It its gunpowder, it's vaporous lead and soot, and that's deposited on the target or the individual. Now, gunshot primer residue means it's where the primer is struck by the firing pin, and that primer once it's detonated it emits gunshot residue. Now, when a semiautomatic pistol cycles, as it opens up to eject

the cartridge case the residue comes out of the top of the gun. That's why we test the backs of the hands of the individual to see if they fired a weapon recently.

Q Okay. All right. Have you reviewed the report of the GSR report that was provided in this case by SLED?

A Yes, sir.

Q Now, in reviewing that report as it relates to -- obviously Mr. Harris it indicates it does not have any GSR on Mr. Harris. So to a high degree or reasonable degree of scientific certainty we can say that Mr. Harris did not fire a weapon, can't we?

A I agree.

Q All right. What does this report say to you about Mr. Harris -- I'm sorry, Mr. Colvin, to a reasonable degree of scientific certainty?

A The first thing it says is particles characteristic of gunshot primer residue were found. If you look at the worksheets there were three particles found on the right hand and three particles found on the left hand.

Q Now stop right there. Okay? Again, you're talking to nonscientists in here.

A Okay.

Q Is three a lot? Is that a little bit? Is that not enough? Is that almost maxing it out? Tell us what three means.

A Three is a significant amount. Because, again, we're talking about per million level particles. That means there's five zeros with a one at the end, that's how small these are. They are very small. They're emitted out of the top of the gun, they settle to the ground very quickly. So when you say there are three particles found on each hand of the individual, that indicates to me that the likelihood is that they fired a weapon, not that they handled a weapon.

Q All right. So when we hear the terms six total, tell me about this machine, and when you start working this machine what happens as you start going higher in numbers and where does it kind of cap out?

A Sure. When I say that it's a -- six is significant, when the machine gets to five particles we normally stop the count at five because the machine will become overloaded with this gunshot primer residue if you go up too high and it will cause the baseline to bottom out and you'll have to reset filament that's inside the machine, that costs, you know, $10,000 to $15,000 for this filament. So when I say six is a lot it's a lot, because the machine -- it will stop at five, so six is a lot. Now, that's three on each hand, so again, it's uniform on each hand.

Q Now, do we know the way that this was collected? It says three on each hand but we only have two swabs. Explain that to us.

A Yes, sir. That's a little bit of a problem in the old days.

Q Little bit of a problem with how and with whom?

A It's the way they collect these samples now. It's a -- for lack of a better word it's a lazy way to do the things that should be done here. In the old days we used to use a stud for each surface. We would use a stub for the back of the hand, a stub for the palm of the hand, a stub for the back of the hand, a stub for palm. These stubs don't cost anything. I've got like ten boxes at home that have four of these stubs, they cost about 10 to 15 bucks for four stubs, so it can't be a monetary thing. But we want to know exactly what surface that was found on. If you told me he had three particles on his right palm then I could say I reached over here and grabbed something with my palm and I have it on the palm of my hand because I touched something with gunshot residue on it. If it's on the back of my hand that means they fired a weapon, because your palm is against the frame of the gun when you fire the weapon so you won't have any on your palm, it's on the back of the hand. Now, in this case they only used a single stub so I don't know where it was found on the right hand, I don't know where it was found on the left hand, but I do know this, that it's uniform on each hand.

Q And what does that mean? What's the significance of

being uniform on both hands?
A If I fire a weapon like this, you see how my hands are up against the frame of the gun, this is normal fashion to shoot a weapon, you see, I could have residue on the back of both hands. I just find it extremely significant that you have three particles found on the right hand, three on the left hand, that means it's uniform to me, but six particles is a lot. And again, that's an indication to me that the likelihood is that Mr. Colvin had fired a weapon recently.
Q But in your opinion -- and so I'm going to ask you this clearly and I know you just stated it, in your opinion to a reasonable degree of scientific certainty, had Lee Colvin fired a gun recently when this GSR was taken from him based on the SLED report?
A Yes, sir, that's what identifies.
Q Okay. Now, the last topic I want to talk to you about is there has been a conversation about this two gun theory, that Mr. Stevens, who has admitted to firing the .45, admitted that he had a gun, but in here there's been some testimony about a -- in your career, law enforcement, investigator, for the defense, for the State, for anybody, have you seen this two gun theory?
A Yeah. I've seen people carry a second gun on their ankle. I've never in 23 years ever had a case where an individual fired two separate weapons at the same time.

I've never seen that. My former boss, who did it for 50 years, I asked him numerous times, he had never seen that. I've never seen it. This is not like cowboys on TV where they're shooting two guns at the same time, sir, that's just not how it is. And plus in this case you would be shooting a .45, you would be shooting a 9 millimeter. The .45 is going to kick like a mule, the 9 is going to kick someone, but the control of the two weapons would be impossible. So, again, I've never seen it in 23 years.

Q Okay. And how many cases do you believe you have worked in 23 years?

A It's over 12,000 currently.

Q Over 12,000 cases currently?

A Yes, sir.

Q So -- and you indicated that it's kind of hard because a .45 is a pretty powerful gun, isn't it?

A Absolutely.

Q And so to try to control a .45 and control a 9 millimeter would be a pretty difficult feat?

A Oh, I think it would be extremely difficult, because the recoil of each of the weapons would be so different. I just think it's just --

Q And is that one of the reasons why law enforcement agencies across the country has moved away from .40's and .45's, because of recoil?

A Correct. And now they carry the same type of guns on their ankles as they do on their hips, so if you had to swap between the two guns it's the same caliber, the same magazines, so -- correct.

Q All right. The last thing that I have here is, you know, we've talked about crime scene, and I think we all acknowledge that the arriving officer who got there arrived to chaos, but at some point got it under control. So my question to you is, you know, it's been some conversation about the gathering of bullets, can you really tell -- I know we know where these bullet were collected, is it possible to tell where all of these bullets landed?

A No, sir. Not after the video that -- when I watched the video there's so many people in there. These are like round cartridge cases that are, you know, cylindrical, they can be kicked, they can be picked up and thrown places they -- I mean, there were so many people moving around. So when people ask about the ejection pattern of guns I can tell you how the gun ejects, I can tell you how far it ejects. Can I tell you where they would end up? No. They can bounce, they can roll. Can they kick left? They can kick right. So when we do the testing I go fire the gun ten times and somebody marks where they hit the ground, not where they end up. So in this case I could tell you what the ejection pattern of the guns are, but based on that

video of the number of people that were in there moving around no one could tell exactly where. No, sir, that would be impossible.

Q And certainly we're not implying anybody picked up anything maliciously, but it's just a natural course of events that just played out naturally, just human behavior, correct?

A Correct. It was chaos.

Q We don't want to imply that law enforcement or any patron or anybody did anything that was nefarious, but it's fair to say it was chaos, right?

A I think chaos is the word. There were just people running in all directions. They were there for a significant time going back and forth, so evidence could be moved very easy, especially with these cartridge cases.

Q All right.

MR. BELTON: Please answer any questions the State may have. Thank you. I'm sorry, Mr. Sheldon.

THE COURT: Mr. Sheldon?

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

THE COURT: Yes, sir.

CROSS EXAMINATION

BY MR. SHELDON:

Q Mr. Robinson, thank you for being here. That was

lengthy so I'm going to keep this short and try not to double up. First all I want to talk about a little bit about your qualifications. You indicated that you previously worked for the Georgia Bureau of Investigation. Why are you no longer employed with them?

A I quit there to become the Director of the Crime Lab for the City of Atlanta Police Department.

Q And why did you leave that job?

A I was terminated.

Q What was your basis for termination?

A I purchased some software that had two systems talked to each other, so when the evidence came in downtown it would automatically be entered into our system. I had the signature of my Major who approved the purchase initially, but when the bill came in for $37,000 for the upgrade they said I didn't have the proper authorization so therefore I was terminated. I was the lab director so I had to be terminated.

Q Have you ever been accused of tampering with any evidence or anything like that?

A No, sir.

Q Ever been prosecuted for tampering with evidence?

A No, sir.

Q So nothing along those things. It was a $37,000 financial thing that you purchased that they were pissed it

cost 37 grand.

A It was purely administrative, yes, sir.

Q Okay. And just to keep on the topic of money, you're certainly being paid by the defense in this case, right?

A Yes, sir.

Q And you deserve to get paid don't you think?

A I think we're all getting paid here.

Q Okay. Well -- and so you certainly agree that law enforcement gets paid, right?

A I agree.

Q And they -- and the people at SLED get paid most likely, right?

A Sure.

Q So everybody gets paid for the job that they do and you're no different, are you?

A Correct.

Q Okay. I want to talk about just the evidence just a little bit, in particular that .380. So there are it looks like two spots, and this is going to be -- I want to talk about what are SLED Reference Number 29.

A Yes, sir.

Q As well as SLED Reference Number 31.

A Yes, sir.

Q Which are going to be Marker Number 26 and Marker Number 27; is that right? I'm sorry, Marker Number 4 and

Marker Number 27; is that right?

A Yes, sir.

Q And what are those?

A Those were actual bullets that were found. 29 says it was in the entry hallway in front of the pool room, and then 31 was foyer at main entry door.

Q And I've asked -- I've asked the experts from SLED this before, but help the jury understand, I mean, is it fair to say that when a bullet is shot out of a gun that it goes forward, right?

A Absolutely.

Q And it's going to go forward for a long, long ways until it finds -- until it meets something that connects with, right?

A Correct.

Q And there are all sorts of things that a bullet can hit. It can hit obviously a person, right?

A Yes, sir.

Q They can hit a wall, they can hit a mirror, they can hit a window, they can hit a ceiling, any of that stuff, right?

A Absolutely.

Q And anytime that a bullet makes contact with something it's going to slow it down, right?

A Yes, sir.

Q And would you agree that depending on what it actually hits is how much it slows down.

A Yes, sir.

Q Certainly if a bullet were to hit this piece of plexiglass it's going to slowdown not at the rate it's going to slowdown if it was to hit my shoulder, is that a fair statement?

A Absolutely.

Q And so a bullet that goes -- is it fair to say that it would be common or uncommon that a bullet that goes through a wall would sort of feather or fragment and end up in spot number four?

A Correct.

Q A bullet that hits nothing -- so -- and if you need this reference point I can give it to you.

A I'm looking at it, yes, sir.

Q A bullet that hits nothing but air, is it going to drop in midair in spot number four?

A No, sir.

Q A bullet that connects head on with a human being, is it going to then go through a wall and stop here do you think or is that unlikely?

A It's possible. It depends on what it hits inside the human body. It's 1,000 feet per second is how fast a .380 caliber bullet is going to be traveling when it leaves the

muzzle of the gun. So you're talking about a 1,000 feet per second. If it hits hard bone in your body it's going to slow it down, cause it to tumble. If it hits tissue it is going to go straight through your body just like --

Q And then -- but eventually it gets slowed down by something, right? Something has to slow the bullet down.

A Correct.

Q So if it's not going to be slowed down at all by a body something is going to slow it down.

A Sure.

Q And whatever ultimately slows this bullet down stops it and fragments it here, right?

A Correct.

Q And so whether that is the wall or bone or anything else it was stopped and it fragments down here; is that right?

A Yes, sir.

Q And then at that point it's up to whoever collects it to sort of make that -- do some sort of preliminary determination on that, right?

A Correct.

Q And I want to make sure, so you did not analyze any of the bullets in this case; is that right?

A I did not.

Q You didn't analyze any of the bullets that are

currently in evidence, right?

A I did not.

Q And you're simply going off SLED's report; is that right?

A Correct.

Q What date is that report dated?

A Well, I have two different ones.

Q The second one, the supplemental one.

A September 27th of 2021.

Q Based on your experience in the Georgia Bureau of Investigation and everything else, if you receive a report three weeks before trial, is it going to be easy for you to then reach out and test these bullets?

A No, sir.

Q Three weeks prior.

A It would be difficult.

Q Why is that?

A Well, if you hired me it would be hard for me to schedule something to get down here, to come look at the bullets, to come examine them. How would they be transported? If they're not going to let me into the laboratory then they have to be sent to me at my home. It would be just the logistics of the entire testing.

Q What about if they would have been tested when they were first sent to SLED back in July of last year, would

that have made things a little more easy?
A Clearly.
Q And the last thing I want to end on is this is gunshot residue. Explain to me -- I mean, it was unclear whether we could even establish whether it was raining or not in the club the last time that we last talked to their gunshot expert, so I want to just clarify a few things. When you talk about gunshot primer versus gunpowder, their expert essentially testified that there's a cloud that's created of gunshot residue that can kind of go anywhere from zero to 10 feet and end up where we find it. Do you agree or disagree with that?
A I totally disagree with that statement. I've never seen anything like that in any book. That is someone who has never handled gunshot residue. We don't test victims for gunshot residue, we test them for gunpowder residue on the clothing. So it defies -- it does not come out of muzzle, it comes out of the top of the gun or the sides of the gun on a revolver. It sure does not go forward with the bullet, no, sir.
Q And so there's a difference between what you're talking about that you're testing victims for and gunshot primer residue; is that right?
A That's why we test the hands --
Q What was Mr. Colvin tested for?

A He was tested for gunshot primer residue to see if he had fired a weapon or not.

MR. SHELDON: I don't have anymore questions, Judge. Thank you. Please answer any questions that State has.

THE COURT: All right. Solicitor?

MS. CAMPBELL: Beg the Court's indulgence.

THE COURT: Okay. Are y'all good, ladies and gentlemen, you need to break or are y'all good? Okay.

(Break in proceedings.)

CROSS EXAMINATION

BY MS. CAMPBELL:

Q Mr. Robinson, I want to talk a little bit about your qualifications. When were you contacted about working on this case?

A I believe it was about six months ago.

Q Six months ago? And who contacted you?

A Nathan Sheldon.

Q Mr. Sheldon?

A Yes.

Q And he asked you something about that you've -- you're being paid for your testimony here today.

A Yes, ma'am.

Q And then he said that everybody in this room is being paid.

A Yes, ma'am.

Q How much do you get an hour?
A $250 an hour.
Q Are you -- you aren't saying anyone else in this room is getting paid $250 an hour.
A I don't know what everyone else is being paid in this room.
Q And before you even take a case there has to be a general retainer fee paid?
A Not for --
MR. SHELDON: Judge, I am going to object and approach.
THE COURT: Objection overruled.
A Not for public defenders. But, yes, ma'am, my retainer is $2,500.
Q And these two men are in private practice.
A They are.
MR. SHELDON: Judge, objection. May we approach on that?
MR. BELTON: Your Honor, may we approach?
THE COURT: Yeah, y'all can approach.
(Bench conference was held.)
THE COURT: All right, objection sustained as to the lawyers. You can certainly question him about how much he's being paid.
BY MS. CAMPBELL:
Q And how many hours have you put in -- do you expect to

get a retainer fee in this case?

A I've already been paid a retainer fee on this case --

Q Of $2500.

A -- before I even started.

Q And then once you started, how many hours have you put in?

A I think at the current time I've put in about 15 hours.

Q So 15 times 250, I'm not very good at math, so far.

A Sure. Plus I drove here plus I testified, yes, ma'am.

Q Plus -- and how many hours for driving?

A It's going to be about $5,000 when I get through today and drive back home.

Q About 5,000.

A 5,000.

Q For your testimony this afternoon.

A No, 5,000 for the entire case.

Q Which includes 15 hours of prep time and today's date.

A Fifteen hours review for all of the materials, meeting with the attorneys, yes, ma'am.

Q And I want to make sure I understand Mr. Sheldon, at any point did you request to see or review any of the evidence in this case?

A I did not.

Q So not to mislead the jury, you didn't request to review any evidence in this case.

A I wasn't asked to review the evidence.
Q And you did review the video in this case.
A I did.
Q And you reviewed the two SLED reports, I believe?
A Yes, ma'am.
Q And is that the extent of what you reviewed?
A No, ma'am. Statements of the individuals, police reports, crime scene reports, diagrams, yes, ma'am.
Q And you were actively working for the State, I believe you testified, from 1998 until 2008 for the GBI?
A Yes, ma'am.
Q And then after that you became Director of the Crime Lab at the Atlanta Police Department?
A Yes, ma'am.
Q And you were there for a little over two years, almost two and a half years?
A Yes, ma'am.
Q And that would have been terminated in 2010.
A That's correct.
Q You testified that you had been qualified prior to today 726 times as an expert in court?
A Yes, ma'am.
Q And you say that now 90 percent of the time it's for the defense.
A Yes, ma'am.

Q So you would disagree with me when I would say like right at -- so 100 percent you're for the defense since your termination for the APD.

A I completely disagree with you. I've worked for the State Attorney's Office in Florida, the DA's Office in Wisconsin, because the Cold Justice works for the police. So when I work a case for Cold Justice I have to testify for the State in those case, yes, ma'am. So about 90 percent.

Q Excuse me, what states did you say you worked in?

A Wisconsin, Texas, Florida.

Q You were a consultant or a guest speaker there?

A Yes, ma'am.

Q It's not on your resume', did you leave that off?

A I'm not sure where you got that resume'. It's on my website, right? There's 25 states I've testified in.

Q I got the place where you were a consultant off of your resume' that was provided to me by the defense.

A Okay.

Q That's not on this resume'.

A Cold Justice is on my website. Cold Justice is the TV show I work for.

Q For a TV show.

A Correct. And then I testify for the DA's office in the states that we work for when it goes to trial.

Q All right. Let me move on. In your CV, the same one,

I want to talk about a little bit. You say you're also responsible for writing a detailed written report?

A Yes, ma'am.

Q I didn't get that report. Did you do one?

A I wasn't asked to create a report in this case.

Q And if you are reviewing evidence and rendering opinions, wouldn't it be like at the very least proper protocol to do a written report just like everyone for the State did?

A No ma'am. I have the report right in front of me so I can just go through their report, make the notes off the report that's already been done. Why would I do a report on the report? That would be silly. They've already done the report, I just make notes off of what they've already done.

Q But your conclusions are very different from what's in those reports.

A Oh, no. It's exactly what they said in the report, fails to reveal whether they can match the bullets or not. They can't match the bullets, that's exactly what it says, fails to reveal. They came from the same weapon.

Q You also mentioned that you had been the Director of the GBI?

A No, ma'am. The Director at the Crime Lab at the City of Atlanta Police Department.

Q And just before I get into that, did you ever consult

with Kenneth Darden in this case?

A I don't think so.

Q Did you ever consult with Paul Greer?

A I don't think so.

Q Did you ever consult with Lieutenant Tracy Thrower from SLED?

A No.

Q And those are the preeminent firearms guys in this state. You didn't feel like you needed to reach out to them and talk to them and discuss your findings?

A No, ma'am. If they're preeminent then why can't they match these bullets? So I wouldn't ask them for their opinion when they clearly can't match the bullets on the case, so why would you ask them? I've got 23 years of experience, I don't need to ask anybody what they believe. I can read their report, it's right in front of me.

Q So they're just incompetent?

A Well, you said it, not me.

Q When is the last time you actually did any testing for the State or anybody else of evidence?

A Four months ago I tested -- I had to go down to Florida for the State Attorney's Office in Florida and do a trajectory analysis for -- are you talking about for the defense, too, or just for the State?

Q Either one.

A Oh, I've done a case last week where I had to do a reconstruction on the case. I just went down to Florida two days ago to do a reconstruction. So, I mean, I've been numerous times of reconstruction viewing evidence. I have about five cases at my house right now.

Q And when is the last time you've had any kind of training in the field of firearms?

A Oh, I don't know. It would have to be probably when I was at the GBI, so about 13 years ago.

Q Fourteen years, would that be accurate?

A Sure.

Q So you haven't had any training in 14 years in any of the field you're testifying to here today.

A No, ma'am.

Q And he also asked about your termination from the Georgia Bureau of Investigations.

A No, ma'am. I wasn't terminated by the GBI, I quit the GBI. I was terminated by the City of Atlanta.

Q Okay. With the City of Atlanta, and I want to start there.

A Sure.

Q Why were you terminated from the City of Atlanta?

A I purchased software that let two systems talk to each other.

Q And going back a little further. While you were at

GBI, though, there were times where you were reprimanded or suspended for your work?

A Yes, ma'am. Not for my work, no, ma'am. I was reprimanded or suspended.

Q Back in the year 2000 while you were a the Georgia Bureau of Investigations you were suspended for jeopardizing the security of a system for improper use of computer hardware and software?

A Yes, ma'am. Several us were suspended for using each other's passwords, yes, ma'am.

Q And then in 2000, October of 2000 you were reprimanded for issuing an incorrect report concerning muzzle and target distance.

A Correct. That's one of the first cases I ever worked where the police were asking me to give them an answer before I got the autopsy report, and so once I got the autopsy report I corrected my finding before it went to court, yes, ma'am.

Q And that was after you had been there for two years at least?

A Well, the training was a year and a half, so you have to say when you start it's a year and a half from that point you're in training. So that was one of first case I worked.

Q And initially you said that was a contact shot?

A Correct.

Q And then you said to say it was a distant shot from three feet or more.
A That's correct.
Q And you told them -- or told them at the time it was because you were pressured by the police.
A Correct.
Q Okay. Let's move on to 2001 while you are at GBI. You were working a case at the lab there and you shot yourself in the hand?
A Yes, ma'am.
Q And you were an expert in the handling of firearms but you shot yourself in the hand.
A My former boss has done it three times now, accidental discharges. If you work around firearms long enough and you don't -- you know, it was a hangfire. I pulled back on the slide of the gun, I let go of the gun and then had to clear the weapon, and when I put my hand in front of the weapon it went through the palm of my hand right there.
Q So your hand was in front of the barrel of a loaded weapon.
A It was at that moment, yes, ma'am. But it was a hangfire, I didn't pull the trigger so it just went off. But yes, ma'am. It was a good lesson, one of the first -- it happened to me -- that's 2001 you said, so that's 20 years ago, so yes, ma'am.

Q And you mentioned that you were terminated for incorrectly ordering some equipment from the Atlanta Police Department?

A It wasn't misappropriation of funds. I had the authorization of my major to purchase that, yes, ma'am.

Q And then you sued the city for wrongful termination, didn't you?

A I did.

Q And what were your grounds for the wrongful termination?

A It was racial.

Q It was racial?

A It was racial.

Q And you said you were wrongfully terminated because of your race.

A Correct.

Q And you said because the majority of the Atlanta Police Department were black or African-Americans?

A The individual that I had the run-in with was African-American, yes, ma'am.

Q And you were being discriminated against because you were a white male?

A Correct.

Q Were you aware that the person that replaced you in your position was a white male?

A Yes, ma'am. And I'm aware he got ran off just like I did and he sued them for the same thing that I did. So yes, ma'am, I'm fully aware of that.

Q Well, let's talk about what happened in your lawsuit.

(There is talking in the crowd.)

THE COURT: All right. Come to order, please.

MR. BELTON: Your Honor, I'm having a hard time hearing.

Q And do you remember during the course of that lawsuit that -- you're familiar with Major Darryl Tollison (phonetically.)

A Absolutely.

Q And he gave a deposition on August the 13th of 2013 about your termination?

A Absolutely.

Q And he said that the problem with you is it came down to credibility. When you're a crime lab manager Mr. Robinson had credibility and issues as it related to testifying in court.

A That's what he said.

Q And then after that deposition was heard a year later your lawsuit was dismissed.

A Yes, ma'am.

Q So they found they had been -- there had been no discrimination against you for that termination.

A I understand.
Q And that after you were fired from the Atlanta Police Department the Fulton County District Attorney's Office, which would be the equivalent of the solicitor's office or another district attorney's office, issued a statement that evidence in more than two dozen cases you had processed and worked on would have to be retested because of you.
A And they found three cases out of 12,000. And in those cases it was discrepancies between their examiner and my findings. But my work was all peer reviewed so I'm not worried about my findings, so I've never had any work come back that was wrong.
Q Well, actually back in 2015 when you were testifying in Columbia, South Carolina, you said: To be honest they wrote a letter to all of the attorneys that said they found some conflicts with my cases.
A That's correct, discrepancies.
Q That was your testimony then.
A Correct.
Q And do you remember testifying in that same summer of 2015 in the State of Georgia versus Jamie Hood?
A Yes.
Q And you testified that the Atlanta Police Department found you lacked the maturity and the skill to be trusted as a manager of the crime lab?

A I didn't testify to that. That's maybe what they accused me of but I sure didn't testify to that.

Q Did you remember in that trial coming out that they had grave concerns regarding unethical conduct, illegal purchases and reckless disregard for following proper procedures.

A That's what was brought out by the state attorney's office, but yes, ma'am.

Q And that they found your actions and poor decision making compromised the integrity of the work at the crime lab and the Atlanta Police Department.

A That's what was asserted.

Q And since then you've been retained by defense primarily.

A No. After I was terminated Fulton County had me come back and testify three times for the State of Georgia. So if they were so concerned about my professional ability they had me come back and testify three times for the State of Georgia after I was let go for Fulton County in general, two of those cases. So clearly they weren't concerned about my conduct because they had my come back and testify for them after I was fired.

Q Let me ask you this: You would agree with me that if you don't find something favorable for the person who retains you they tend not to put you on the stand.

A I agree.
Q So you wouldn't get paid.
A I would still get paid, because they paid me my retainer and then I tell them the truth.
Q And are you aware that many laboratories, or actually just a few in South Carolina, are accredited?
A I'm aware of that.
Q And that GBI now since 2010 has become accredited.
A GBI has been accredited. They're one of the first labs in the entire country to become accredited. My accreditation is for myself and that still lasts for the rest of my life. I was certified through the GBI and the Henry Institute in Connecticut, so I don't have to be reaccredited, I'm a certain individual.
Q Sir, do you have your own laboratory?
A In my basement, yes, ma'am, I do.
Q In your basement.
A I do.
Q Is it accredited?
A No, I'm accredited. I'm an individual. I don't have to follow the same rules as a laboratory, I'm an individual.
Q No, you don't have to follow the same rules.
A I'm still certified. I'm certified in firearms and ballistics, gunshot residue, reconstruction. It lasts forever, ma'am.

Q But you did get yours a really long time ago.
A I did.
Q And it's important that protocols are in place when a laboratory is being used; is that correct?
A What do you mean?
Q That you have certain protocols to ensure the quality of your work.
A Sure.
Q And what protocols are in place in your laboratory in your basement?
A I follow the protocols that I've been learned. You learn how to do things under microscope, how to write a report, how to view evidence, how to, you know, maintain the evidence, how to protect the evidence. Yes, ma'am, I have the protocols. The same standard operating procedure that was used at the GBI I still use today.
Q Who peer reviews your report?
A Nobody.
Q And what entity is certifying you to be a firearm analyst?
A What who?
Q What entity?
A The Georgia Bureau of Investigation.
Q So if call the GBI they're going to say you're certified to testify for them?

A Sure.

Q Is it a certification board or just a certification?

A No. I was trained by Kelly Feight (phonetically) who is one of the preeminent firearms examiners in the country. I'm certified for life because -- I've got the certification at home, where I was certified and trained through him, so --

Q So all of other laboratories like the FBI, the GBI and all of these others that get training on a regular basis and have to get recertified and things of that nature, you don't have to do that.

A No, ma'am, I do not.

Q And you are being confidence or are you certified?

A I'm certified through the GBI and the Henry Institute in Connecticut. I had those certification when I got them.

Q And do you know what the AFTE?

A AFTE.

Q And are you a member of them?

A I'm not.

Q And isn't that the leading institution as far as certification for firearms examiner?

A I guess you can call it that. I think there's a lot of people writing a lot of stories but I don't think it makes them great examiners just because you're a member of AFTE.

Q Do you have a comparison microscope in your lab?

A I do. I do.
Q But you didn't look at any of the evidence in this case and you didn't request it.
A I wasn't asked to.
Q You talked about bullet weight in this case. And you're aware that bullets, when they impact things it can mark the outside of the bullet itself.
A Sure.
Q And are polygonal rifle barrels smooth or rough?
A They're smooth. It's not cut rifling, it's impressed. It's impressed by using a mandrel. The hammer forced the barrel down onto the twisted piece of steel called a mandrel and it makes of rifling in the barrel.
Q And can you typically match bullets fired by conventional rifling?
A Yes, ma'am.
Q And how often do you match bullets fired by polygonal -- I have a hard time with that word -- rifling.
A Every time. Because --
Q You can do it.
A -- Glock is made right there in Georgia. Yes, ma'am, we did a blind test. They gave us ten different test fires and then different evidence bullets and we can determine which one. If you know what you're looking for then it's not hard to match polygonal bullets.

Q You mentioned something about the nominal .38 caliber covered all bullets of the nominal bullet diameter approximately .355 to .357; is that correct?
A No, ma'am. When I hear the nominal .38 I think of a .38 Special, which would not be a 9 millimeter or a .380, it would be a revolver bullet.
Q So you disagree it would include the .380 auto?
A If that's what they say a .38 caliber is, sure, I agree with that. But that's not what I think of when I hear a .38.
Q And a 9 millimeter?
A Sure.
Q And a 9 by 21?
A Sure.
Q And the .38 Special?
A Yes, ma'am.
Q And a .357 Magnum?
A Yes, ma'am.
Q So in order to not mislead this jury, it's not just a .38 Special.
A I agree.
Q You talked about GSR in this case, and I'll come back to the ballistics in a minute. Your testimony is is that the gunpowder that comes out of the end of the gun is different from that that comes out of the -- where the

primer strikes.
A Absolutely.
Q And you disagree with every accredited lab who will testify that there's a cloud that comes out in and around the gun, can reach out eight to 10 feet and will actually wrap itself around things.
A Absolutely.
Q You disagree with that.
A Clearly. They've never done testing. If they've seen it, if you've watched it, I've never seen it travel that far. That's impossible. You're saying the GSR will travel further than the gunpowder? That makes no sense. The gunpowder is heavier than the GSR, so the gunpowder travels three feet, that's where it stops at. And you think the GSR is going to jump around the gun and jump further than the gunpowder? That makes absolutely no sense, and I've never heard of any kind of accredited lab stating that kind of nonsense.
Q And I believe your testimony here today, which is your opinion alone, is that if somebody fires a gun and you found three particles on one hand and three particles on the other, in your opinion that means he shot a gun.
A I think it's an indication --
Q -- sometime --
A Sure.

Q -- before he was killed.
A Sure.
Q And in your testimony here today it's because he may be holding the gun so the gunpowder would be on the back of his hand?
A Yes, ma'am.
Q Did you talk to -- or were you in here this morning for Mr. Stevens testimony?
A Yes, ma'am.
Q About how he held the gun when he shot it?
A Yes, ma'am.
Q So how did three particles end up here? Because you said that can only come from around the gun and we get three particles over here.
A What are you talking about? Mr. Stevens testimony -- that's not how Mr. Colving (sic) was holding the gun. You're talking about Mr. Stevens. What are you talking about, Colvin or Stevens, which one?
Q Colvin, I apologize.
A Well, how was he holding the gun? How do I know that? I don't know that. I know that there's GSR on both hands.
Q Okay. But your testimony was is that the GSR in this high amount would be from firing a gun and there's equal amounts on both hands.
A Correct.

Q And when Mr. Stevens testified he said he pointed the gun at him.
A He didn't say how he pointed the gun, he said he pointed the gun at him.
Q And typically one points the gun with one hand.
A Not necessarily.
Q But he didn't say it was two handed.
A He didn't say it wasn't.
Q In your testimony about these seven guns I think you said that are inside?
A Yes, ma'am.
Q Because in your testimony there was all of this kind of work that could have been done that they didn't do to match the bullets to each other?
A Correct.
Q Did you want to do that work and match the bullets to each other?
A I could have, I wasn't asked to.
Q But no one asked you to do that.
A I wasn't asked to.
Q And for the record you reviewed the video in this case?
A I did.
Q Where in that video of the footage where the shell casings and the bullets, mainly the front lobby and that dance area, do you see people reacting to more than one set

of gunshots?

A I see people walking all over the place for the next hour.

Q No, that's not my question. Where do you see people reacting -- because you'll agree with me at 2:33:33 people are going down on the floor, there's an event happening. Two men with guns jump off the stage.

A I agree.

Q Other than that moment, where inside that video -- and watch it all of way through to when they collect it -- do you see people reacting to gunshots?

A I do not.

Q Do you see people shooting guns?

A No, ma'am.

Q But your testimony is there's seven guns in there that night?

A It's possible, yes, ma'am, based on this report.

Q And that's the point, you're saying it's possible. Under your theory it's possible.

A My theory, no, this report states that.

Q And wouldn't you agree with me that it's important to take the forensic evidence in a case, and if you have any eye witness testimony and/or video testimony and you use it to compare it to each other to validate it.

A I think witnesses can lie, witnesses can be mistaken.

I think the forensic evidence is the strongest part, and this report states there could be seven different guns.

Q No, sir. You say there could be seven different guns, the report does not say that.

A It clearly says that, yes, ma'am. They can't match the bullets together. Why can't they match it together? It means there could be more than one gun.

Q They never recovered the guns that Mr. Stevens got rid of.

A It doesn't matter. If I can determine how many guns it is by matching these bullets together you could have done that, and if they can't do that either they're incompetent, as you stated, or the bullets didn't match each other.

Q Because you would be the only competent one here today.

A If I was asked to match this I would give it my best shot.

Q Let me ask you this: Do you have like YouTube videos and a video view of you maybe teaching a public defender's class down in Florida on Vivio (phonetically) is it?

A I do.

Q And in that video at one point you tell them to tell their clients when they have a gun to break it apart and get rid of it so it can't be linked back to them?

A I didn't tell them to break it apart, I said just get rid of the gun. In that video -- what it is, we can match

the cartridge case on the primer, on the breach face, on the firing pin, on the extractor, on the ejector, on the chamber marks. So I was just making a joke saying tell your clients just to get rid of the guns. Why do they hold on to these guns? They can be matched in so many things. Because you distort the barrel, but you can distort the breach face but you can't get rid of everything, just throw the gun away. And the judge, like this judge here, said that they tried to get me excluded in court because I made that statement, and the judge clearly understood I was talking to a bunch of defense attorneys. I was just joking around, I wasn't being serious.

Q Well, were you joking in that same video when you basically told them that what you need to tell your clients to do is jump in front of a car when they're shooting at a car so they can claim self-defense?

A Ma'am, I'm not sure what you're talking. See, you're just talking outlandishly. In that statement I had a case where an individual was shooting from a moving car and he shoots someone 150 feet away, and they asked me my opinion, and in that case we won the self-defense case in a moving vehicle going the opposite direction. Nothing like she just said. So she's just saying things that are completely false, ma'am.

Q It's on the Internet.

A Please, bring it out so they can show the jury that you're saying the wrong thing, ma'am. You are lying to the jury.

MS. CAMPBELL: Your Honor, we would ask permission to publish the video.

THE COURT: Okay.

(A video was played.)

MR. SHELDON: Your Honor --

THE COURT: Okay. Pause it. I'm not going to watch the whole video. Let's get to the point about what the question was about what he said or what he didn't say.

MS. MCGINNIS: Judge, can we send the jury out for just a minute so I can listen to the video and find the specific spot?

THE COURT: All right. Now is a good time for a break anyway, I've got to run to the restroom. All right. Y'all don't talk about the case. You can step down also but don't talk to anybody about your testimony if you need to go to the restroom.

(The jury left the courtroom.)

THE COURT: Timeout, go back. This is why we're -- they jury is not in here. Mr. Belton, you've got the floor. Yes, sir, what do you want to say?

MR. BELTON: Your Honor, just very quickly. You're right, they asked a question and they have a right to show

this, but pulling out just -- and I understand we don't want to watch the whole thing, but they need to understand the context. This is a room full of lawyers at a training that he's doing and making this comment, they need to contextualize it.

THE COURT: Okay. That's why you have redirect, I understand that. You will be allowed to bring that up on redirect.

MS. CAMPBELL: And I put that on the record that he was giving a lecture to a group of public defenders.

THE COURT: Sure. And he's going to be able to explain all of that. I mean, this ain't his first rodeo, this is fine. All right. Mr. Sheldon, anything else?

MR. SHELDON: I finally don't have anything.

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

(The jury returned to the courtroom.)

THE COURT: All right. Thank you, ladies and gentlemen. All right, Madam Solicitor.

(The video was played.)

THE COURT: All right. Any further questions?

MS. CAMPBELL: No, sir.

THE COURT: All right, thank you. Mr. Belton, redirect?

MR. BELTON: I have no questions, Your Honor.

THE COURT: All right. Mr. Sheldon?

MR. SHELDON: Two questions.

RECROSS EXAMINATION

BY MR. SHELDON:

Q When you're giving that video, I mean, is it common or uncommon that lawyers have their clients before the crime even is committed?

A Correct.

Q Is that common? I mean, would you say it's uncommon for me to be representing somebody that hadn't committed a crime.

A Absolutely.

Q When you're speaking to that group and you say may make sure to tell them to shoot from the front, what group of people are you talking to?

A I'm talking to anybody in the whole world. You better make sure you're in front of that car when you put a bullet through that car. Because if you -- those rods are off to the side, I'm in no danger as the car goes by, so what that statement was saying is if you're going to shoot somebody in a car you better be standing right in front of that car so I can stick a rod right through that windshield and say I'm in danger. Otherwise don't shoot into a car, because it's already going by and then you put bullets down the side. That's what the statement was. It's out of context because you're seeing this snippet, so I'm talking to anybody in the

whole world. Don't shoot into a car unless you're in front of the car because otherwise, you know --

Q And let me ask you just one more question. By playing that statement, how did that statement in anyway -- I mean, so that's something that you said. Is anything that you said in that video at all relevant to whether gunshot residue travels further than gunpowder?

A No.

Q Relevant as to whether the testing was done properly in this case?

A No.

Q Relevant to anything in this case at all except for who you are as a person?

A Correct.

MR. SHELDON: I don't have anymore questions.

THE COURT: All right. Any recross based upon that limited redirect?

MS. CAMPBELL: No, sir.

THE COURT: All right. Thank you, sir, you can step down, you are free to leave. Mr. Belton, you may call your next witness.

MR. BELTON: Mr. Stevens rests, Your Honor.

THE COURT: All right. Defendant Stevens rests. Mr. Sheldon?

MR. SHELDON: Defendant Champion rests.

THE COURT: Defendant Champion rests. Anything in reply from the State?

MS. CAMPBELL: One brief witness.

THE COURT: All right. Call your witness.

MS. CAMPBELL: State will call Lieutenant Thrower.

The witness, TRACEY THROWER, was first duly sworn and Testified as follows:

DIRECT EXAMINATION

BY MS. CAMPBELL:

Q Lieutenant Thrower, where are you employed?

A I am employed by the South Carolina Law Enforcement Division commonly known as SLED in the Forensic Services Building in the Firearms and Toolmark Department.

Q And can you tell this jury a little bit about your education and training in the field of firearms?

A I went to college, graduated with a Bachelor of Science Degree in Biology from Winthrop University. After college I was hired by SLED in the Firearm and Toolmark Department. I complete their three year course of instruction taught by court qualified firearm toolmark examiners. Numerous tests, lots of reading, lots of microscopic examinations like you've heard my colleagues testify about. Once I completed my training I was tested, I was deemed competent in the field of firearm identification. I have had continuing education. I've been through the course of instruction

called Scientifically Defensible Criteria for the Identification of Toolmarks, which is taught by the FBI. I've been through numerous armor school where they teach you how to work -- manufacturers teach you how to work on their guns, how to repair their guns, how to find problems with their guns. Attended numerous professional conferences in the field of firearm and toolmark identification, which is hosted by the Association of Firearm and Toolmark Identification for which I am a member. Among other training opportunities.

Q And what is your position in the laboratory at SLED in the firearms department?

A I am currently the supervisor of the department.

Q And have you testified before as an expert in the area of firearms?

A Yes, ma'am.

Q And approximately how many times have you been qualified?

A Approximately 65, I believe.

Q Sixty-five?

MS. CAMPBELL: Your Honor, at this time we would offer him as an expert in firearms comparison.

THE COURT: All right. Any voir dire on qualifications?

MR. BELTON: No, Your Honor.

THE COURT: All right. So qualified. He's an expert, ladies and gentlemen.

BY MS. CAMPBELL:

Q Is your laboratory accredited?

A Yes, ma'am, it is.

Q What body accredits your laboratory?

A ANAB.

Q And what's the purpose of having a laboratory such as yours and GBI or the FBI accredited?

A It assures that we have standard operating procedures that are written down, that are traceable, that we can be held accountable, that we can be whatever you call it. You can have other agencies come in and verify that we are actually following the standard operating procedures to verify that we are doing the quality of work that puts a quality management system in place. It ensures that the type of work that we are doing is the same level and quality as the other accredited laboratories worldwide. It's a very important step to ensure that consistent and quality work is being performed.

Q And are there certain protocols in place in your department to make sure the quality of work kind of complies with the known norm standards?

A Absolutely. Every test we have that we perform had, basically it's a cookbook, a written recipe for how to

perform it.

Q And there's been mention about people here in the courtroom getting paid today. Are you getting paid $250 an hour?

A No, ma'am. I'm just getting my state salary.

Q There's been some questions about the comparison of the bullets and the number, that that can determine the number of guns that it's shooting. The witness before you testified about the weight of different bullets. Can a bullet be intact but still not be suitable for comparison?

A Absolutely. You can have a bullet that is 100 percent intact but was shot in the sand, and the sand acted like sandpaper and completely scratched and scoured the external surface of the bullet removing all of the markings that were placed there by the firearm. Bullets shot into bone, shot into hardwood, bullets that hit metal, any kind of intervening hard object that a bullet may come into contact with at high speed can deform and damage those very small microscopic fragile markings that are on the outside of the bullet.

Q Such as going through a person's body and/or going through a wall and things of that nature?

A Sheetrock, absolutely.

Q And in this case there was testimony that it would be necessary to have the actual gun before the bullets could be

compared. Is that unusual?

A No, ma'am. If you have a series of fired bullets, you can compare the fired bullets to each other to see how many guns were there, but you have to have the actual firearm that was used in order to make that definitive determination of which gun fired the bullets.

Q And so in the protocol in your laboratory would be then that basically that it would be inconclusive as to try to do any further comparisons without the gun.

A Yes, ma'am. We do not try to compare the bullets back to the cartridge cases to see if the cartridge cases were fired by the same gun as the bullets per se. While you can look at certain overall physical characteristics of the bullets, the general shape, if they have --

MR. SHELDON: Judge, I'm going to object. This is cumulative. This wasn't disputed previously. Bullets and cartridges wasn't disputed by our expert, it's not rebuttal.

THE COURT: All right. Objection noted, objection overruled.

Q You can continue.

THE COURT: He's offering the basis of his opinion.

MS. CAMPBELL: Yes, sir.

A You can look at the overall physical characteristics, whether the jacket wraps around the base of the bullet. If there's a distinct heel. How much the basic covers. Is it

a concave or a convex base. There's all of these physical characteristics that we can look at to say, yes, this bullet is most consistent with being a Remington as opposed to most consistent with being a Federal. But especially -- and certain bullets have very unique characteristics, Speer Gold Dots and Federal Hydro per se. But many of these round nose jacketed bullets that are the cheap target ammunition look exactly alike between the brands. So simply looking at some of these bullets and say it has to be this one, therefore it has to be from this style of gun, many times you simply cannot do that.

Q In this case, however, as far as the projectiles are concerned, there was certain common denominators. I'm showing you State's Exhibit Number 275. Like in a conventional .380 -- .380 fragment conventional and the polygonal rifling type was able to be determined.

A Yes, ma'am.

Q And then that can be something that can be consistent with each other as well.

A Absolutely. You could have a series of 9 millimeter projects that have six lands to grooves for rifling that's polygonal rifling and they're all very similar based on general rifling characteristics.

Q But as far as going back to that common denominator with these it would have to be called inconclusive without