

VOLUME I OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Chesterfield County
Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RASHAWN MONTEZ LITTLE,

APPELLANT.

APPELLATE CASE NO. 2021-001385

RECORD ON APPEAL

KATHRINE H. HUDGINS
Appellate Defender

ALAN WILSON
Attorney General

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

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

ATTORNEY FOR APPELLANT

MICHAEL D. ROSS
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-6305

WILLIAM B. ROGERS, JR.
Solicitor, Fourth Judicial Circuit
Post Office Box 594
Chesterfield, SC 29709
(843) 479-6516

ATTORNEYS FOR RESPONDENT

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT #99 (VIDEO STATEMENTS)**

1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF CHESTERFIELD
4 2016-GS-13-545 to 556

5 State of South Carolina

6 Vs.

7 Rashawn Little

8

9 Chesterfield, South Carolina

10 November 15-19, 2021

11 Before the Honorable Craig Brown

12 APPEARANCES

13 For the State: Kernard Redmond, Mary Thomas Johnson Lee,

14 Elizabeth Munnerlyn

15 For the Defendant: Boyd Young, William Frick

16

17 Reported by: DCRP (transcribed by Michael C. Watkins)

18 Official Court Reporter

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VOIR DIRE

1 THE COURT: Prior to the jury coming in here defense
2 counsel on behalf of the defendant had filed a motion to
3 conduct its own voir dire during the jury qualification.
4 The Court is respectfully denying that request. The Court
5 is going to conduct voir dire in this case. I did ask
6 defense counsel to send me requested voir dire last week,
7 which they did, and I have reviewed those in chambers with
8 Mr. Redmond and Mr. Young. A couple of them were withdrawn
9 but I am going to conduct the voir dire and I will
10 respectfully deny your request.

11 MR. REDMOND: Thank you, Your Honor.

12 THE COURT: Anything before I bring the jury in, Mr.
13 Young?

14 (The jury panel was qualified.)

15 THE COURT: Is the State ready to proceed?

16 MR. REDMOND: Yes, Your Honor.

17 THE COURT: Is the defense ready to call the case?

18 MR. YOUNG: Yes, Your Honor.

19 THE COURT: Call your case, please, sir.

20 MR. REDMOND: Thank you, Your Honor. May it please the
21 Court? The State now calls the case of State versus Rashawn
22 Montez Little, indictment numbers 2016-GS-13-549, that being
23 attempted murder of five -- excuse me, I went a little out
24 of order. 545 is attempted murder, 546 is attempted murder,
25 547 is attempted murder, 548 is attempted murder, 549 is

VOIR DIRE

1 attempted murder, and 550 is attempted murder. He's also
2 charged with possession of a weapon during the commission of
3 a violent crime, four counts, that would be 2016-GS-13-553,
4 554, 555, and 556. And finally, Your Honor, he is charged
5 with murder, two counts, 2016-GS-13-551 and 552. The State
6 is ready to proceed to trial on all indictments.

7 MR. REDMOND: We're ready, Your Honor.

8 THE COURT: Ladies and gentlemen, the State has called
9 the case of State of South Carolina versus Rashawn Montez
10 Little. Mr. Little is charged by indictments with it's
11 looks like six counts of attempted murder. The indictments
12 as to the attempted murder read as follows: That Rashawn
13 Montez Little did in Chesterfield County on or about
14 October 25, 2015, with specific intent to kill attempt to
15 kill Greg Burns with malice aforethought either expressed or
16 implied in violation of Section 16-3-29 of the South
17 Carolina Code of Laws. That's the indictment on 545. On
18 indictment 546 it alleges that Rashawn Montez Little did in
19 Chesterfield County on or about October 25, 2015, with
20 specific intent to kill attempt to kill Brian Campbell with
21 malice aforethought, either express or implied, in violation
22 of 16-3-29 of the South Carolina Code of Laws. As to
23 indictment 547 it reads that Rashawn Montez Little did in
24 Chesterfield County on or about October 25, 2015, with
25 specific intent to kill attempted to kill Alvin Cruz with

VOIR DIRE

1 malice aforethought, either expressed or implied, in
2 violation of Section 16-3-29 of the South Carolina Code of
3 Laws. On indictment 548 the indictment reads that Rashawn
4 Montez Little did in Chesterfield County on or about
5 October 25, 2015, with specific intent to kill attempted to
6 kill Stuart Robinson with malice aforethought, either
7 expressed or implied, in violation of Section 16-3-29 of the
8 South Carolina Code of Laws. As it relates to indictment
9 549, that indictment reads that Rashawn Montez Little did in
10 Chesterfield County on or about October 25, 2015, with
11 specific intent to kill attempt to kill Wayne Jordan with
12 malice aforethought, either expressed or implied, in
13 violation of Section 16-3-29 of the South Carolina Code of
14 Laws. As it relates to indictment 550, it alleges that
15 Rashawn Montez Little did in Chesterfield County on or about
16 October 25, 2015, with specific intent to kill attempt to
17 kill Luther Ray Chambers, Jr., with malice aforethought,
18 either expressed or implied, in violation of Section 16-3-29
19 of the South Carolina Code of Laws. As it relates to
20 indictments 551 and 552. Under 551, that indictment is for
21 murder. It alleges that Rashawn Montez Little did in
22 Chesterfield County on or about October 25, 2015, willfully
23 feloniously, and intentionally kill the victim, Tyvon
24 Threatt, with malice aforethought, either express or
25 implied, by means of gunshot, and the victim did die as a

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1 proximate result thereof on or about October 25, 2015, in
2 Chesterfield County in violation of Section 16-3-10 of the
3 South Carolina Code of Laws. As it relates to indictment
4 552, that indictment reads that Rashawn Montez Little did in
5 Chesterfield County on or about October 25, 2015, willfully,
6 feloniously and intentionally kill the victim, Shannon
7 Little, with malice aforethought, either express or implied,
8 by means of gunshot, and the victim did die as a proximate
9 result thereof on or about October 25, 2015, in Chesterfield
10 County in violation of section 16-3-10 of the South Carolina
11 Code of Laws. As it relates to indictments 553, 554, 555
12 and 556, each of those are indictments are for possession of
13 a weapon during the commission of violent crime. Excuse me,
14 553, 554 and 555 are possession of a weapon during the
15 commission of a violent crime.

16 MR. REDMOND: Yes, Your Honor, I misspoke. I didn't
17 want to interrupt the Court, but I did misspeak.

18 THE COURT: 553, ladies and gentlemen, alleges that
19 Rashawn Montez Little did in Chesterfield County on or about
20 October 25, 2015, possess a firearm or visibly display what
21 appeared to be a firearm during the commission or attempted
22 commission of a violent crime, to wit, the defendant did
23 while at his residence at 1902 Number 6, Evans Mill Road,
24 Pageland, South Carolina, possess a firearm and shot the
25 victim, Luther Ray Chambers, Jr., once the door was opened

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1 by a codefendant in violation of Section 16-23-490 of the
2 South Carolina Code of Laws. Indictment 554. Can the
3 lawyers approach a minute, please?

4 (A bench conference was held with the judge and
5 Lawyers.)

6 THE COURT: As it relates to indictment 554, it alleges
7 that Rashawn Montez Little did in Chesterfield County on or
8 about October 25, 2015, possess a firearm or visibly display
9 what appeared to be a firearm during the commission or
10 attempted commission of a violent crime, to wit, defendant
11 did at his residence on 1902 Number 6, Evans Mill Road,
12 Pageland, South Carolina, possess a firearm and shot at the
13 victim, Tyvon Threatt, along with a codefendant, in
14 violation of Section 16-23-490 of the South Carolina Code of
15 Laws. Indictment 555 alleges that Rashawn Montez Little did
16 in Chesterfield County on or about October 25, 2015, possess
17 a firearm or visibly display what appeared to be a firearm
18 during the commission or attempted commission of a violent
19 crime, to wit, defendant did while at his residence at 1902
20 Number 6, Evans Mill Road, Pageland, South Carolina, possess
21 a firearm and shot the victim, Shannon Little, in violation
22 of Section 16-23-490 of the South Carolina Code of Laws.
23 Finally, ladies and gentlemen, under indictment 556, that's
24 an indictment for unlawful possession of a firearm by a
25 person convicted of a violent offense. That indictment

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1 MR. REDMOND: Please present Mr. Huggins.

2 THE CLERK: What says the defense?

3 MR. FRICK: Please seat the juror.

4 THE COURT: All right. Are there any matters of law
5 that I need to take up with regard to jury selection from
6 the State?

7 MR. REDMOND: None from the State, Your Honor.

8 THE COURT: Defense counsel?

9 MR. YOUNG: No, Your Honor.

10 THE COURT: Ladies and gentlemen, those that are seated
11 in the jury box over here, what I'm getting ready to do is
12 let you all go to lunch, we don't typically go this long
13 during the day before we break for lunch so I apologize,
14 this took a little bit longer than anticipated. I'm going
15 to let you all go to lunch right now, I'm going to ask you
16 to be back here at 3:00. Be back here at 3:00. Do not
17 discuss this case at all with anyone. Do not discuss this
18 case at all with anyone. Do not do any independent
19 investigation. You are to decide this case based solely on
20 the evidence and testimony that's presented in this
21 courtroom and nowhere else. And I've told you not to talk
22 to anyone about this case, no one is supposed to talk to you
23 about the case, so if anyone tries to talk to you about it
24 if you will advise the bailiffs immediately upon your
25 return. Nobody is to talk to you about it and you're not to

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1 talk to anybody about it until you're instructed to do so by
2 this Court, nor as I said earlier, are you -- you are not to
3 do any independent investigation on your own. This case is
4 to be decided by you all based upon the evidence and
5 testimony as presented in this courtroom and nowhere else.
6 You all have a nice lunch, I'll see you back at 3:00.

7 (The jury left the courtroom.)

8 (The remaining panel was excused.)

9 THE COURT: All right. Mr. Young?

10 MR. YOUNG: Thank you, Your Honor. Prior to the jury
11 selection the defense made a motion for a new panel. Since
12 the panel as qualified, it was either 46 or 48 people that
13 were qualified before you started case specific voir dire,
14 there were four African Americans in the panel that was
15 qualified. That is about eight -- a little over eight
16 percent of the panel as qualified, while the census
17 statistics for Chesterfield County are at about 33 percent
18 African American, which means we should have had a little
19 over 15 African Americans in the panel to be representative
20 of the community. The defense did use all of their strikes
21 and I think that that issue is preserved. Of course, the
22 Court denied that issue before jury selection and we're
23 making it on the record now. Thank you, Your Honor.

24 THE COURT: Anything in response, Mr. Redmond?

25 MR. REDMOND: Briefly, Your Honor. I -- of course, the

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1 State would disagree. As long as the jury selection was
2 done as statutorily prescribed, I would submit that between
3 that and just from the dynamics of the case I think based on
4 motions I think the record would at least indicate that
5 there are victims who are both black and white in this case,
6 both victims of the attempted murder and victims of the
7 murder were both black and white. So the State would
8 contend that race in a case like this, and once all of
9 evidence comes up, race is a minimal issue in this regard.
10 So I just add that on top of the fact that as long as Madam
11 Clerk -- and I have no reason to question the way she
12 selected this jury panel, as long as it was done as
13 statutorily prescribed the State would submit that we be
14 able to go forward with this panel.

15 THE COURT: Mr. Young, so the record is clear on this,
16 did make this objection before we started this process and I
17 told him that I would let him put it on the record after we
18 selected the jury. And I will say that pursuant to Duren,
19 D-u-r-e-n, v. Missouri, which was discussed in State v.
20 Stanko, 402 S.C. 252, kind set forth a test in that case.
21 The prima facia factors that established a violation are;
22 one, the group alleged to be excluded a distinctive group in
23 the community, the stated group is considered race. Race is
24 a distinctive group. The representation of this group and
25 venires from which the jury is selected is not fair and

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1 reasonable in relation to the number of such persons in the
2 community. Mr. Young's argument is the make-up in
3 Chesterfield County I think he said was 33 percent or
4 thereabouts?

5 MR. YOUNG: That's correct, Your Honor.

6 THE COURT: And the representation on this jury, I
7 think there were four African Americans in this panel; isn't
8 that's right?

9 MR. YOUNG: Yes, sir. Two of which were called up
10 before the Court, one sat and one struck by the State for a
11 race neutral reason that I discussed with them.

12 THE COURT: Going on into the third factor. The under
13 representation is due to systematic exclusion of the group
14 in the jury selection process. I do not believe that
15 there's any evidence or anything indicating that's before
16 me, that's before me, that there's any systematic exclusion
17 of African Americans in the jury selection process that's
18 before this Court at this time. So therefore your objection
19 is noted for the record. The Court based on what I have
20 said, based on Duren V. Missouri as well as State V. Stanko,
21 that Duren V. Missouri was also affirmed in Berghuis,
22 B-e-r-g-h-u-i-s, v. Smith. The cite for Duren v. Missouri,
23 439 U.S. 357, that's a 1979 case. The Berghuis case, which
24 reaffirmed the Duren case, was 559 U.S. 314, which is a 2010
25 case. The State v. Stanko case that I referred to, 402 S.C.

1 252, which is a 2013 case. But your objection is
2 respectfully and certainly noted for the record, but that's
3 the Court's ruling based upon those cases. Okay?

4 MR. YOUNG: Thank you, Your Honor.

5 MR. REDMOND: And Judge, just to real quick add
6 something just in case (inaudible) it looks like the list I
7 have, there were 42 African Americans, and that's just a
8 quick look, that were actually summoned. So because eight
9 percent was mentioned by the defense I think it's important
10 that from what I see there were 42 summoned. Don't know why
11 they all didn't come in, I don't think that's the issue.
12 The issue is whether or not there was a fair panel pulled,
13 and the State would submit that based on that that further
14 buttresses our argument that it was a fair panel.

15 THE COURT: All right. Well, I will do this also, I
16 would ask that the Clerk print me a clean copy of those that
17 were summoned for jury duty here today. I think I was told
18 there were 150 people that were actually summoned, is that
19 right, Madam Clerk?

20 THE CLERK: Yes, sir.

21 THE COURT: There were 150 people that were actually
22 summoned but only 45 or 46 or thereabouts was what showed up
23 today, so you've got about close to a third of which
24 individuals showed up. But I would like for this list of
25 individuals that were summoned for jury duty be printed and

1 that will be made a Court's Exhibit as well, which reflects
2 race and sex of all individuals that were summoned to be
3 here for today. Okay? Thank you. All right. 3:00.

4 (A lunch break was taken.)

5 THE COURT: Before we bring the jury out some of them
6 brought to my attention that I discussed with the lawyers
7 back in chambers. I would have the lawyers approach. Bring
8 that juror in please. The lawyers can approach, please.

9 (A bench conference was held between the juror, judge
10 And lawyers.)

11 THE COURT: All right. I have excused juror number
12 113, Ms. Amy Ricketts, from the trial of this case. The
13 attorneys for the State as well as defense counsel were up
14 here at the side bar. Can y'all hear me okay?

15 MR. REDMOND: Yes, sir.

16 MR. YOUNG: Yes, sir.

17 THE COURT: Were up here at side bar --

18 MR. REDMOND: Your Honor, just for -- the folks in the
19 audience are saying that they're having difficulty hearing
20 Your Honor so I just wanted to make you aware of that.

21 THE COURT: Okay. The lawyers were here at side bar
22 with me when I excused Ms. Ricketts. It was initially
23 conveyed to me that some members of the victim's family had
24 approached Ms. Ricketts and conveyed to her that she was
25 dating a cousin of the defendant. Ms. Ricketts cleared up

1 to me that it was not any member of the victim's family that
2 approached her so I want to clear that up for the record.
3 Okay? But I will emphasize again that whether you're a
4 family member of victims, victims themselves, family
5 members, friends, et cetera, of any of the parties to this
6 litigation, if there is any, any contact with any of the
7 jurors in this case that you are subject to being held in
8 contempt of court which very well more than likely will
9 result in incarceration. So I will tell everyone that they
10 are not to have any contact with any of these jurors period
11 whether directly or indirectly. Now, pursuant to what I
12 have said, does the State wish to add anything?

13 MR. REDMOND: Nothing, Your Honor.

14 THE COURT: Defense counsel?

15 MR. YOUNG: No, Your Honor.

16 THE COURT: Pursuant to statute the next person seated
17 is not necessarily the person of the alternate selected in
18 the record. I have written both of the alternates' names on
19 pieces of paper, put them in a cup, folded them up and put
20 them in a cup. Any objection to me pulling one out from the
21 State?

22 MR. REDMOND: Not from the State.

23 THE COURT: Defense counsel?

24 MR. YOUNG: No, Your Honor.

25 THE COURT: All right. The alternate juror, number

1 110, who was actually the first alternate that was chosen,
2 will be seated, Mr. Renegar. Okay? All right. Anything
3 from the State before I bring the jury out? I will mark
4 that as a Court's Exhibit.

5 MR. REDMOND: Yes, briefly, Your Honor, if I could. In
6 talking with the defense to save time there are certain
7 items of evidence that we can go ahead and stipulate to.
8 I'm not going to go through all of the stipulations because
9 of the time. What I've done in talking with Mr. Young is
10 marked as a Court's Exhibit the stipulations that I have
11 previously forwarded to Mr. Boyd based on our meeting last
12 week. I've marked that as a Court's Exhibit, we can address
13 it in full in the morning.

14 THE COURT: Is that right, Mr. Young?

15 MR. YOUNG: Yes, Your Honor.

16 MR. REDMOND: And specifically for today just to go
17 ahead, and again, it's a housekeeping matter to save time,
18 the State -- again, Mr. Young has had a chance to see these
19 items, State's Exhibit Number 1, 2, which are the autopsy
20 reports. 1 and 2. State's Exhibit 3 -- Exhibits 3 and 4,
21 which are enlargements of page three of the autopsy reports
22 of Tyvon Threatt and Shannon Little. Then we've got
23 pictures starting with State's Exhibit 5, 6, 7, 8, 9. Those
24 are pictures from the autopsy of Shannon Little and selected
25 pictures, obviously, that the defense has agreed to with

1 Shannon Little and Tyvon Threatt's autopsies. Then we go to
2 State's Exhibit 10 -- Exhibits 10, 11 and 12, those are
3 enlargements of various parts of the scene. And finally,
4 Your Honor -- not finally, but we have State's 13 and 14,
5 which are both pictures of the front entrance to the trailer
6 park and the actual 1902 Evans Mill Road trailer. And
7 finally, Your Honor, we have State's 15 and 16. 15 is the
8 911 call, there are two 911 calls that we will play today,
9 and then 16 is the CD of Alvin Cruz's body cam, which if
10 time permitting we will play today. And that's all of the
11 exhibits I can -- I think I have covered that we can get in
12 to today. The defense has agreed that all of those exhibits
13 would come into evidence.

14 THE COURT: Is that right, Mr. Young?

15 MR. YOUNG: I've looked at them all and we maintain
16 that we object to the autopsy photos except for the close-up
17 of the wound, I think Number 5 and 6 are -- 6 is a close-up
18 of the wound that's depicted in 5. I don't have an
19 objection to 6, but five is still sort of, you know, a clear
20 autopsy picture of Shannon. There's more of a body in it.

21 MR. REDMOND: And, Your Honor, I can show you State's
22 Exhibit Number 5. And I apologize, I was under the mistake
23 that all of these had been agreed to. We did crop -- and I
24 say we, I think Ms. Johnson-Lee did crop off where initially
25 her eyes and I guess more of her body was actually exposed.

1 We cropped those so that her eyes were not visible and that
2 we just have the visual, I guess, a little further shot with
3 some context as to where the wound entered into Ms. Little.

4 THE COURT: Anything else, Mr. Young?

5 MR. YOUNG: No, Your Honor.

6 THE COURT: Just if you object to it place your
7 objection on the record.

8 MR. YOUNG: Will do. Would Your Honor like to go ahead
9 and do the rulings on the Biggers and Denno?

10 THE COURT: Anything by way of argument as to any of
11 that?

12 MR. YOUNG: No, Your Honor. We submitted our briefs
13 and will make those part of the records. I have a copy of
14 the briefs and the transcript as to the --

15 THE COURT: All right. Pursuant to Neil V. Biggers,
16 when a defendant challenges the pretrial identification the
17 trial court must decide whether or not the identification of
18 the police procedure was both unnecessary and suggestive.
19 If it was, did the procedure create a substantial likelihood
20 of irreparable misidentification. The burden is on the
21 defendant to show by a preponderance of the evidence that
22 the ID was impermissibly suggestive, and under the totality
23 of the circumstances there is a substantial likelihood of
24 irreparable misidentification. Taking into consideration
25 the testimony, while the Court certainly respects and

1 recognizes defense counsel's arguments as to such, the Court
2 believes that such identification of the defendant goes to
3 the weight and not the admissibility, and therefore
4 defendant's motion to suppress such in-court identification
5 is respectfully denied but so noted for the record. As to
6 the Jackson v. Denno. In looking at the totality of the
7 circumstances, in my recollection the defendant reached out
8 to law enforcement indicating that he wanted to speak to
9 them. The defendant was given his Miranda Rights. The
10 testimony was that the defendant willingly signed waiving
11 his rights. I do not believe that such statements given by
12 the defendant were the result of any promises, threats,
13 duress. And in looking at the totality of the circumstances
14 the Court believes that the defendant freely, voluntarily,
15 knowingly and intelligently gave such statement and
16 therefore the Court will allow it, but such objection is so
17 noted.

18 MR. REDMOND: Thank you, Your Honor.

19 THE COURT: Anything further, Mr. Young?

20 MR. YOUNG: Thank you, Your Honor. No, sir.

21 THE COURT: Anything else before I bring the jury out?

22 MR. REDMOND: Nothing from the State. Oh, just a
23 housekeeping matter. Other than the State's Exhibit 5, am I
24 to understand the defense does not have any objection to us
25 going on ahead and moving 1 through 4, 6 through 16 into

1 evidence at this time?

2 THE COURT: Without objection provided that the State
3 lays the proper foundation, correct?

4 MR. REDMOND: Thank you, Your Honor.

5 MR. YOUNG: Yes.

6 THE COURT: All right. Bring me the jury, please. I
7 have been advised that Mr. Tommy Johnson -- excuse me, Tammy
8 Johnson, juror number 74, is the foreperson of the jury.

9 MR. YOUNG: Thank you, Your Honor.

10 MR. REDMOND: Thank you, Your Honor.

11 (The jury returned to the courtroom.)

12 THE COURT: All right. Ladies and gentlemen of the
13 jury, before we get started I'm going to ask that my
14 clerk -- Madam Clerk, would you swear the jury, please?

15 (The jury was sworn.)

16 THE COURT: All right. Before we begin, ladies and
17 gentlemen, you'll notice that one of the jurors has been
18 excused. Okay? And that's why we select alternates, that's
19 why we select alternates. I will tell you, Mr. Renegar, did
20 I pronounce that correctly?

21 THE JUROR: Yes, sir.

22 THE COURT: You are now seated on this jury, you're no
23 longer an alternate. Okay? All right. Now, ladies and
24 gentlemen, before we begin the trial of this case of the
25 State versus Rashawn Montez Little, I want to tell you that

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1 attorneys and to the Court. Please don't let your thoughts
2 wander, but give instruct attention to the testimony in this
3 case so that at the end of all of the testimony, after the
4 arguments of counsel, and the charge on the law by the Court
5 you will then be in a position to determine what the facts
6 are and to apply the law to those facts and thus render a
7 verdict. Now, you, Ms. Johnson, have been selected as the
8 forelady of this jury. Okay? It will be your duty to be
9 the jury spokesperson here in court, and will also be your
10 duty to write the verdict, but I will give you further
11 instructions as to what your responsibilities are at the
12 conclusion of the case. Okay? Now, in order to preserve
13 everyone's rights I will give the parties an opportunity to
14 object to anything that I have said. Any exception or
15 objection to anything that I've said to the jury from the
16 State?

17 MR. REDMOND: No exception from the State, Your Honor.

18 THE COURT: Defense counsel?

19 MR. YOUNG: No, Your Honor.

20 THE COURT: Ladies and gentlemen, Madam Forelady, we
21 will now begin the trial of this case. The State is
22 recognized for opening statement.

23 MR. REDMOND: Thank, Your Honor. Mr. Johnson-Lee will
24 give the opening statement.

25 THE COURT: I'm sorry. Ms. Lee?

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1 MS. JOHNSON-LEE: May it please the Court?

2 THE COURT: Yes, ma'am.

3 MS. JOHNSON-LEE: Counsel? Good afternoon. Today is
4 the day. Remember those words because you will hear them
5 again during this trial. On the early evening of
6 October 25th, 2015, in the Evans Road area of Pageland,
7 South Carolina, here in Chesterfield County, deputies with
8 the Chesterfield County Sheriff's Office responded to a
9 shooting call. The deputies who responded found Luther
10 Chambers on the side of the road bleeding from his arm.
11 They heard shots then being fired inside the adjacent
12 trailer park. Deputies Wayne Jordan, Stuart Robinson, Alvin
13 Cruz and Brian Campbell, moved on foot into the trailer park
14 to where they heard the shots being fired. They came upon
15 Tyvon Threatt bleeding profusely on the front steps of the
16 trailer located at 1894 Evans Mill Road. The deputies
17 cleared the trailer and instructed that Tyvon be moved
18 inside for safety. During this process they heard more
19 shots being fired from behind the trailer, they were in the
20 front. They checked the garbage dumpster behind the trailer
21 to make sure the shooter wasn't there. They began the
22 process of ensuring that citizens were safe until the
23 shooter could be located. Some of them heard and saw
24 children in front of the trailer that was located to the
25 right of 1902. They went and cleared that trailer to ensure

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1 that the shooter wasn't hiding inside and to ensure those
2 folks were safe. The deputies then moved onto trailer 1902
3 Evans Mill Road. Lieutenant Wayne Jordan, who is now
4 Captain, stood next to the front steps, Stuart Robinson was
5 there, and he tapped on the door with his flashlight
6 announcing sheriff's office. Almost immediately a bullet
7 pierced the wall of the trailer above Lieutenant Jordan's
8 head. Deputy Stuart Robinson, thinking that Lieutenant
9 Jordan had been shot, kept pushing him down as they
10 retreated to take cover beside a silver or gray in color
11 Toyota. Deputy Alvin Cruz was at the end of the trailer, he
12 did as instructed and retreated to the Toyota to take cover.
13 Deputy Brain Campbell laid on the ground beside a white
14 vehicle. Rashawn Montez Little, known to some as Shawn and
15 known to some as Keshawn, opened the door and began
16 firing at the deputies. They began firing back. The
17 deputies were engaged in an active gun battle. Listen
18 closely to the testimony today and this week. You will hear
19 firsthand from these deputies about seeing repeated muzzle
20 flashes, about bullets whizzing by, bullets hitting the
21 Toyota where deputies Jordan, Robinson and Cruz took cover.
22 Bullets hitting the ground near where Deputy Campbell lay.
23 You will hear that Deputy Greg Burns came to their aide with
24 his rifle. Listen and you will hear the deputy speak of
25 having to lay suppressive fire. The defendant retreated

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1 back into his trailer and grabbed his wife, Shannon Little,
2 to use her as a human shield. Shannon's three children, her
3 daughters, 12 year old Carmella and nine year old Zara, and
4 her son, ten year old D.J., were inside the trailer during
5 the defendant's shooting spree. You see, it was the
6 defendant who had first shot Luther Chambers, the man the
7 deputies found bleeding from the arm. The defendant had
8 then shot Tyvon Threatt. The defendant had shot multiple
9 times at the deputies. The defendant lastly, with Shannon's
10 children inside the trailer begging him to let her go to her
11 children, shot her in the neck perforating her brainstem
12 killing her. The defendant left the home through the back
13 door and came around the opposite end of the trailer with
14 his hands in the air. His shirt was covered with blood, so
15 much so that at least two of the deputies thought he had
16 been shot. They called out to him to surrender. The
17 defendant instead got into a Cadillac that was backed in in
18 front of the trailer and began to drive away. Listen to the
19 deputies when they tell you why they did not shoot at the
20 defendant before he got into the Cadillac. Listen to where
21 they tell you why they did, however, shoot at the car when
22 he began racing away, when Brian Campbell had repositioned
23 himself in the area that was in the car's direction of
24 travel. The defendant was able to evade capture and get
25 away. The deputies on scene then went inside the trailer at

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1 1902 to clear it. They found Shannon Little on the living
2 room floor dead with her children crying around her, at
3 least one of them was holding her body. The State Law
4 Enforcement Division Tracking and SWAT Teams located the
5 defendant hours later, he had shed the bloodied shirt. You
6 will hear not only from the deputies who were in the gun
7 battle, but you will watch and hear a video taken from the
8 body camera of Deputy Alvin Cruz. You will watch and hear
9 videos of Shannon's three children as they describe what
10 they witnessed in their children's perception. You will
11 hear from one of the crime scene agents of the State Law
12 Enforcement Division who documented and collected evidence
13 from the shooting and from the gun battle. You will hear
14 from the doctor who performed the autopsies on Shannon
15 Little and Tyvon Threatt, because Tyvon succumbed to his
16 injuries. You also hear another name during this trial, you
17 will hear the name of Marques Tyson, he's also charged with
18 the attempted murder of Luther Chambers and Tyvon Threatt
19 but he's not on trial today. You'll hear that Marques and
20 the defendant had spent the whole day together hanging out.
21 The evidence will show they acted in concert with the
22 shooting up until the shooting with law enforcement began
23 and when Shannon was shot and killed. As you listen to all
24 of the evidence in the case, and I say listen, because
25 evidence is not only bullets and guns and physical pieces of

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1 evidence, it is also the testimony of every person who takes
2 the witness stand to tell you what he or she saw or heard,
3 and what they did or what they found. What I or any other
4 attorney in this courtroom say to you is not evidence. The
5 only evidence is what the witnesses tell you and what items
6 are put into evidence. At the end of this trial the State
7 submits that the evidence will show that the defendant is
8 guilty of all of the charged indictments where you will find
9 that the State has proven each and every element beyond a
10 reasonable doubt. Thank you.

11 MR. FRICK: Thank you, Your Honor. Solicitors, ladies
12 and gentlemen of the jury. Congratulations, you are now
13 part of history whether or not you know it or not. You have
14 now become part of a process that goes all of the way back
15 to 1215 in the Magna Carta, so 800 years of history you're
16 now part of that as you start here today, that's when we
17 started with juries. Now, it's come a long way since 1215
18 but that's what it goes back to. And, ladies and gentlemen,
19 the solicitor is absolutely correct and the Judge is
20 absolutely correct, the State has got to prove their
21 allegations beyond a reasonable doubt. Now, the Judge is
22 going to instruct you at the end what reasonable doubt is
23 but I'm going to give you my idea of what that is. That is
24 that there is no other reasonable explanation other than
25 Rashawn Little did what the State accuses him of doing. No

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1 other reasonable explanation. It's not I've listened to it
2 and it seemed pretty convincing so he might have done it, or
3 he probably did it, or he could have done it. No, that's
4 not enough. The standard of proof in a criminal trial is
5 completely on the State, it must be proven beyond a
6 reasonable doubt. And what's going to happen is you're
7 going to see a lot of witnesses get paraded up here to the
8 witness box, they're going to come up here and they're going
9 to take their oath, they're going to sit down. And I
10 suggest to you ladies and gentlemen, just because a person
11 puts their hand on the Bible, swears to tell the truth, you
12 do not have to accept everything that they tell you. It is
13 entirely up to you as the jury, as the judge of the facts as
14 we call it, to weigh the evidence. You can decide you want
15 to believe everything somebody says or everything that
16 you're seeing and hearing. You can believe part of it or
17 you don't have to believe a blame bit of it. You can say I
18 don't accept any of that. That is your province entirely
19 and no one can take that away from you. And as I said,
20 folks will get up there on the stand, physical evidence will
21 be introduced, you're going to see some pictures, there may
22 be a little bit of forensics, I don't think it's going to
23 get real exciting on the forensics stuff so it's not going
24 to be like a CSI episode, but there will be some stuff. Pay
25 attention. Pay attention to what you see, carefully weigh

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1 it as I know you will, take your oath seriously as I know
2 you will, and in the end I submit to you the State will not
3 have met its burden of proof and you will find Mr. Little
4 not guilty of all charges. Thank you for your time,
5 attention, and service.

6 THE COURT: You can call your first witness, please.

7 MS. JOHNSON-LEE: Yes, Your Honor. The State calls
8 Dr. Janice Ross.

9 The witness, JANICE, ROSS, M.D., was first duly sworn

10 And testified as follows:

11 DIRECT EXAMINATION

12 BY MS. JOHNSON-LEE:

13 Q Please state your name for the record.

14 A Janice Edwards Ross.

15 Q Where are you employed?

16 A I am -- at the time of this in 2015 I was with Newberry
17 Pathology Associates working out of Newberry, South
18 Carolina. I am now down in Charleston, South Carolina,
19 with -- working for myself.

20 Q Now, are you a licensed physician and surgeon?

21 A I am a forensic pathologist.

22 Q Now, Dr. Ross, how long have you been doing autopsies?

23 A Forty-five years.

24 Q And given your best estimate, how many times do you
25 think you have been qualified and testified as an expert in

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1 the field of forensic pathology?

2 A Approximately 300 times in South Carolina.

3 MS. JOHNSON-LEE: Your Honor, at this time I would move
4 to have Dr. Ross qualified as an expert in the field of
5 forensic pathology.

6 MR. YOUNG: No objection.

7 THE COURT: All right. Without objection this witness
8 is qualified as an expert in the field of forensic
9 pathology. Hold on a minute. I'm going to give you all a
10 brief instruction before we go any further. I tell you
11 ladies and gentlemen of the jury that normally a person
12 cannot, cannot give opinion testimony. Normally when a
13 person testifies they must testify as to what they either
14 saw, heard or sensed by smell or something of that nature.
15 However, there is an exception when someone is qualified
16 because of education or experience, they are permitted to
17 give opinion testimony in certain areas if the Court
18 qualifies them that way. This witness is being qualified in
19 the area of forensic pathology to give opinion testimony in
20 that area. That does not mean that you must accept the
21 opinion, but it is evidence for you to use in any way that
22 you see fit and give it the weight and credibility that you
23 believe is appropriate. Madam Solicitor, you may continue.
24 MS. JOHNSON-LEE: Thank you, Your Honor.
25 Q Dr. Ross, did you perform an autopsy on Shannon Little?

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1 A Yes.

2 Q On what date did you perform that autopsy?

3 A That was on October 27th, 2015.

4 Q And when you did that autopsy, did you determine a
5 cause of death of Shannon?

6 A Yes, I did.

7 Q What was the cause of death?

8 A It was laceration of the brainstem, part of the brain,
9 due to gunshot wound to the neck.

10 Q And what was the manner of death?

11 A Homicide.

12 Q Now, did she have any other injuries to the body
13 besides the gunshot wound to the neck that caused the death?

14 A Yes. She had another gunshot wound that went into the
15 skin of the back, right side of the back, but it only stayed
16 under the skin and came out the right abdomen.

17 Q So was that a nonfatal wound?

18 A Correct.

19 Q Now, during that autopsy, did you take some
20 photographs?

21 A Yes.

22 MS. JOHNSON-LEE: Permission to approach the witness,
23 Your Honor?

24 THE COURT: Yes, ma'am.

25 Q I'm going to show you what's marked for identification

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1 as State's 5, 6 and 7. Do you recognize those photographs,
2 Dr. Ross?

3 A Yes.

4 Q And are those photographs of Shannon Little that you
5 took?

6 A These are photographs of Shannon Little at the time of
7 autopsy, yes.

8 Q And are those an accurate depiction at the time of
9 autopsy?

10 A Yes.

11 MS. JOHNSON-LEE: At this time I would move to have
12 those put into evidence for the State.

13 MR. YOUNG: Notate defense's objection to Number 5.

14 THE COURT: Can I see the photographs, please?

15 (Break in proceedings.)

16 MR. YOUNG: Under 403 the defense thinks its
17 appropriate value is light but it's prejudicial nature is
18 unduly prejudicial. Thank you, Your Honor.

19 THE COURT: All right. Over the defendant's objection
20 I will allow State's Exhibit Number 5 to be admitted. The
21 objection is so noted for the record.

22 MS. JOHNSON-LEE: Are all three in evidence, Your
23 Honor?

24 THE COURT: Yes, ma'am.

25 MS. JOHNSON-LEE: Thank you, Your Honor.

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1 (State's 5, 6 and 7 were received.)

2 Q Now, did you also prepare a report?

3 A Yes.

4 Q And I want to show you what's marked as State's Exhibit
5 Number 2. Is that the report you prepared regarding the
6 autopsy of Shannon Little?

7 A Yes, it is.

8 MS. JOHNSON-LEE: I would like to move that report into
9 evidence at this time.

10 THE COURT: Any objection.

11 MR. YOUNG: No, your Honor.

12 THE COURT: Without objection so admitted.

13 (State's 2 was received into evidence)

14 Q Now, Dr. Ross, would you on page three read again, or
15 read to the jury gunshot wound number one?

16 A Yes. First of all let me say that we number gunshot
17 wounds, if there are multiple wounds, basically from top to
18 bottom, so it does not necessarily means that's the order in
19 which they were received. Gunshot wound number one is
20 located in the neck seven inches below the top of the head
21 and three and three quarter inches to the left of midline,
22 so it's in the upper neck. It is round. The entrance wound
23 measures .3 inches in diameter. And there was dense soot
24 around this wound over an area of 1.3 inches in diameter.
25 The bullet path continued left to right and backward. It

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1 perforates the C1 vertebrae, first vertebrae of the neck,
2 and perforates the brainstem. The bullet is found within
3 the vertebral bone. It is copper jacketed. We retrieved
4 it, photographed and sealed it for evidence.

5 Q And you said that it was from the left to right; is
6 that correct?

7 A Yes.

8 Q And again, what was the direction of travel left to
9 right? Was it upward or downward?

10 A Slightly backward but it wasn't up or down, it was just
11 pretty much straight in. So left to right and backward.

12 Q Right and backward. Thank you, Dr. Ross. And, Dr.
13 Ross, did you actually remove any shrapnel or bullets or
14 anything from Shannon's body?

15 A We retrieved the bullet, including the jacket, the
16 copper jacket, and the lead itself.

17 Q And where did you retrieve that from?

18 A From the C1 vertebrae. The first backbone of the neck.

19 Q Now, with regards to that neck wound, was there any
20 soot or stippling around that wound?

21 A Yes. There was dense soot around it.

22 Q And when you say dense soot, what does that mean?

23 A The -- when you fire a gun, when the bullet comes out
24 of the muzzle along with soot and powder, but the soot and
25 the powder only go a certain distance, where obviously the

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1 bullet goes much further. So if we see soot or powder we
2 can kind of estimate the fact that -- how far the muzzle of
3 the gun was from the target. In this case we would call
4 this a near contact wound because there was soot present.
5 In other words, it was several -- a distance wound would be
6 maybe two feet away and you wouldn't get soot.

7 Q So in your expert opinion as a forensic pathologist,
8 how far would the muzzle of that gun have been from
9 Shannon's neck when that bullet was discharged?

10 A To get an exact figure you have to have the target
11 shoot with the same gun and the same ammunition, et cetera,
12 but probably within a couple of inches.

13 Q A couple of inches. I want to show you what's marked
14 for identification at this time as State's Exhibit 17. Are
15 you able to identify what is contained in that package?

16 A Yes. This is the bullet that we retrieved from the
17 cervical vertebrae number one at the time of autopsy.

18 Q So that's from Shannon's neck.

19 A Yes.

20 Q Now, did you also perform an autopsy on a Tyvon
21 Threatt?

22 A Yes.

23 Q On what date did you perform that autopsy?

24 A October 28th, 2015.

25 Q And during that autopsy did you take any photographs?

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1 A Yes.

2 MS. JOHNSON-LEE: Permission to approach again.

3 THE COURT: All right.

4 Q I'm going to show you what's marked for identification
5 State's 8 and 9. Do you recognize those?

6 A Yes.

7 Q What are those?

8 A Exhibit 8 is the entrance gunshot wound. And
9 exhibit from -- I'm sorry, Tyrone (sic) Threatt at the time
10 of autopsy. And Exhibit 9 are the fragments of bullet that
11 we found in him at the time of autopsy.

12 Q Where were the fragments located in Tyvon Threatt?

13 A Well, the wound went into the right buttock in the
14 back, and those fragments were found deep in the fat tissue
15 underneath the skin.

16 Q Did you come to a determination of cause of death of
17 Tyvon?

18 A Yes.

19 Q And what was the cause of death?

20 A Hypovolemic shock, which means he did get to the
21 hospital and had surgery and they opened his abdomen up and
22 found a lot of blood. So with the loss of blood we call
23 hypovolemia, which means his blood volume goes down and he
24 goes into shock, and that was because of the laceration of
25 blood vessels. The surgeons -- the only way we could track

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1 the bullet, which through what the surgeons were doing, you
2 could see where they tied off and clamped off blood vessels.
3 So according to the medical records he lost quite a bit of
4 blood and went into shock.

5 Q And what was the manner of death?

6 A Homicide.

7 Q And you prepared a report on Tyvon, correct?

8 A Yes.

9 Q I'm going to show you what's marked as State's Exhibit
10 1. Do you recognize that document?

11 A Yes. This is my report on the autopsy report.

12 MS. JOHNSON-LEE: Your Honor, at this time -- I'm not
13 sure if you moved the photographs 8 and 9 into evidence, but
14 at this time I would like to move those into evidence.

15 MR. YOUNG: No objection.

16 THE COURT: Without objection so admitted.

17 (State's 8 and 9 were received.)

18 MS. JOHNSON-LEE: And I would also like to move the
19 autopsy report into evidence.

20 THE COURT: Which is Exhibit 1?

21 MS. JOHNSON-LEE: Yes, Your Honor.

22 THE COURT: Any objection?

23 MR. YOUNG: No, Your Honor.

24 THE COURT: All right. State's Exhibits 8, 9 and 1 are
25 admitted into evidence without objection.

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1 MS. JOHNSON-LEE: Thank you, Your Honor.

2 (State's 1 was received.)

3 Q On page three of your report, will you please read the
4 jury about the gunshot wound, please?

5 A Yes. There's an entrance gunshot wound in the right
6 buttock 34 inches below the top of the head and four inches
7 to the right of the midline. It is round and measures
8 .3 inches in diameter. The bullet path appears to be back
9 to front and slightly upward. Again, he had surgery so we
10 were just following what the surgeons left. No exit wound
11 was identified unless it was within the laparotomy wound.
12 We did have fragments of the bullet still in him but some
13 could have escaped. There is bloody -- let's see -- I'm
14 sorry. There appears to have been surgery in the right
15 pelvic gutter, that's way down in the abdomen, including
16 clips in blood vessels. There is bloody fluid within the
17 rectum but no perforation of the colon is identified. Three
18 small fragments of lead are found in the subcutaneous tissue
19 of the right buttock but no jacket pieces are found.

20 Q Thank you. I'm going to show you what's marked for
21 identification as State's Exhibit 18. Do you recognize
22 what's contained in that exhibit?

23 A Yes. These are the fragments we removed from the
24 inside sort of pelvic area of -- from the buttock area of
25 the (inaudible) Tyvon Threatt at the time of autopsy.

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1 Q And there's no jacket present, just fragments, correct?

2 A Correct.

3 Q Thank you, Dr. Ross. Now, what did you do with first
4 of all the fragments and the jacket that you retrieved from
5 Shannon Little? What did you do with that?

6 A Those were sealed -- photographed and sealed and then
7 handed to Investigator, I think it was, Hezel who then would
8 take it to SLED for identification.

9 Q Would that be agent Tiffany Hezel with the State Law
10 Enforcement Division?

11 A Yes.

12 Q And what did you do with the fragments that you removed
13 from Tyvon Threatt?

14 A Those were signed off for -- by -- let me make sure --
15 let me get the name right. Dawn Claycomb.

16 Q And is Dawn Claycomb with the State Law Enforcement
17 Division also?

18 A Yes.

19 Q Now, did you also take any samples of bodily fluids
20 from either Tyvon or Shannon?

21 A Yes. We take blood samples, urine if there is some,
22 fluid from the eye, and we seal those and send those to SLED
23 also.

24 Q Were those given with Agent Hezel and Agent Claycomb
25 depending on which autopsy they attended?

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1 A Yes. They were given to them.

2 Q And you sealed those up before you gave them to them?

3 A Yes.

4 Q Dr. Ross, in the many autopsies that you performed,
5 have you ever performed an autopsy where there was a suicide
6 by shooting into the neck from the side?

7 MR. YOUNG: Objection, speculation.

8 THE COURT: I'll allow her to answer the question.

9 A Most suicides I've seen in the neck area are from under
10 the chin or maybe in the head on the side. I myself have
11 not seen one, it's not impossible. But most of the time
12 when people want to commit suicide they want the bullet to
13 go -- make sure the bullet goes into the brain.

14 Q And how many autopsies, best guestimate, have you
15 performed?

16 A About 15,000.

17 Q About 15,000.

18 A Uh-huh.

19 Q And you've never seen -- you personally have not done
20 an autopsy on a suicide where the bullet was through the
21 neck side to side.

22 A Well, not in that position.

23 Q Not in that position.

24 A Yes.

25 Q Thank you, Doctor.

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1 MS. JOHNSON-LEE: Beg the Court's indulgence.

2 (Break in proceedings.)

3 MS. JOHNSON-LEE: Judge, at this time I would like to
4 publish the photographs that were put into evidence to the
5 jury.

6 THE COURT: All right. You may do so.

7 Q Dr. Ross, I believe, what we're seeing is State's
8 Exhibit Number 5.

9 MS. JOHNSON-LEE: Your Honor, may Dr. Ross step down to
10 use a laser pointer?

11 THE COURT: Yes.

12 Q Dr. Ross, if you wouldn't mind stepping down. If you
13 would please show the jury and explain to them about the
14 neck wound.

15 A This is the left side of the head and neck and this is
16 the entrance wound right there. You can tell there's a
17 little hole there. And this -- all of this black area is
18 the soot.

19 Q And again, that is on Shannon Little?

20 A Yes.

21 Q Okay. This is State's Exhibit 6. And again, would you
22 please explain to the jury what we're looking at?

23 A That's again the entrance wound on the neck. Here is
24 the -- where the bullet goes in and this is all soot.

25 Q And this is State's Exhibit 7. And is that the jacket

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1 and fragment you removed from the neck or the vertebrae of
2 Shannon?

3 A Yes. As part of the jacket here this is the lead
4 bullet.

5 Q This is State's Exhibit 8. Would you please explain to
6 the jury what that is?

7 A This is the right buttock where the bullet went in.

8 Q And that is on Tyvon Threatt?

9 A Yes.

10 Q Were there any other bullet wounds on Tyvon Threatt
11 that you found?

12 A No. And these are the fragments we found on the back
13 of the buttock.

14 Q And that's State's Exhibit 9.

15 A Yes.

16 Q Thank you, Dr. Ross.

17 MS. JOHNSON-LEE: Dr. Ross, that's all of the questions
18 I have for the State. If you don't mind answering any
19 questions that the defense has, please, ma'am.

20 THE COURT: Mr. Young.

21 MR. YOUNG: Thank you, Your Honor.

22 CROSS EXAMINATION

23 BY MR. YOUNG:

24 Q Dr. Ross, I know that you said you had never seen a
25 suicide where they were shot through the neck from the side

JANICE ROSS, M.D. - CROSS

- 1 like that, right?
- 2 A I haven't personally, no.
- 3 Q But it was shot through the brainstem, right?
- 4 A Yes.
- 5 Q And it was immediately fatal.
- 6 A Yes. The brainstem is part of the brain that controls
- 7 heart and respiration, and when that's lacerated or
- 8 interrupted then you have basically an immediate death.
- 9 Q The chin was also shot in the side.
- 10 A In the back, the side -- the side of the back, right
- 11 back, and then it went under the skin and came out on the
- 12 right abdomen.
- 13 Q Is that basically called a through and through?
- 14 A Yes.
- 15 Q Like the bullet came in one side of her and went out
- 16 the other side.
- 17 A Correct.
- 18 Q And that wound would have been painful.
- 19 A It could have been painful, yeah, but it was not fatal.
- 20 Q Right. And you don't know what then caused that wound.
- 21 A No, I don't.
- 22 Q Whether or not that was a high caliber police rifle or
- 23 what. We don't know.
- 24 A I don't know.
- 25 Q Okay. But there wasn't any stippling on that wound,

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1 right?

2 A Correct.

3 Q So all we know is it was a distant wound. We just know
4 it wasn't close, that's pretty much all we know.

5 A Correct.

6 Q All right. And the -- your autopsy and your
7 investigation and everything that you've looked at in this
8 case, it doesn't tell you anything about whose finger was on
9 the trigger of the gun that caused those wounds.

10 A No, it does not, correct.

11 MR. YOUNG: Thank you, Dr. Ross. That's all I have.

12 THE COURT: Any redirect?

13 MS. JOHNSON-LEE: No, Your Honor. And May Dr. Ross be
14 excused?

15 MR. YOUNG: Yes.

16 THE COURT: Any objection, Mr. Young?

17 MR. YOUNG: No, Your Honor.

18 THE COURT: Doctor, you may step down and you are free
19 to go. You have no further responsibility here. Have a
20 nice day.

21 THE WITNESS: Thank you.

22 THE COURT: Call your next witness.

23 MR. REDMOND: May it please the Court? The State would
24 next call Captain Wayne Jordan.

25 The witness, WAYNE JORDAN, was first duly sworn and

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1 Testified as follows:

2 MR. REDMOND: May it please the Court, Your Honor?

3 THE COURT: Yes, sir.

4 DIRECT EXAMINATION

5 BY MR. REDMOND:

6 Q Captain Jordan, good afternoon.

7 A Good afternoon, sir.

8 Q By whom are you employed, sir?

9 A Chesterfield County Sheriff's Office.

10 Q And in what capacity are you employed in the sheriff's
11 office?

12 A I'm the Captain over the Criminal Detective Unit.

13 Q Now, let's go back to October 25, 2015. In what
14 capacity did you serve the sheriff's office?

15 A I was Lieutenant over the Criminal Detective Unit.

16 Q Now, let's talk about your background in law
17 enforcement. Could you give us where you started out with
18 law enforcement, when, and carry us on up to the present
19 time with your experience in law enforcement?

20 A Yes. I started in 1992 at the Cheraw Police
21 Department. I was a telecommunication officer and a jailer
22 where I just took 911 calls, general calls for service,
23 dispatched police officers to calls, rescue squads, fire. I
24 also maintained the jail, making sure the inmates were taken
25 care of. 1995, I went to the South Carolina Criminal

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1 Justice Academy, certified there, eight weeks of training.
2 1998, I went to the Rock Hill City Police Department. 2003,
3 I came back to Chesterfield County, came back home. I was
4 sent straight to the Detective Unit for Chesterfield County
5 Sheriff's Office where I stayed from 2003 to my current
6 position with the sheriff's office.

7 Q Now, let me -- well, let me ask you this, at the time
8 were you also involved with the sheriff's office, I guess,
9 SWAT Unit, special response?

10 A At that time I was over the -- I was Commander over the
11 Special Operations Team.

12 Q Now, to that end, October 25, 2015, did you receive a
13 call to the Evans Mill -- a trailer park on Evans Mill Road
14 on the outskirts of Pageland?

15 A Yes.

16 Q Here in Chesterfield County.

17 A Yes.

18 Q And just for the record, is that in Chesterfield
19 County?

20 A It is.

21 Q Now, please proceed. Did you respond to a call?

22 A I did respond.

23 Q What was the nature of the call that you responded to?

24 A We were working on another assignment at the time. I
25 heard the radio call for a shots fired with the subject

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1 being hit. I responded because I was only within 5 miles of
2 the incident location. I responded to the location and I
3 arrived on scene and found First Sergeant Chuck Mixon
4 speaking with a gentleman who had been shot in the arm.

5 Q Okay. And did you subsequently find out who that
6 person who had been shot in the arm was?

7 A I did.

8 Q And who was it?

9 A Chambers.

10 Q Was that Luther Chambers?

11 A Luther Chambers, yes, sir.

12 Q So at that time -- so you respond to the scene. Take
13 us through what transpired once you respond, encounter
14 Deputy Mixon and Mr. Chambers, take us through what you did,
15 what transpired from that point.

16 A So I arrived on scene. I walked up and saw Sergeant
17 Mixon talking with Mr. Chambers. I noticed he had a gunshot
18 wound to his arm. Mixon was talking to him, trying to get
19 some information on to what happened, who shot him. He
20 would not respond to Sergeant Mixon at all other than he
21 don't know. I began to speak with him, see if I could get
22 something out of him. Again, he was very evasive, would not
23 speak to us, wouldn't tell us anything.

24 Q Okay. So let me just stop you right there. So based
25 on your background in law enforcement, how would you --

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1 would you categorize him as being uncooperative?

2 A Very uncooperative.

3 Q Now, please proceed.

4 A So while we were talking with him trying to figure out
5 what was going with him, trying to figure out who shot him,
6 why they shot him, other units, other officers got on scene
7 with us. And probably within five or ten minutes of us
8 talking with Mr. Chambers, there was a trailer park, which
9 would have been to my right, and we heard gunshots coming
10 from the trailer park.

11 Q And I don't think I asked you this, but to the best
12 that you can recall, do you remember about what timeframe
13 this was when you arrived at the park and when this was
14 taking place? Would it have been after --

15 A It was dark, after 7:00, 8:00, somewhere in that
16 ballpark in the evening hours.

17 Q That's fair enough. And I cut you off and went back.
18 Let's move forward again. So you hear gunshots, you're with
19 Mr. Chambers. Now, describe where you were -- and I'll get
20 into some maps in a little, but where were you in relation
21 to where the shots were being fired that you heard when you
22 first heard them?

23 A When I first heard them I was probably -- again, we
24 were on Evans Mill Road but in a private driveway off of
25 Evans Mill Road. I would say we were 15 feet off of Evans

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1 Mill Road onto this private drive, but then if I looked to
2 my right you could see the trailer park, and I would say we
3 were within 500 yards of the trailer park when the
4 gunshots -- when we heard the gunshots go off.

5 Q And so when you heard those shots, what did you do and
6 what did the officers do that were on scene?

7 A So when we heard the gunshots go off I told Mr.
8 Chambers to stay with -- I told First Sergeant Mixon to stay
9 with Chambers and keep him safe. Myself and other deputies,
10 Stuart Robinson, Alvin Cruz, Brian Campbell, and Greg Burns
11 was in the mix somewhere, I don't remember exactly when he
12 came into play, we started going towards the gunfire. So we
13 left the dirt drive and we started pushing through the
14 trailer park. And again, it's not a wooded area, there
15 might be a tree sporadically here and there but it was wide
16 open. You could see the trailers, you could see the trailer
17 park, so we started headed towards the gunfire where we
18 heard gunshots come from.

19 Q And so as you proceeded what did you all do? What
20 steps did you try to, I guess, one, secure the situation;
21 and two, to locate where the shots were coming from?

22 A So while we were pushing towards the trailer park we
23 were radioing for more assistance, because we didn't know
24 exactly who was doing the shooting, where the shooting was
25 coming from, we could just hear shots being fired. As we

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1 pushed into the trailer park we came up on a trailer,
2 because we heard crying, we heard hollering, and we came up
3 on a trailer with an African American female and an African
4 American male laying on the front porch of this trailer.

5 Q And would that be the 1894 trailer?

6 A I believe that's correct.

7 Q And do you know who it was that -- the African American
8 male specifically, did you subsequently find out who that
9 was?

10 A That would have been Mr. Threatt.

11 Q And what condition -- based on what you saw that
12 moment, what condition was he in?

13 A He had been shot and he was laying in the arms of the
14 female.

15 Q Okay. Now, so you come to the trailer, 1894 Evans Mill
16 Road, you see the female and Mr. Threatt who had been shot.
17 Take us through what occurred next.

18 A So we walk up on them. The female is crying. She's
19 telling Threatt to talk with her, asking us, you know,
20 telling us the shooter is behind her, the shooter is behind
21 her. So I stay with them and I send the officers into the
22 trailer to clear the trailer, make sure the shooter is not
23 inside her trailer. And, of course, the shooter was not
24 inside her trailer. So we push. And when they came out and
25 they tell me, you know, nobody is in the trailer, or he's

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1 not in the trailer, the shooter is not in the trailer, we
2 hear more gunshots. We hear several more gunshots go from
3 behind the trailer. At this time we tell the female to get
4 Threatt and get him inside the trailer for safety because we
5 know that trailer is secure, and once we get him inside of
6 the trailer we start pushing around the trailer and heading
7 back further deeper into the trailer park.

8 Q And as you headed into the trailer park, tell me what
9 did you encounter leading up to the 1902 I believe it was --

10 A So as we push further deeper into the trailer park, to
11 our left would be a big heavy dumpster where it takes a big
12 truck to pick the dumpster up, the trash, and throw into the
13 big truck. In front of us was a trailer and to our right
14 would have been two more trailers offsetting. As we're
15 pushing towards them we hear kids -- we hear kids in the
16 trailer park. We see lights on in a trailer, and I start
17 telling my guys to let's clear these trailers. Because we
18 don't know exactly where the shooter is at. We still have
19 not identified where our shooter is at, so we start ordering
20 people out of their trailer. So people are coming out of
21 their trailers, kids are coming out; females, males, they're
22 coming out. We're clearing the trailers and they come out
23 to us and we get them to where there's a secure area.

24 Q So now, was that the end of it or did you all push --
25 proceed further?

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1 A No, sir. While those guys were securing these folks I
2 took it upon myself to start going towards the trailer to my
3 left, which would have been the 1904 trailer.

4 Q 1902?

5 A 1902 trailer.

6 Q When you got to 1902, tell us what you did and tell us
7 what happened.

8 A So when I got to 1902 I just remember being by myself,
9 because I left my guys taking care of the other trailer with
10 all of the other individuals. I walk along side the
11 trailer. I don't go straight to the -- something told me
12 not to go straight to the door, so I go beside the trailer
13 where I'm on the ground, there's several steps that lead up
14 to the front door of this trailer. I take my flashlight and
15 I hit the side of the trailer and I announce sheriff's
16 office, sheriff's office. And as I announce I can hear
17 coming from inside the trailer, and I can't say exactly what
18 the female said, I know it was a female, the female said I
19 ain't coming out or I can't come out. I can't remember
20 exactly. I just know she said she ain't coming out or she
21 can't come out.

22 Q One of the two.

23 A One of the two. And I know it was a female. And once
24 that was said then I heard crying of kids.

25 Q And so at that point once you hear all of that, were

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1 you able to move forward to find out what happened or did
2 something else occur that in essence stopped your progress?

3 A So at that time -- again, I hit it again. I took my
4 flashlight, I hit the side of the -- I can't remember if I
5 hit the door of the trailer or the side of the trailer. I
6 hit the trailer. Because again, I was standing on the
7 ground right beside the door steps. I hit the trailer
8 again, and again I hear the same female say again I ain't
9 coming out or I can't come out. And at this time the kids
10 are -- they're just hysterically crying, and at that time is
11 when just shots come out of nowhere. I mean, there's shots
12 everywhere. So I just freeze because I don't know where the
13 shots are coming from, but I know they're coming out of this
14 trailer in my direction.

15 Q And at that point when the shot came out, describe what
16 you were going through and what you were sensing and what
17 you were observing during that time.

18 A At this time I thought I was hit. I didn't know if I
19 was hit or not. I thought I got shot, so I stood there
20 after all of the shots --

21 Q Why did you think you had been shot as it relates to
22 the proximity? Were you aware --

23 A Because they were within two or three feet of me. And
24 again, I don't know where the shots came from, I just know
25 that I heard shots.

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1 Q So then go ahead and proceed.

2 A So as the shots ended -- as that volley of shots ended
3 I patted myself down and I was looking for blood, I was
4 looking for holes.

5 Q Now, were there other officers there at that time?

6 A Yes, they were behind me.

7 Q And do you remember who they were?

8 A I remember Stuart Robinson, I remember Alvin Cruz.

9 Q Go ahead and proceed.

10 A So after I patted myself down the shots had stopped. I
11 patted myself down, I didn't see anything. I took off and I
12 ran and I dove across the hood of a car and landed on the
13 passenger's side of that car.

14 Q And was Stuart Robinson there in close proximity during
15 that time?

16 A So when I hit the ground I tried to get up and I
17 couldn't get up, I don't know why I couldn't get up, but I
18 couldn't get up because Stuart was pushing me back to the
19 ground. And all I kept hearing Stuart saying was you're
20 shot, you're shot, you're shot. And I kept saying, I'm not
21 shot, I'm not shot, let me up, let me up.

22 Q And so to the best that you can recall -- so at this
23 point obviously it is still -- let me ask you this: Were
24 you able to at that point see who it was that was the doing
25 the shooting?

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1 A I still don't know who was doing the shooting at this
2 point. I do not know who was doing the shooting.

3 Q So let's move forward. So then what takes place?

4 A So I was finally able to get to a knee. Stuart was to
5 my left over the trunk of the car, and I happened to look to
6 my right and I saw Alvin Cruz. He was in the tongue of the
7 trailer, in the metal tongue of the trailer that you would
8 tow the trailer with if it was being moved, and we hollered
9 for Cruz and told him to come to us. So Cruz came to us,
10 and as Cruz came to us I remember seeing the door fling open
11 and there was a black male standing in the doorway and just
12 started firing.

13 Q Now you're making a gesture with both hands.

14 A Yes.

15 Q Are you saying he was shooting with one hand or was he
16 actually shooting with both hands?

17 A He was shooting with both hands. Shooting with both
18 hands.

19 Q Now, stop you right there. Were you able to get a look
20 at what type of guns he was shooting?

21 A No.

22 Q Do you see that person in the courtroom?

23 A I do.

24 Q And could you tell and point out who that person is?

25 A It's the defendant, Mr. Little.

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1 MR. YOUNG: Note or previous objection in the --

2 THE COURT: So noted.

3 Q And just to be clear say that one more time. Do you
4 see that person in the courtroom?

5 A Yes, it's the defendant.

6 MR. REDMOND: Your Honor, we would ask that the record
7 reflect that he has identified the defendant as the person
8 who was firing the shots.

9 THE COURT: So noted for the record.

10 Q Please continue. So each shooting, tell us what's
11 taking place.

12 A When he started shooting I ducked back down. I
13 remember Stuart returning fire. The door shut. We sat
14 there it seemed like forever, it seemed like it took forever
15 for that to stop. We heard -- again I could hear kids
16 crying, I could hear -- they were screaming hysterically
17 crying. So again it seemed like forever. And then the next
18 thing I remember is I'm trying to -- I'm trying to determine
19 what's my next plan. Am I going to take a team in this
20 house? Because I know who I've got at this time; I have
21 Stuart Robinson with me, I have Brian Campbell with me, I
22 have Greg Burns. Those guys are on my SWAT team, so I know
23 who I had with me. So I was trying to determine what I was
24 going to do. Was I going to make an entry into this
25 residence? Was I going to sit back and wait?

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1 Q Did you have on a vest at this point?

2 A No. I did not have my vest on. Again, my vest was in
3 the truck. By the time I heard the very first shots, the
4 very first shots ring out, again, training is push toward
5 the shot. So I left everything in my truck, I pushed
6 towards the shots. So no, I didn't have a vest on.

7 Q So you left off when you were assessing whether or not
8 to go and breach, I think that's the terminology, whether to
9 breach the residence.

10 A Yes.

11 Q Was there something that happened that caused you and
12 directed your attention away from the issue of breaching the
13 residence?

14 A So as I'm trying to decide what we're going to do next
15 I hear from my left, and I cannot remember if it's Greg or
16 if it was Brian Campbell, I hear them saying there he is.
17 There he is. So as I look up I look over the car and I see
18 Mr. Little coming around the corner of the trailer. If
19 you're you facing the trailer it would have been the left
20 side of the trailer coming around the trailer, he is walking
21 in our direction, and I look at him and he's got his hands
22 up.

23 Q So the fact that his hands were up, did you see any
24 weapon at that time?

25 A At that time I did not see one weapon in his hands.

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1 Q Did that affect -- being that you were special response
2 as a SWAT Unit, did that affect your next tactical move as
3 it relates to this defendant?

4 A Yes. At that time -- again, I can't remember -- it was
5 just so hectic, I just remember somebody asking what do we
6 do? What do we do, Lieutenant? And I said do not shoot
7 him, I don't see a gun. He does not have a weapon, don't
8 shoot. So he kept walking in our direction. We started
9 ordering him to get on the ground, get on the ground.

10 Q Did he follow those orders?

11 A No, he did not.

12 Q Okay.

13 A Again, he kept walking in our direction, walking
14 towards me. Again, we're probably 20 or 25 feet away from
15 him. Again, there's vehicles in between us. He's walking
16 in our direction, got his hands up and he makes a right-hand
17 turn around the trunk of a Cadillac and he opens up the
18 driver's side door, sits in, and then they're still asking
19 what do we do? I said he don't have a gun, don't shoot him.
20 And the next thing I know he cranks the car up, puts it in
21 drive and he just steps on the gas and he's going in the
22 direction of where Brian Campbell and Greg Burns are.

23 Q And at that point when he drives off, did the
24 officers -- at least one or two officers fire at the
25 vehicle?

WAYNE JORDAN - DIRECT

1 A Yes.

2 Q Okay. Now, let me go back for just a second. When he
3 is going to the car, was the car -- how was the car situated
4 in relation to the --

5 A It would have been backed in to the trailer.

6 Q So backed in. So basically to what you just testified
7 to with it being backed in, was he able to just drive
8 straight out?

9 A Yes.

10 Q So after he leaves officers fire. Were they able to
11 stop the vehicle or did it keep going and leave that area?

12 A It kept going. It went through the trailer park to
13 Evans Mill Road and I don't remember which way it went
14 from -- I don't know if it went left or right.

15 Q So now after he leaves were you able to -- well, let me
16 ask you this: After he leaves did y'all give chase at that
17 time or did you divert attention elsewhere?

18 A At that time Burns and Campbell was going to chase
19 after the car because their vehicles were close, and I
20 hollered and stopped and said we need to go clear the house,
21 we need to go in the house. Because, again, we don't know
22 how many shooters we got. I know we got one shooter because
23 I saw him directly. I don't know how many shooters we got.
24 So I bring those two guys back and we all make entry into
25 the residence.

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1 Q Now, when you made entry into the residence what did
2 you find?

3 A So when I made entry into the residence I walked into
4 the living room, I noticed a female laying face-up, blood
5 everywhere. I noticed there was three children, young
6 children, one of them holding their mother. All of them
7 hysterically crying. Again, blood everywhere. I remember
8 the female -- one of the girls -- it was one of the young
9 girls, she had her mom clinched. My team went ahead and
10 cleared the house for any other shooters. She was obviously
11 deceased. So at this time I made the point to tell the guys
12 to let's clear the house, get out of the house, and I
13 grabbed one of the children, I think it was the one that was
14 holding the mom, and I grabbed her by her waist and I said
15 come on, we've got to get out. She was hysterical even to
16 the point she wouldn't let her mom go. She would not let
17 her mom go. It got to the point where I was pulling her
18 away, and when I pulled her she pulled her mom with us. I
19 had to physically -- I had to physically pull the child --
20 grab the child and get the child off of her and got her
21 outside, and I passed the kid off -- I passed the child off
22 to one of the other deputies, and we just secured the house.

23 Q All right. Now, were you able to find or locate any
24 other person -- any other possible shooters at that time?

25 A Not in the residence, no.

WAYNE JORDAN - DIRECT

1 Q Now, I guess whenever you -- well, subsequently -- were
2 you subsequently aware that someone else was in the
3 residence, that someone else -- Marques Tyson, I believe it
4 was, was in the residence?

5 A Yes.

6 Q Now, that night -- so after you cleared -- but did you
7 encounter him that night?

8 A No.

9 Q Did you ever see Marques Tyson?

10 A No, sir.

11 Q Did you see the defendant that night?

12 A Yes.

13 Q And I believe you said you saw him as he was shooting
14 at the door and, of course, when he came outside --

15 A I seen him in the doorway of his trailer shooting at us
16 and I saw him as he came around facing the trailer. It
17 would be on the left side of the trailer coming towards the
18 Cadillac, coming in my direction with his hands up.

19 Q Now, so at that point, you know, I guess y'all had
20 cleared the trailer. And did you call for SLED crime scene?

21 A Yes.

22 Q And were there other weapons found inside the house?

23 A I made several calls that night. I called for SLED
24 crime scene, I called for SLED SWAT, I called for SLED
25 bloodhound. I called for region agents to come take the

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1 scene, because I knew we had shot so we weren't going to be
2 able to do the investigation on it. I don't remember too
3 many details going into the house after we cleared the
4 house. I told Cruz to secure the house, stay at the front
5 door, don't let nobody in this house until SLED gets here
6 and we relinquish the house to SLED, and nobody went back in
7 the house.

8 Q And the events you described, Alvin Cruz, did he have a
9 body cam on that night?

10 A I believe he did, yes.

11 Q And was he the only one of y'all that were in that
12 vicinity during the shooting that actually had a body cam?

13 A I believe so. Because everybody else that was with us
14 is in the detective unit and we're not issued body-worn
15 cameras.

16 Q So, of course, have you had the chance to view Alvin
17 Cruz's body cam?

18 A Yes.

19 Q And we'll get to that in a little while. Now, when it
20 comes to the defendant himself, were you aware of him being
21 subsequently apprehended?

22 A Yes.

23 Q Okay. Were you ever -- did you ever go on scene, or
24 were you actually ever on scene at the time he was
25 apprehended?

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1 A No. Once he left the trailer park I didn't see him
2 again.

3 Q Okay. So now, when -- and, of course, I guess, when
4 you say that SLED -- just explain to the ladies and
5 gentlemen of the jury, so when you call in SLED for
6 assistance, do they come in, their crime scene people, and
7 keep -- you're securing it until they get there and they
8 then do their own processing of any crime scene.

9 A Yes. They come in and take over the whole scene, they
10 process the scene, photograph the scene and collect any and
11 all evidence they need.

12 MR. REDMOND: May I approach the witness with State's
13 14 -- 13? Excuse me, 13, 14, 15 and 16.

14 THE COURT: Yes, sir.

15 Q State's Exhibit 13. Could you tell the ladies and
16 gentlemen what that picture represents?

17 A That's going to be Evans Mill Road. That's going to be
18 where all of the mailboxes are, I'm assuming, for the
19 trailer park, and that's going to be the entrance of the
20 trailer park.

21 Q State's 15.

22 A 15 is going to be the trailer itself.

23 Q And State's 16. Did you have a chance to -- and I
24 didn't ask you about the 911 call, but did you have a chance
25 to listen to the 911 calls from that night?

WAYNE JORDAN - DIRECT

1 A Yes, sir.

2 Q And again, does that disc represent the 911 calls from
3 that evening? I think that's State's 15.

4 A Yes, sir.

5 Q State's 16. Is that a disc of the body cam video from
6 Alvin Cruz's body cam?

7 A Yes. They're labeled Alvin Cruz and then 911 radio.

8 MR. REDMOND: Your Honor, at this time I will ask to --
9 oh -- well, I will go ahead and do that, I'll ask to move
10 State's 13, 14, 15 and 16 into evidence.

11 MS. JOHNSON-LEE: No objection, Your Honor.

12 THE COURT: Without objection so admitted.

13 (State's 13-16 were received.)

14 Q And let me show you State's 10, 11 and 12. You can
15 just take a look at them. Could you tell the ladies and
16 gentlemen -- they're not in evidence, so before showing them
17 to them, could you just tell what State's Exhibit 10 is?

18 A Ten is, I guess, a Google Map, or aerial map of
19 Pageland indicating the red dot of 1902 Evans Mill Road.

20 Q Okay. And the next one, State's 11?

21 A Same thing. A larger Google Map of so -- I'm assuming
22 you've got Google -- again, with the red dot of 1902 and it
23 just shows the aerial map of the trailer park.

24 Q And I didn't ask you this as it relates to State's 10
25 as well as 11. But does that accurately -- based on your

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1 knowledge of Chesterfield County, does that actually reflect
2 where 1902 was located within Chesterfield County?

3 A Yes.

4 Q State's 12, please.

5 A Again, that's another Google Earth Map, and it's just
6 an up-close picture of the trailer park at 1902 Evans Mill
7 Road.

8 MR. REDMOND: Your Honor, we would move State's 10, 11
9 and 12 into evidence at this time.

10 MS. JOHNSON-LEE: No objection.

11 THE COURT: Without objection so admitted, 10, 11 and
12 12.

13 (State's 10-12 were received.)

14 MR. REDMOND: Your Honor, at this time I would like to
15 ask that Captain Jordan be allowed to step down and I have
16 some pictures I want to show him briefly.

17 THE COURT: All right.

18 MR. REDMOND: Your Honor, since these are at night
19 we -- if the Court permits we may need to cut some of the
20 lights off. We usually end up cutting most of the lights
21 off to help see.

22 THE COURT: All right.

23 Q And you can step over here. I would ask that you speak
24 loudly.

25 THE COURT: What exhibit number is this?

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1 MR. REDMOND: I'm sorry, Your Honor, this is Exhibit
2 Number 13, State's 13.

3 Q Now, is that -- could you again describe State's 13?

4 A So (inaudible) is going to be Evans Mill Road. I'm
5 assuming those mailboxes will be for individual mailboxes
6 for the trailer park. Again, that's a big trailer --
7 there's several trailers in that trailer park. And that's
8 going to be one of the entrances, probably the main entrance
9 of the trailer park, it goes back into 1902.

10 Q Now, I'm going to hand you the laser pointer. What's
11 State's Exhibit Number 14?

12 A Okay. That's going to be 1902 Evans Mill Road. That's
13 going to be the trailer Mr. Little had been in.

14 Q And with the laser pointer as best you can, could you
15 highlight where you were at the time the first shot was --
16 at the time the shot that you described came at you?

17 A So I would have been somewhere -- my right shoulder
18 would have been on the trailer itself.

19 Q And just to be clear even though the laser pointer is
20 pointing at that Honda, are you reflecting yourself --

21 A I'm flaring on the other side of the Honda up against
22 the house. Again, my right shoulder -- my right shoulder
23 would have been on the trailer and probably my head just
24 below where that blue strip is on that trailer.

25 Q Now, when the shot is fired and then the subsequent

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1 shots when you described diving, as best you can in this
2 picture show us where you ended up.

3 A So I'm standing here. I take off in -- this vehicle
4 right here, this Toyota right here, I dive across the hood
5 of this Toyota and I'm on the passenger side of the Toyota.

6 Q And are you on the same side as best you can recall
7 with Stuart Robinson? Was he --

8 A Stuart would have been to my left at the trunk area,
9 and then in the tongue area of the trailer is where Cruz
10 would have been.

11 Q And then subsequently does Cruz run to y'all's
12 position?

13 A Yes. Cruz leaves the tongue of the trailer and comes
14 towards us.

15 Q Okay. Now, when you see him -- so when the door comes
16 open, at about where were you the best that you can recall
17 that you were able to see him coming out with both hands
18 shooting?

19 A I was on the passenger side of the Toyota and I could
20 see a direct line to him standing in the door.

21 Q -- all right. Now, subsequently you've already
22 testified that he comes out of the trailer. So the best
23 that you can reflect on this with the laser pointer on which
24 side of the trailer did he come walking out of?

25 A He comes out of this side of the trailer.

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1 Q And about where was the Cadillac, that's not reflected
2 in this picture, but where the best that you can recall did
3 the Cadillac --

4 A The Cadillac would have been backed in right in this
5 ballpark right here.

6 Q Okay. And for the record this is, I guess, State's
7 Exhibit 10. Could you tell us what that is?

8 A So that's the City of Pageland, and this is going to be
9 Evans Mill Road.

10 Q Okay. And State's 11?

11 A Again, this is Evans Mill Road. This is the entrance
12 to the trailer park, and that's 1902 Evans Mill Road.

13 Q Now, again.

14 A This is Evans Mill Road, and that's the entrance to the
15 trailer park, and then that's 1902.

16 Q Now, using that -- and the reason I wanted to show that
17 picture is because you talk about where you were when the
18 shooting first started. Can you -- the best that you can
19 reflect on that, where were you when you first arrived on
20 the scene and then heard shots and moving forward?

21 A So this is that little driveway I was telling you about
22 where we first encountered Chambers and Sergeant Mixon. I
23 was parked somewhere right in here with my patrol vehicle.
24 So we were somewhere right in this ballpark when this first
25 took place.

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1 Q All right.

2 MR. REDMOND: Beg the Court's indulgence.

3 Q All right. You can have a seat, Captain Jordan. Now,
4 Captain Jordan, you indicated that you both had seen the
5 body cam video and had heard the 911 call that had come in
6 that evening.

7 A Yes.

8 MR. REDMOND: And I actually stand corrected, I
9 unplugged it too fast. Your Honor, since State's 15 is
10 already in evidence at this time, with the Court's
11 permission in there's no objection I would like to publish
12 two of the 911 calls that came in that evening.

13 MR. YOUNG: No objection.

14 (At this time the 911 calls were played.)

15 MR. REDMOND: Now, Your Honor, the body cam video is
16 about 30 minutes, and the reason I raise that is because we
17 have been going for awhile. The body cam will be the next
18 thing I publish and it will be about 30 minutes long, so I
19 just wanted to make the Court aware of that.

20 THE COURT: Can the lawyers approach a minute, please?

21 (A bench conference was held with the judge and
22 Lawyers.)

23 THE COURT: All right. Ladies and gentlemen of the
24 jury, what we're going to do at this point I asked the
25 lawyers to come up here, I wanted to kind of see scheduling

WAYNE JORDAN - DIRECT

1 purposes this afternoon. I know it's after 5:00 but I don't
2 sit up here and watch the clock and when it strikes 5:00
3 say, "Let's go home for the day." I know you all have been
4 in and out of here a lot today. The lawyers tell me that --
5 and then you heard them say that the body worn camera is
6 about 30 minutes long. I'm going to give you all a break
7 and let you all discuss, and Madam Forelady, you can give me
8 a yes or a no. But yes, they tell me that we could probably
9 finish with this witness by 6:00. If not then we will stop
10 and resume first thing in the morning with this witness and
11 the body worn camera at that point. I will tell you, and I
12 typically give this instruction to juries and I will have
13 given it to you all. You know, kind of our schedule up
14 here, we try to start with actual testimony by 9:30 every
15 morning, we typically go about an hour and a half to two
16 hours and take a break, go to about somewhere around 1:00,
17 take a lunch break, come back at 2:15, 2:30, go for about an
18 hour and a half, take a break, and then go to about 5:00 or
19 5:30, somewhere in that range. Very rarely, rarely, do I
20 keep a jury here beyond 6:00 at night. It happens but rare.
21 Okay? But it's typically my intention when a witness is on
22 the stand to try to finish that witness for the day. Okay?
23 But what I will do is I'm going to give you all a break and
24 you all discuss it, and Madam Forelady, you can reduce it to
25 writing and say yes, you want to continue and finish this

WAYNE JORDAN - DIRECT

1 witness, or if you say no then we'll stop and we'll resume
2 in the morning first thing. Okay? You all take a break,
3 discuss it, knock on the door and let my bailiff know when
4 you all are ready to come back in and you can go ahead and
5 give your response in writing to my bailiff and she'll bring
6 it to me and then we'll go from there. Okay? Do not
7 discuss the case itself but just discuss this issue, and
8 we'll get you -- as soon as we get a response from you we'll
9 proceed accordingly. Okay?

10 (A break was taken.)

11 THE COURT: I got your note, Madam Forelady, that you
12 all want to continue so that's what we're going to do at
13 this time. Mr. Redmond, I will recognize you. Madam Court
14 Reporter, if you'll mark that as a Court's Exhibit, please.

15 MR. REDMOND: Thank you, Your Honor. One thing I
16 forgot mention, if I could ask Captain Jordan to step down.

17 BY MR. REDMOND:

18 Q 1894 where Tyvon Threatt was, could you highlight that,
19 please?

20 A Right there.

21 Q Thank you, sir, you can have a seat. I just forgot to
22 mention that.

23 MR. REDMOND: Your Honor, with the Court's permission
24 at this time if there's no objection we would like to go
25 ahead and publish the body cam video of Alvin Cruz.

WAYNE JORDAN - DIRECT

1 MR. YOUNG: No objection.

2 THE COURT: Go ahead.

3 (At this time the body cam video was played.)

4 MR. REDMOND: May it please the Court, Your Honor?

5 Q Of course, you've had the opportunity to see that
6 video, Captain Jordan, of course, you have seen it just now.
7 Just to clarify anything, were you actually ever able to
8 return fire in this situation?

9 A No. I never discharged my weapon.

10 Q And why were you not able to?

11 A The initial shots -- I didn't know the initial shots
12 were going to come toward my direction. The second reason,
13 I was on the ground, and again, Stuart Robinson was pushing
14 me to the ground because he thought I was hit.

15 Q And you explained all of that.

16 A Yes.

17 MR. REDMOND: So beg the Court's indulgence.

18 (Break in proceedings.)

19 MR. REDMOND: That will be all I have for Captain
20 Jordan at this time. Please answer any questions that Mr.
21 Young or Mr. Frick may have.

22 THE COURT: Cross examination.

23 CROSS EXAMINATION

24 BY MR. YOUNG:

25 Q Captain Jordan, how are you doing?

WAYNE JORDAN - CROSS

- 1 A I'm doing great.
- 2 Q We talked a couple of times before about this case,
- 3 right?
- 4 A Yes.
- 5 Q And you've come to court and testified about this case.
- 6 A Yes.
- 7 Q And this case has been going on for six, almost seven
- 8 years?
- 9 A Yes.
- 10 Q And at the time that you went to the residence you do
- 11 not recognize that you had been there before, right?
- 12 A No. I believe I said that I had been there before.
- 13 Q Okay. You knew that you had been there before.
- 14 A Yes.
- 15 Q And you and the other detectives got information that
- 16 there was some property at Mr. Little's house, right?
- 17 A Yes.
- 18 Q Y'all went to his work where he worked at the Pizza
- 19 Hut?
- 20 A Yes.
- 21 Q And you asked him to come to his house?
- 22 A That's correct.
- 23 Q And he did.
- 24 A That's correct.
- 25 Q He got in the car with your and the other detective?

WAYNE JORDAN - CROSS

- 1 A He did, uh-huh.
- 2 Q And y'all drove him back to his house, this house.
- 3 A Yes.
- 4 Q And you went inside the house with him?
- 5 A Yes.
- 6 Q And he got you some property?
- 7 A Yes.
- 8 Q And he gave that -- he helped you put that back in the
- 9 police vehicle?
- 10 A Yes.
- 11 Q And y'all said thanks and left.
- 12 A Correct.
- 13 Q And that was a couple of months before this shooting.
- 14 A Probably, yeah. Within six months, yes.
- 15 Q Right. And so you had had an opportunity to see Mr.
- 16 Little?
- 17 A Yes.
- 18 Q You knew what he looked like?
- 19 A Yes.
- 20 Q You knew he had dreads?
- 21 A Yes.
- 22 Q You knew he was a little over six feet tall?
- 23 A Yes.
- 24 Q Thin build, medium complexion?
- 25 A Yes.

WAYNE JORDAN - CROSS

1 Q You knew he had tattoos --

2 A Okay.

3 Q -- on his hands?

4 A Okay. I mean, I don't -- I can't say yes or no on that
5 one. I don't recall. I knew it was Mr. Little because I
6 identified -- he identified himself as Mr. Little, we spoke.
7 He rode in the vehicle with me, rode with my detective, Greg
8 Burns, retrieved property, let us in his house. So I knew
9 it was Mr. Little, yes.

10 Q Okay. Now, on the evening of this shooting, what was
11 depicted on the body cam -- you said you weren't issued a
12 body camera.

13 A That's correct.

14 Q And other deputies for other various reasons didn't
15 have their cameras with them.

16 A That's correct, yes.

17 Q But everybody -- after the Cadillac left the police
18 officers all wrote statements --

19 A Yes.

20 Q -- about what had happened?

21 A Yes.

22 Q And you -- as a certified law enforcement officer you
23 went to classes on writing statements?

24 A Yes.

25 Q You went to classes on writing reports?

WAYNE JORDAN - CROSS

1 A Yes.

2 Q And you know it's important information for courts and
3 other officers to have.

4 A Yes.

5 Q And particularly when there is somebody who is an armed
6 suspect who is shooting at the police you want that person
7 caught.

8 A Yes.

9 Q And so you give as much information as you can about
10 that person.

11 A At the time that I can recall, yes.

12 Q And so the other officers know who to look for.

13 A Right.

14 Q Because if all you say is black male, that doesn't
15 really narrow it down a whole lot on how to find somebody,
16 right?

17 A Correct.

18 Q You can't just go around stopping people because
19 they're black.

20 A That's correct.

21 Q So you reviewed your statement that you wrote in this
22 case, right?

23 A Yes.

24 Q And you wrote that statement on the morning after at, I
25 think, 0:56 in the morning.

WAYNE JORDAN - CROSS

- 1 A Yes.
- 2 Q So that would be 12:56?
- 3 A It -- yeah. It was about four hours after, yes.
- 4 Q Right?
- 5 A Yes.
- 6 Q And you've reviewed that statement.
- 7 A Yes.
- 8 Q And in that statement you said black male opened the
- 9 door, right?
- 10 A Yes.
- 11 Q Shooting numerous times at us, right?
- 12 A Correct.
- 13 Q Minutes later a black male exited the left side of the
- 14 trailer, right?
- 15 A Correct.
- 16 Q That was the sum total of what you said about a
- 17 description, whether or not it was Mr. Little, you didn't
- 18 put any of that stuff in there.
- 19 A That is correct.
- 20 Q You also did an incident report.
- 21 A That's correct.
- 22 Q And your incident report you did, this was a couple
- 23 days later, right?
- 24 A Uh-huh.
- 25 Q On October the 23rd of 2015, right?

WAYNE JORDAN - CROSS

- 1 A That's correct.
- 2 Q And you've reviewed that incident report.
- 3 A Yes.
- 4 Q And in the incident report you said unknown persons
- 5 began shooting out of the trailer, right?
- 6 A That's correct.
- 7 Q And several -- after several shots between officers the
- 8 unknown person inside, a black male, came out of the trailer
- 9 and got into a blue vehicle and left.
- 10 A That's correct.
- 11 Q That's what you wrote.
- 12 A Yeah.
- 13 Q That's not correct, right?
- 14 A That's what I wrote.
- 15 Q Right. It's correct that that's what you wrote but
- 16 that's not what happened, right?
- 17 A That's exactly what happened.
- 18 Q Got into a blue car and left.
- 19 A I mean, he got into a vehicle. I mean, it was a
- 20 Cadillac, I know that much.
- 21 Q Okay. But it's not in your report --
- 22 A Well, that's a generic report. That's not a full
- 23 detailed report neither.
- 24 Q Is there another report that --
- 25 A No, sir, there's not.

WAYNE JORDAN - REDIRECT

1 Q And is this statement that you wrote hours after the
2 shooting while you're looking for somebody in the community
3 who you say is a threat and you knew who it was, is there
4 another report --

5 A No, sir, there's not. That's it.

6 Q All right.

7 MR. YOUNG: Thank you, Detective Jordan. That's all I
8 have.

9 THE COURT: Any redirect?

10 MR. REDMOND: Briefly.

11 REDIRECT EXAMINATION

12 BY MR. REDMOND:

13 Q Were you speaking -- at the time when you were doing
14 the report and everything, and I think he gave you the
15 statement that you did your report and statement, had the
16 defendant been apprehended to your knowledge?

17 A I don't believe so, no.

18 Q And was it -- based on your familiarity with this case,
19 was it within the early morning hours, I guess to the best
20 of your recollection, that he was actually apprehended?

21 A That's correct.

22 Q Did you actually know his name at that particular point
23 in time?

24 A No, I did not.

25 Q Okay. I mean, even though you had encountered him --

WAYNE JORDAN - REDIRECT

1 before but say if you and I met one time I may give you my
2 name or whatnot, but does that automatically mean that
3 you're going to remember his name several -- my name several
4 months later?

5 MR. YOUNG: Objection, speculation.

6 THE COURT: Overruled.

7 A I knew it was the same guy myself and Sergeant Burns
8 picked up from Pizza Hut. I know it was the same guy that
9 we dealt with in reference to collecting property from his
10 residence within six months prior. I knew that for a shadow
11 of a doubt. I knew that's was who that was because we were
12 at that trailer. I was inside that trailer. I know that
13 trailer.

14 Q But at the time you gave the statement as it relates to
15 knowing his name, did you know his name?

16 A No. I did not remember his name at the time.

17 Q Okay. Now, and just to clarify as it relates to the
18 dates that this occurred, did this occur on the 23rd or the
19 25th?

20 A 25th.

21 Q Okay. And so I guess in writing things out sometimes,
22 are there little details like that that sometimes are what
23 we call scribbler's errors that occur?

24 A Yeah. I mean traumatic -- we just went through a
25 traumatic incident. I just got shot at, just dealt with a

1 young lady who passed away and her kids crying on her,
2 pulling her children off of the mother. Forgive me for not
3 remembering what his name was. But I know exactly who shot
4 at me. I know who opened the door.

5 Q And who would that be again?

6 A And that would be the defendant, Mr. Little.

7 MR. REDMOND: That will be all of the questions I have,
8 Your Honor.

9 THE COURT: Any recross?

10 MR. YOUNG: No, Your Honor.

11 THE COURT: Sir, you may step down. Thank you. All
12 right. Ladies and gentlemen of the jury, as he is stepping
13 down we did go a few minutes past 6:00 and I apologize for
14 that, but what we're going to do, we're going to go ahead
15 and break for the day. Can the lawyers approach just a
16 minute real quick? I'm sorry.

17 (A bench conference was held between the judge and
18 Lawyers.)

19 THE COURT: Ladies and gentlemen, what we're going to
20 do, I'm going to let you go home for the night. I am going
21 to ask you to be here at 9:00 in the morning, be back here
22 tomorrow morning at 9:00. I'm going to go ahead and tell
23 you that we're going to stop for the day tomorrow somewhere
24 around 12:30. There's some matters that we need to take
25 care of tomorrow afternoon unrelated to this case so I'm

1 going to -- when we break at lunch tomorrow that will be it
2 for tomorrow. Okay? So plan on breaking for the day around
3 12:30 and I'll give you instruction when we break tomorrow
4 as far as what time we will start back Wednesday morning.
5 Okay? Now, during your overnight break you're going to get
6 tired of hearing me say this, do not discuss this case at
7 all with anyone and no one is to discuss this case with you.
8 Do not do any independent investigation about this case. As
9 I've told you from the outset you are to decide this case
10 based solely upon the evidence and testimony that's
11 presented in this courtroom and nowhere else. You all have
12 a nice evening, I'll see you tomorrow morning at 9:00. You
13 are all free to go.

14 (The jury left the courtroom.)

15 THE COURT: Anything from the State before we break for
16 the day?

17 MR. REDMOND: Nothing from the State, Your Honor.

18 THE COURT: Defense counsel?

19 MR. YOUNG: No, Your Honor, we're good.

20 (Court recessed for the evening and resumed at
21 9:00 a.m. on Tuesday, November 16, 2021.)

22 THE COURT: All right. We have juror number
23 (inaudible.) It was brought to my attention late yesterday
24 evening, it was conveyed to the staff that you have a
25 doctor's appointment. It was later determined that your

1 girlfriend had a doctor's appointment; is that correct?

2 THE JUROR: Yes, sir.

3 THE COURT: It was also conveyed to me that you told
4 court staff that you live in Monroe, North Carolina?

5 THE JUROR: Yes, sir, we just moved up there.

6 THE COURT: When did you move up there?

7 THE JUROR: We moved up there a few weeks ago.

8 THE COURT: Well, let me ask you this: When you went
9 through roll call yesterday you gave mileage from the Ruby
10 residence. Do you still maintain a residence there?

11 THE JUROR: Yes, sir.

12 THE COURT: You do maintain a residence in Ruby.

13 THE JUROR: Uh-huh.

14 THE COURT: You receive mail there?

15 THE JUROR: Uh-huh.

16 THE COURT: Okay. So you -- but you, I guess, maintain
17 a dual residence at this time?

18 THE JUROR: At the moment, yes, sir.

19 THE COURT: Okay. Is your driver's license Ruby?

20 THE JUROR: Yes, sir.

21 THE COURT: You're registered to vote?

22 THE JUROR: Uh-huh.

23 THE COURT: In Ruby?

24 THE JUROR: Yes, sir.

25 THE COURT: Okay. Anything --

1 MR. REDMOND: Nothing from the State, Your Honor.

2 THE COURT: All right. I'm going to let you stay with
3 us then since you have a dual residence. You have a
4 driver's license registered -- your driver's license
5 indicates a Ruby address, a registration at the Ruby
6 address. You receive mail at the Ruby address.

7 THE JUROR: Yes, sir.

8 THE COURT: All right. I will let you stay with us.

9 (End of bench conference with the juror.)

10 THE COURT: I don't think that's an issue at this
11 point.

12 MR. YOUNG: I don't either.

13 MR. REDMOND: I don't think it's an issue either. I
14 think you were very clear with your questioning.

15 THE COURT: And not only that, the second question I
16 asked was that he was not a resident of Chesterfield County.

17 MR. YOUNG: Based on his qualification and all of his
18 responses the defense doesn't have any issue with him
19 continuing to serve as a juror.

20 THE COURT: Okay.

21 MR. REDMOND: Thank you, Your Honor.

22 (Break in the proceedings.)

23 MR. YOUNG: We've stipulated that they're authentic, I
24 think I already all right stipulated to that.

25 MR. REDMOND: Exactly. It's a content issue, I guess.

1 MR. YOUNG: It is just an issue of 4th Amendment and
2 equal protection that the State has access to jail calls.
3 There's a good -- a pretty well written and well reasoned
4 South Carolina opinion about jail mail. They didn't have
5 the capacity to record every phone call at the time that
6 that decision was written, but it is quite persuasive in
7 that the State shouldn't, without a warrant or a particular
8 need, have access to every call that inmates make.

9 MR. REDMOND: Even though it tells them it's being
10 recorded. And even --

11 THE COURT: What's the content of it? Is he
12 implicating himself?

13 MR. YOUNG: Well, he is -- there's no contest in that
14 he's the one in the car driving away.

15 MR. REDMOND: Yeah. He places himself at the scene and
16 then -- and some of it is more interesting as to what he
17 doesn't say I would contend than what he does say.

18 MR. YOUNG: He has like one comment about well I don't
19 think the kids saw anything, they were back in the room. So
20 he kind of puts himself --

21 THE COURT: Send me a copy of the case you're talking
22 about.

23 MR. YOUNG: I did. I don't think I sent the actual
24 case --

25 MR. REDMOND: I think he put it in your memorandum.

1 MR. YOUNG: I did I put it in the brief.

2 THE COURT: We'll address that in a moment.

3 (Break in proceedings.)

4 THE COURT: Go ahead, Mr. Redmond.

5 MR. REDMOND: Thank you, Your Honor. May it please the
6 Court? Before we proceed as we discussed in chambers with
7 Mr. Young, Mr. Young and I discussed it briefly yesterday
8 afternoon. Of course, going back home and doing some
9 research the State was able to determine that even though he
10 was charged under 16-23-500 for having a weapon after being
11 convicted of a crime of violence, at the time he was --
12 there are two issues. At the time he was indicted, in fact,
13 his rap sheet reflected it, of course, subsequently after
14 determined it was in error. And so in researching for trial
15 in looking at the statute I mistakenly quite frankly looked
16 at the statute number, which he does have convictions for
17 drugs and several distribution convictions, and by statute
18 number it appeared that it would apply, but in reading the
19 actual language it was trafficking that applied under that
20 statute. He does not have any trafficking convictions. So
21 in essence that indictment was presented in error and so the
22 State would respectfully withdraw that particular
23 indictment, that 2016-GS-13-556, at this time.

24 THE COURT: All right. Mr. Young?

25 MR. YOUNG: Your Honor, Mr. Little doesn't have any

1 convictions of crimes of violence as defined by the South
2 Carolina Code and we think that that indictment shouldn't
3 have been presented. It has been read to the jury, we would
4 request a curative instruction at some point, we would like
5 some time to work on the language of that instruction.

6 THE COURT: All right. Well, I'll grant the State's
7 request to withdraw that particular indictment and charge
8 and I will give the jury an instruction as to such at a
9 later time. Okay?

10 MR. YOUNG: Thank you, Your Honor.

11 THE COURT: All right. Anything else before I bring
12 the jury out, Mr. Redmond?

13 MR. REDMOND: Nothing from the State, Your Honor.

14 THE COURT: Mr. Young?

15 MR. YOUNG: Nothing from the defense, Your Honor.

16 (The jury returned to the courtroom.)

17 THE COURT: All right. Madam Forelady, ladies and
18 gentlemen, hope you all had a restful evening last night and
19 are ready to proceed here today. At this time I am going to
20 recognize the State will continue the case at this time.
21 Mr. Redmond, you are recognized, call your next witness.

22 MR. REDMOND: Thank you, Your Honor. I will yield to
23 Ms. Johnson-Lee at this time.

24 THE COURT: All right.

25 MS. JOHNSON-LEE: The State calls Stuart Robinson.

STUART ROBINSON - DIRECT

1 DIRECT EXAMINATION

2 BY MS. JOHNSON-LEE:

3 Q Please state your name for the record.

4 A My name is Stuart Robinson.

5 Q And will you spell your first name, Stuart, for the
6 court reporter?

7 A Yes, ma'am, it's S-t-u-a-r-t.

8 Q Where are you employed?

9 A I'm employed with the Chesterfield County Sheriff's
10 Office.

11 Q How long have you worked there?

12 A I have been back -- I previously worked for
13 Chesterfield County Sheriff's Office, I came back in 2015
14 and currently employed now.

15 Q What is your total number of years in law enforcement?

16 A I've been in law enforcement now for 21 years.

17 Q And you're a graduate of the Criminal Justice Academy?

18 A Yes, ma'am, I am.

19 Q A Class One Certified Officer?

20 A Yes, ma'am.

21 Q And what was your job position with the sheriff's
22 office back on October 25th of 2015?

23 A I was a road patrol deputy with the Chesterfield County
24 Sheriff's Office.

25 Q What were you doing that evening when this incident

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1 we're here for took place?

2 A Okay. So right before all of this took place we were,
3 you know, dealing with another call, dealing with a large
4 amount of stolen property. My shift was already over,
5 however I stayed out later to assist the deputies and
6 investigators. So during the time I had taken my vest off,
7 my body armor, which has my body cam attached to it, I
8 actually took it off due to the fact we was lifting heavy
9 things, gotten hot moving stuff. Do you want me to continue
10 on through the whole event?

11 Q Pleas do.

12 A So I was doing that. We were, like I said, moving a
13 lot of property. And then on the radio we got a call in
14 reference to someone shot on Evans Mill Road. I immediately
15 ran and jumped in the car. We were just a few miles from
16 Evans Mill Road, pulled up, encountered a shooting victim --

17 Q Let me stop you right there. Where did you pull up at?

18 A So I pulled up on Evans Mill Road, not in the trailer
19 park, the victim was, you know, down the road -- just right
20 down the road from the trailer park and I pulled up to the
21 victim. He was actually standing by the road on the paved
22 road.

23 Q Okay. Do you know who that victim was?

24 A I didn't at the time. I think he said his name was
25 Luther Chambers later on but I didn't know him at the time.

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1 Q You said he was a victim. How do you know he was a
2 victim?

3 A He was shot, I believe, in the arm, he was bleeding.
4 And, of course, it was myself and First Sergeant Mixon
5 pulled up on him. We were kind of following each other to
6 the scene and got out with him and he was bleeding and we
7 were trying to find out -- I just remember him saying Jesus,
8 Jesus, Jesus. He was being uncooperative. We were trying
9 to ask him who shot you, you know, what happened, and at
10 that time he was being uncooperative toward us to tell us
11 what was going on.

12 Q So did something else happen while you were out there?

13 A Yes, ma'am. As we were dealing with him, you know, the
14 trailer park was just down from us, we were right on the
15 outside of it. We began hearing gunshots. I immediately --
16 First Sergeant Mixon stayed with him. I immediately took
17 off in the direction of the shots. Myself, Deputy Alvin
18 Cruz, Deputy Brian Campbell, and at the time Wayne Jordan,
19 who was Lieutenant then, Captain now, we immediately kind of
20 just fanned out in a line and went in that direction to
21 where the gunshots were.

22 Q Did you retrieve your body armor before --

23 A No, ma'am, I didn't. I didn't even think about my body
24 armor. We could hear people screaming, we could hear --
25 we've got a shooter in there, so my thought was never to go

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1 back and get my body armor. My thought was that the process
2 is we need to get here and we need to find this shooter.

3 Q Okay. So what direction of travel did you go?

4 A It's hard to explain. But my car was like here and I
5 just ran in the direction of the trailer park.

6 MS. JOHNSON-LEE: If I could, Your Honor?

7 THE COURT: Yes, ma'am.

8 MS. JOHNSON-LEE: It's State's Number 12, I think this
9 is already in evidence. If I could have the deputy step
10 down, Your Honor.

11 THE COURT: All right.

12 MS. JOHNSON-LEE: -- and put it on the screen and it
13 might make it easier to explain to the jury.

14 THE COURT: All right.

15 Q When we get that pulled up if you can go through then
16 and show your direction of travel and what you did from that
17 point.

18 THE COURT: And that's exhibit what, please, ma'am?

19 MS. JOHNSON-LEE: Exhibit 12.

20 Q Deputy Robinson, if you could show us the beginning
21 where you located Luther Chambers and going from there and
22 explaining to the jury.

23 A Okay. So when we initially pull over somewhere right
24 in here that's where we encountered Mr. Chambers. When the
25 gunfire began we went back into this -- we started in a line

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1 kind of and went this way. We could hear gunshots and hear
2 people screaming in here and we began working our way -- it
3 sounded like the gunshots were coming from this direction so
4 we were kind of -- there was a lot of people out there that
5 night so we were encountering different people and trying
6 to, you know, who's the shooter and things like that. We
7 actually made our way down to here.

8 Q Was that 1894?

9 A Yes, ma'am, right in here.

10 Q Okay. Did you find anything at that trailer?

11 A Yes, ma'am. We encountered a shooting victim who was
12 identified as Tyvon Threatt, and multiple people screaming.
13 We could see Mr. Threatt bleeding profusely. So, you know,
14 at that point we were trying to find out what was going on.
15 We're asking questions from people, you know, where is the
16 shooter, you know. And, of course, we actually cleared that
17 house, of course, the one where Mr. Threatt was at checking
18 for a shooter. As we kept speaking with him we could hear
19 another round of gunshots.

20 Q All right. Let's stop right there. Go back. Which
21 side of that trailer was Tyvon Threatt laying at?

22 A Tyvon was about the middle way about the front door,
23 somewhere in this area.

24 Q The side closest to Evans Mill Road?

25 A Yes, ma'am. So he would have been on that side of the

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1 house.

2 MS. JOHNSON-LEE: Beg the Court's indulgence.

3 (Break in proceedings.)

4 Q Now, while you're clearing that house, what does that
5 mean?

6 A Okay. So when we talk about clearing a house what
7 we're doing is we're going to make sure that there's no
8 shooters, no potential shooters. So we go in the house and
9 what we call clear it, we clear it room by room where we
10 basically go in and looking for -- make sure that we don't
11 have a shooter or anyone potentially with a weapon in the
12 house. We went in, cleared the house, saw it would be safe.
13 When we heard the gunshots again we --

14 Q Okay. Now, point on the screen, where did you hear
15 gunshots at that time?

16 A So we were at this house right here and we could hear
17 gunshots in this direction right in this -- down in this
18 direction.

19 Q So what did you do?

20 A Okay. So at that point when we heard more gunshots we
21 actually told everybody get inside, get inside and stay
22 down. That was the biggest thing is telling everybody to
23 stay down. That trailer park is -- as you can see, it's not
24 very many trailers, but for some reason there was a lot of
25 people there that night, more than I had ever seen in my

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1 past being a deputy. We just told them to stay down, get
2 down. And at that point we began looking for -- we knew we
3 had an active shooter at that time. We actually --- I don't
4 know who it was, somebody told us that hey, he's behind the
5 dumpster, the shooter is behind the dumpster. So the
6 dumpster -- I'm trying to show you here, trying point it
7 out, but it's right in this area right here. At that time
8 there again, myself, Deputy Cruz, Brian Campbell, Wayne
9 Jordan, we go to the direction of the dumpster. Of course,
10 we see a hat laying on the ground like a flat brown hat if I
11 can remember right. Of course, they said he was behind the
12 dumpster, so we cleared the dumpster, which means we went
13 over there, checked each side. You know, the whole time
14 we're actively searching. We go to the dumpster to make
15 sure the suspect wasn't hiding in the dumpster. So we at
16 that point are trying to continue to find the shooter.

17 Q So after you cleared the dumpster, which direction do
18 you go?

19 A So when we cleared the dumpster we go -- we're going in
20 this direction. We can hear people around this trailer
21 right here, we hear a lot of people, children, different
22 things, you know, it's real lit up. So immediately we want
23 to make sure obviously there's no shooter right here and,
24 you know, obviously -- we're trying to get people to safety.
25 Because at the time we kind of thought that maybe the

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1 shooter had maybe went in the woods, we didn't know where he
2 went, so we're trying to get them to safety. So what we
3 said was we'll challenge them out of the house. What that
4 means by the word challenge them out of the house is we took
5 the best position we could for safety, there wasn't a lot of
6 cover out there that night, so we yelled sheriff's office,
7 sheriff's office, come out, come out. Of course, everybody
8 came out with their hands up. We could see small children.
9 So at that point we wanted them to be able to get out of
10 there, because obviously we've already had two people at the
11 time shot and we didn't want obviously them to get hurt. So
12 we evacuate basically, I guess, in a nutshell you would say
13 evacuated them out, just get out of here.

14 Q So after you evacuate -- and use the pointer -- after
15 you evacuate that house, where did you go?

16 A Okay. At that point we decided we wanted to check this
17 house, which is 1902. At that time Lieutenant Jordan at the
18 time began walking up to the front porch.

19 Q And at this time I would ask you to go sit back down on
20 the witness stand for a moment.

21 A Yes, ma'am.

22 Q Now, you start with Lieutenant Jordan. What did he do?

23 A Yes, ma'am. So at that point when we go up to the
24 house, Lieutenant Jordan was already walking up to the front
25 door like we're trained. We're trained not to stand in

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1 front of the door, so he walks up to the side. I start
2 coming up behind Lieutenant Jordan. I can see him taking
3 his flashlight, knocking on the front door and announced
4 ourselves as sheriff's office, sheriff's office. I didn't
5 hear anything. As he's knocking I see like a back bedroom
6 light come on, so I remember saying something along the
7 lines of watch yourself, a light just came on. Out of
8 nowhere as he knocked on the door we could hear a gunshot
9 fired through the wall. I could see -- you could
10 actually -- as plain as day you could see sparks fly from
11 where it hit the wall at Lieutenant Jordan's head.

12 Q You mean it came out of the trailer?

13 A Yes, ma'am. It was shot from inside the trailer
14 outside toward us. Immediately when the shot was fired I
15 could see Lieutenant Jordan kind of flinch down. At that
16 point my mind I thought at the time that Lieutenant Jordan
17 had been shot.

18 Q What did you do?

19 A So I immediately -- in the instance in my mind I think
20 that he's shot, because there's no way he wouldn't have
21 been, it was right at his head. I go to grab Lieutenant
22 Jordan. We start making our way, and we're yelling shots
23 fired, get down. I drag him -- or grabbing at him to come
24 behind cover. We took cover behind a car.

25 Q Do you remember what kind of car?

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1 A I just remember it being a silverish/gray car.

2 Q Okay.

3 A So we take cover behind there. I push Lieutenant
4 Jordan down. I've got my gun out kind of resting on the
5 trunk of the car. The whole time, you know, I just want
6 Lieutenant Jordan to stay down, because, like I said, in my
7 mind I thought at the time he was shot.

8 Q Did you see where Alvin Cruz was during this time?

9 A Yes, ma'am. I had actually asked Lieutenant Alvin Cruz
10 to keep his eyes on the back side of the trailer. Because
11 we always want to keep the eyes on the back when we go to a
12 house where we don't really know what's going on, if there's
13 possibly shooters or not, we don't know so we want eyes on
14 the back of the house. I always have a fear -- of course,
15 we're trained to do that and you don't want to be flanked by
16 somebody, you're at the front and they come around on you.
17 So, you know, at the time Alvin Cruz was torqued to the side
18 with his eyes toward the back.

19 Q Did you or anybody tell Alvin Cruz to do anything?

20 A Yes, ma'am. After the shot was fired we got to yelling
21 to Alvin Cruz to come on, come on, come get behind cover.
22 Come on, come on. And he obviously -- when me and Wayne got
23 behind the car he came to take cover behind there.

24 Q So the three of you behind that silverish color --

25 A I know the three of us were over there. Now, Brian

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1 Campbell, I remember being to my left. From the best I
2 remember he took cover somewhere to one of those cars
3 somewhere to the left the best I can remember.

4 Q So there's other cars there.

5 A Yes, ma'am. Do you want me to proceed?

6 Q While you're taking cover, did something else happen?

7 A Yes, ma'am. So at that time, like I told you, I was
8 trying to keep Wayne down. About that time the door flung
9 open and we began taking severe gunfire. We were getting
10 shot at. You know, it was a scene like -- you know
11 something -- it wasn't like real life, it was like something
12 you would see in the movies. We were honestly -- I could
13 see muzzle flash, you know. At that time I began to return
14 fire. The bullets were hitting the car that I was taking
15 cover behind. You know, it was just like the movies, you
16 could hear the bullets whizzing by you. Like I told
17 somebody, it sounded like yellow jackets coming by you. I
18 mean it was insane. All I could do was return what I call
19 cover fire or, you know, suppression fire, which means I
20 didn't have time to aim given the amount of bullets that
21 were fired at me, so I just started shooting back best I
22 could, you know, in my mind to try to stop the defendant
23 from shooting us.

24 Q Okay. Now, you said somebody was shooting.

25 A Yes, ma'am.

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1 Q Where was the shooter at this point?

2 A In the -- like in the between the door and the front
3 porch, standing kind of -- as the front door opens you're
4 kind of standing in between the two, in between the door
5 frame and the front porch.

6 Q Was he kind of in the doorway?

7 A Yes, ma'am.

8 Q Now, were you able to see who the shooter was?

9 A Yes, ma'am, absolutely. We wasn't very far from each
10 other.

11 Q Can you identify the shooter?

12 A Absolutely. It was Mr. Little, the defendant.

13 MS. JOHNSON-LEE: Let the record reflect he has
14 identified the defendant as the shooter.

15 THE COURT: So noted for the record.

16 Q Now, did you actually see the door come open and he
17 came out?

18 A No, ma'am. I just remember him coming out and firing.
19 The door was closed obviously, but I just remember, you
20 know, basically the door coming open and, you know, it all
21 breaking loose, just a lot of gunfire.

22 Q Like a gun battle.

23 A Yes, ma'am. A lot -- you, when I say muzzle flash, you
24 can see the flash, the fire coming off the gun as it's being
25 fired at us. It was severe. It was a lot.

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1 Q And you said you were firing back obviously.

2 A Yes, ma'am, obviously. I was doing all I could to stop
3 the threat. It was just insane.

4 Q Did you think you were going to get shot?

5 A Yes, ma'am. I didn't have any body armor on. I knew
6 Lieutenant Jordan didn't have body armor. Again, at the
7 time I thought Lieutenant Jordan was shot given the fact of
8 how that worked. So, you know, it's by the grace of God I
9 didn't get shot, that none of us got shot out there. It's a
10 miracle.

11 Q Now, at some point did the shooter go back into the
12 trailer?

13 A Yes, ma'am. He returned back into the trailer. You
14 know, at that time, you know, we're communicating with each
15 other. We're yelling for him to come out with his hands up.
16 We were constantly -- I kept my gun aimed toward the
17 trailer. You know, of course we're telling each other to
18 stay down. We're calling for help wanting more deputies to
19 come to us given the fact of how much fire we took, you
20 know, we're trying to call for more help.

21 Q At some point did you see Mr. Little the second time?

22 A Yes, ma'am.

23 Q Tell me about that.

24 A Okay. So we were challenging him come out with your
25 hands up, come out with your hands up. I could hear -- I

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1 want to -- you know -- it was coming to my left, I believe
2 it was Deputy Greg Burns, Brian Campbell, because Deputy
3 Burns come up at some point in this, I could hear them
4 challenge him, you know, let me see your hands, let me see
5 your hands. So at that point I've got my gun trained on him
6 because I've got a clear line of sight with him coming
7 toward me.

8 Q Where was he at at that time?

9 A He was walking down in the front of the trailer -- he
10 had come out the best we can figure from the back around and
11 he was walking toward us. I could see that he was wearing a
12 white shirt, it was covered in what appeared to be blood.
13 He had -- I could physically see his hands. I thought at
14 that time he was going to surrender because we were giving
15 him commands to let me see your hands, let me see your
16 hands. He walked toward the car, and at that time, you
17 know, I could see -- once he open the door to the car I
18 could see that he was not going to comply.

19 Q Now, what car?

20 A It was like a Cadillac, like a blue -- I think it was
21 blue, but it was a Cadillac that he was opening the door.

22 Q And was the car facing the trailer or --

23 A No, ma'am. It was like backed into the trailer, you
24 know, kind of backed in. So, you know, now he gets -- opens
25 the car, gets in, so I'm having to make a decision of what

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1 to do next. Because I don't --

2 Q Why didn't you shoot him when he came out?

3 A Because he clearly had nothing in his hands, he posed
4 no threat. You know, despite the threat that he posed in
5 the house when he came out with his hands up there was -- he
6 was absolutely no threat to us whatsoever. So obviously,
7 you know, it was not a deadly force situation at that point.

8 Q And you said his shirt was covered in blood?

9 A Yes, ma'am, what appeared to be blood. The whole front
10 of his shirt -- and I actually -- it was so much blood I
11 thought at the time I must have hit him in the exchange of
12 gunfire. And, you know, he was walking slowly, so, you
13 know, there again I thought he was fixing to give up.

14 Q So what happened after he got into the car?

15 A So he got in the car and I've still got my gun pointed
16 on him, like we're giving commands get out, let me see your
17 hands. I didn't know at that point was he going to pull a
18 gun from the car, but then you could tell he was planning to
19 leave. He had sit down in the car, he crunk (sic) it up. Me
20 and Wayne are actually talking to each other.

21 Q Now, when you say Wayne, is that Lieutenant Wayne
22 Jordan?

23 A Lieutenant Wayne Jordan, I'm sorry, are speaking with
24 each other and I'm trying to make the decision what do we do
25 now. I have a two part problem in my head. I've got a

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1 dangerous felon who is -- had shot at all of us that I know
2 of. We've got two suspected -- we suspected at the time
3 we've got two people that have been shot, so now I've got a
4 fleeing violent dangerous felon that could cause more
5 problems, or cause other people to be hurt if he left.
6 Also, the other thing I was having to factor in my mind is I
7 knew that Brian Campbell and Greg Burns was other to that
8 side, and from the angle that I was looking I was afraid
9 that they may be ran over by the defendant.

10 Q What did you do?

11 A At that point in time made a decision that it had
12 became a deadly force encounter again, I fired multiple
13 rounds inside of the vehicle at the defendant.

14 Q Now, did you follow standard operating procedures for
15 the Chesterfield County Sheriff's Office interaction?

16 A Yes, ma'am.

17 Q Was the defendant able to get away?

18 A Yes, ma'am. When he left I heard more shots coming
19 from the other side, later found out was Greg Burns shooting
20 one of his tires out. He leaves. So at that point -- at
21 that point we began -- I began hearing screaming from
22 inside, and that was the first time I had ever heard -- I
23 didn't hear -- I never knew that there was anybody other
24 than him in the house at the time. You know, I also we hear
25 this god-awful screaming, children. You know, it's one of

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1 those that -- I mean just -- you could feel it in the pit of
2 your stomach. It was awful.

3 Q How did you proceed after hearing those screams?

4 A At that point we obviously wanted him to come out,
5 that's what we wanted.

6 Q Did you know if there was another shooter in the house?

7 A No, ma'am, we didn't. We didn't know who was in the
8 house, we didn't know who might have been in the house, so
9 we had to make a decision to go in to clear the house. You
10 know, so we stacked up. What that means is -- of course, we
11 all are doing SWAT Team and stuff then. We stacked up, made
12 the decision that we've got to go in the house. We hear
13 screaming, we hear awful screaming. There again, you know,
14 keep in mind most of us -- none of us -- I don't think
15 hardly any of us had vests on. So we run in the house.
16 Immediately going in the house we saw a lady on the ground,
17 was later identified as Miss --

18 Q You said on the ground.

19 A I'm sorry, on the floor. We immediately saw a lady who
20 was identified later as Shannon Little, she was obviously
21 dead. She was laying on her back, pool of blood, you know,
22 she was gone. There was nothing -- you know. So we could
23 see the children. There was three children, I remember it
24 clear as day, covered on their mother. We still have to
25 clear the house so we go clear the house checking for any

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1 other suspects. So, of course, I go in the back bedroom to
2 my right. I did see a gun laying on like a
3 dresser/nightstand thing, whatever, it was a semiautomatic
4 handgun. There's no suspect in the house, so we cleared the
5 rest of the house. You know, it was clear of any suspects.
6 The deceased, Ms. Little, was on the floor, and the
7 children. You know, I did the best we could, you know, to
8 try to get the children to come on and kind of embrace the
9 child. I remember the smallest child, it was a young male,
10 I did what I could to kind of hug him and embrace him.

11 Q How did that come about?

12 A Ma'am?

13 Q How did that come about with the youngest child?

14 A Well, they were all just to pieces. They obviously
15 just seen their mother, you know, whatever they saw with
16 their mother. And, of course, like I said, I just
17 quickly -- I just remember the smallest child grabbed my leg
18 and I kind of just put my hand on him a second. Anyway, we
19 had to make the decision we had to get the kids out. So,
20 you know, we physically grabbed the kids and got them out of
21 the house.

22 Q Got them out --

23 A Yes, ma'am. We made the decision they had to go.

24 Q Did you find anybody else in that house besides the
25 deceased, Shannon Little, and her three children?

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1 A No, ma'am.

2 Q So no other shooters inside that home.

3 A No, ma'am.

4 Q Okay. Now, were you present when the defendant was
5 located at some point later?

6 A No, ma'am. I wasn't present when he was apprehended.

7 Q Let's go back a minute to the trailer, 1894, where you
8 mentioned where Tyvon Threatt was at.

9 A Yes, ma'am.

10 Q Tell us what you actually saw when you arrived at
11 trailer 1894.

12 A There was just -- we encountered Mr. Threatt. At the
13 time he was -- the best I can remember there was some women
14 present, ladies, and he was kind of being, you know, held in
15 their arms.

16 Q Where was he located at the trailer?

17 A At the front door, around or near the front door. He
18 was in the yard but kind of, you know, at the front door.

19 Q Could you tell he was injured?

20 A Yes, ma'am, obviously. He was bleeding very profusely
21 when I saw him, it was -- you could tell he was in bad
22 shape.

23 Q I want to show some photographs to you that are marked
24 for identification purposes State's 22 through 25.

25 MS. JOHNSON-LEE: Permission to approach?

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1 THE COURT: Yes. What numbers are they again?

2 MS. JOHNSON-LEE: 22 through 25.

3 Q Okay. Now, do you recognize the scenes depicted in
4 those photographs?

5 A Yes, ma'am.

6 Q And are those photographs taken obviously after the
7 shootings occurred that night?

8 A Yes, ma'am.

9 MS. JOHNSON-LEE: Your Honor, I would like to have
10 those moved into evidence as State's 22 through 25.

11 THE COURT: Any objection?

12 MR. YOUNG: No objection.

13 THE COURT: Without objection Exhibits 22 through 25
14 are admitted.

15 (State's 22-25 were received.)

16 MS. JOHNSON-LEE: If I could have him step down so I
17 can publish those to the jury on the big screen.

18 THE COURT: Yes, sir.

19 MR. YOUNG: Your Honor, one more time for the court
20 reporter, the defense does not have any objection to these
21 photographs.

22 THE COURT: Okay.

23 Q And starting with State's Exhibit 22. Is this the
24 front of trailer 1902?

25 A Yes, ma'am.

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1 Q Okay. Now, you use the laser pointer and show us where
2 Wayne Jordan and you were standing when you first approached
3 the trailer.

4 A Okay. So when we first -- Wayne was actually standing
5 right in here. I was coming -- and he'd already made it
6 there before I did and I went coming up behind him and was
7 standing right in kind of to his side but kind of behind
8 him.

9 Q Now, was he on the steps or next to the steps?

10 A No, ma'am, he was next to the steps. Our training, you
11 know, we would obviously never want to be in front of the
12 door for purposes of somebody trying to shoot through the
13 door, so we were standing right beside the door as Wayne
14 tapped on the door.

15 Q And was that big door closed?

16 A Yes, ma'am. The big door right here was closed.

17 Q Now, where did that first bullet come through at?

18 A So the first bullet came through somewhere right in
19 here. You could see the sparks flying right in there when
20 the bullet pierced through the wall.

21 Q And did it appear to be getting close to Deputy
22 Jordan's head?

23 A Absolutely, it was right at his head. I mean, I
24 knew -- in my mind at the time I just knew he had to have
25 been shot.

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1 Q Now, is that the silver car depicted in the photo?

2 A Yes, ma'am.

3 Q If we could go to the next photograph, which is
4 Exhibit 23. And again, is that the vehicle?

5 A Yes, ma'am. That's the vehicle that we took cover
6 behind.

7 Q Show the direction that you went to take cover.

8 A Okay. So when the shot was fired we ran back this way
9 and then ran around right there and then took cover behind
10 this car.

11 Q You were behind the car. Where was Wayne Jordan?

12 A Wayne Jordan -- I was right here. I would have been
13 right in here. Wayne Jordan was right behind it. Because I
14 was actually -- as I had my gun out I was actually, you
15 know, trying to keep him down, because like I said, in my
16 mind I thought that he'd been hit so I wanted to make sure
17 that he was down so that he couldn't further get injured.

18 Q Do you recall seeing where Alvin Cruz took cover?

19 A Okay. So initially Alvin Cruz was in this direction.
20 So when the first shots was fired I got to yelling at Alvin
21 Cruz, come on, come on. He was over this way and he came
22 around and took cover somewhere over in this direction.
23 Somewhere in that direction.

24 Q Okay. Now, if we could move to the next photograph,
25 which is Exhibit 24. And again, that's the car?

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- 1 A Yes, ma'am.
- 2 Q And the next photo, which is Exhibit 25. Now, is this
- 3 the front of trailer 1902?
- 4 A Yes, ma'am.
- 5 Q Now, obviously those markers weren't there at the
- 6 time --
- 7 A Correct.
- 8 Q -- were they?
- 9 A No, ma'am.
- 10 Q Now, where first all was that Cadillac backed in?
- 11 A Okay. So obviously you can see where the car -- all of
- 12 the cars were over here, the Cadillac was backed in
- 13 somewhere right in here and right in here.
- 14 Q Okay. And where did you -- the second time you saw
- 15 Mr. Little, where was he at?
- 16 A He was coming from this direction. You could see that
- 17 he'd actually -- when they got to yelling you could see, or
- 18 I could see him right in here.
- 19 Q Okay. And where were the Deputies Campbell and Burns
- 20 when you thought they were going to get run over?
- 21 A They were somewhere in this area right here when I
- 22 looked back. They were toward the front of his car.
- 23 Q Thank you.
- 24 A Yes, ma'am.
- 25 Q And again, the shooter on the doorway the first time

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1 shooting at you, Deputy Cruz and Deputy Jordan, you saw that
2 to be the defendant, Rashawn Little.

3 A As clear as day. I can tell you with 100 percent
4 certainty that the same guy that was standing on the porch
5 of the door shooting at me is the same guy who got in the
6 car and left, and is the same guy that's sitting right
7 there.

8 Q Thank you.

9 MS. JOHNSON-LEE: Beg the Court's indulgence.

10 (Break in proceedings.)

11 MS. JOHNSON-LEE: Thank you. Please answer any
12 questions that the defense has. Thank you.

13 THE WITNESS: Yes, ma'am.

14 THE COURT: Cross examination.

15 MR. YOUNG: Thank you, Your Honor.

16 CROSS EXAMINATION

17 BY MR. YOUNG:

18 Q Good morning, Mr. Robinson.

19 A Good morning. How are you, sir?

20 Q I'm doing well. So this is not the first time you've
21 been in court testifying about this case.

22 A You're correct.

23 Q We've talked before.

24 A Yes, sir, we have.

25 Q You've sat in that stand and I've asked you questions

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1 about this incident in previous occasions.

2 A Yes, sir.

3 Q And everything that you said was under oath.

4 A Yes, sir.

5 Q And it was the truth.

6 A Yes, sir.

7 Q To the best of your --

8 A The best of my ability, best of my knowledge.

9 Q And now a couple questions. After all of this stuff

10 happened you gave a statement.

11 A Yes, sir, you are correct.

12 Q And you were Mirandized.

13 A Yes, sir, I was.

14 Q And you waived your rights and gave a statement.

15 A Absolutely, yes, sir.

16 Q And you wrote a three page statement?

17 A I can't remember how many -- you know, it's been six

18 years.

19 Q Do you trust me that it is three pages or do you want

20 to look?

21 A No, sir. I'll believe what you say. You seem --

22 Q I'll give it to you.

23 A Thank you, sir. Yes, sir. I can see it was three

24 pages.

25 Q It was three pages handwritten by you.

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- 1 A Yes, sir.
- 2 Q And the time on it is like 0:23, right?
- 3 A Yes, sir. 00:02.
- 4 Q Two minutes after midnight.
- 5 A Two minutes after midnight, yes, sir.
- 6 Q All right. And that was the statement you gave, I
- 7 guess, after SLED had arrived.
- 8 A Yeah. It was Agent Gainey with SLED.
- 9 Q Okay. Now, in your statement you talked about how dark
- 10 it was out there. Because I know we see the pictures and it
- 11 was all lit up, but that wasn't how it looked when y'all got
- 12 there, right?
- 13 A I mean, it was dark outside, it was dark. But there's
- 14 still a lot of ambient light out there from street lights
- 15 and our lights and, you know, things like that.
- 16 Q And your flashlight actually died.
- 17 A Yes, sir. At the worst possible time in the middle of
- 18 a shootout my flashlight decides to die, yes, sir.
- 19 Q So you didn't have a light on anybody.
- 20 A No.
- 21 Q You can see the muzzle flashes.
- 22 A I can see him and the muzzle flashes.
- 23 Q Did you see two muzzle flashes? I mean, were there two
- 24 guns?
- 25 A Man, I was trying to fire and take cover and keep from

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1 dying at that point, so I can't tell you if it was one or
2 two.

3 Q All right. And then you shot multiple rounds into the
4 trailer at the direction of the muzzle flashes from --

5 A I shot multiple times at Mr. Little.

6 Q All right. And in your statement like you said there
7 was this fleeing felon, right?

8 A Yes, sir.

9 Q And in your statement you wrote that the door opened up
10 and the suspect fired several shots, it was dark and I could
11 see the muzzle flash.

12 A Uh-huh.

13 Q Is that correct?

14 A I would have to relook at my statement to tell you
15 exactly what I said. But remember, I'd just been through a
16 gun battle and almost died so I was doing the best I could.

17 Q It's right there at the top highlighted line.

18 A Yep. I said the door opened, suspect fired several
19 shots, it was dark, I could see the muzzle flash. I
20 returned fire, shot my Glock. And there's a lot more on
21 there.

22 Q For sure --

23 A Yes, sir.

24 Q -- there is. And at one point in time in your previous
25 testimony you said that the door closes and then is opened

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1 again and there was another gun --

2 A It seemed like it was. It has been a long time, man.

3 But it seemed like there was another round of gunfire.

4 Q So you count one time shot, you returned fire --

5 A Yes, sir.

6 Q -- and then opened again and shoots more and you

7 returned fire again.

8 A That is correct. That is correct.

9 Q And that's what you testified to previously.

10 A Yes, sir.

11 Q And then, of course, you did see Mr. Little come out

12 from the direction of where the woods are from behind the

13 trailer.

14 A Yes, sir.

15 Q And at one point in time there was -- I know the jury

16 has seen the body cam footage where it was reported that

17 there was somebody in the woods.

18 A Yeah. That was -- the people were just yelling he's

19 coming from the woods or something like that, something

20 along those lines.

21 Q And the hat that was at the dumpster, do you know what

22 happened to that?

23 A No, sir. And I don't know if that was -- I don't know

24 whose hat that was. I don't know if -- it was a lot of

25 people out running that night, so I don't know if that was

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1 any suspect's hat or a victim's hat or just some random
2 person's hat. We just saw a hat near a dumpster.

3 Q All right. And you don't know what happened to that
4 hat at the dumpster, that was collected by SLED --

5 A If it was collected at all it would have been SLED. I
6 didn't investigate my own shooting so I didn't --

7 Q And at the time that Mr. Little got into the Cadillac
8 you knew that he didn't have a weapon on him.

9 A That's correct. As he was walking toward the Cadillac
10 I knew he didn't have -- well, let me back up. As he was
11 walking toward us I didn't see a weapon. That doesn't mean
12 he didn't have a weapon in a pocket, that didn't mean --
13 from what I (inaudible) as a trained law enforcement
14 officer. I hadn't searched him so I can't say what he had
15 on, but at the time I could clearly see his hands and there
16 was nothing in his hands. So at that exact moment he posed
17 no threat to me is why I didn't shoot him then.

18 Q Okay. And when he got into the car and went to leave
19 he wasn't a threat to you.

20 A He wasn't -- okay. So he wasn't a threat to me when he
21 went to leave, but he was then a threat to other people.

22 Q You believed he was.

23 A You're correct. In my belief I believed at the time
24 that he posed a threat to, you know, other deputies, you
25 know, the society, the community in general.

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- 1 Q And so you shot at him.
- 2 A Yes, sir, that's correct.
- 3 Q You shot at the car.
- 4 A I was trying to shoot at him and a moving car moving
5 that way was a pretty tough shot.
- 6 Q And you had checked your fire, you made sure that you
7 weren't shooting at other deputies and weren't other
8 deputies on the other side of the car.
- 9 A The best I could tell, no, sir.
- 10 Q You wanted --
- 11 A I wouldn't want to hit nobody with my gun.
- 12 Q Right. So at the time that you shot at him or shot at
13 the car you knew that you weren't going to hit anybody else.
- 14 A I was just trying to stop him. I can't speculate
15 what -- I just was trying to stop Mr. Little.
- 16 Q And as far as you knew, he didn't have a weapon as far
17 as you knew.
- 18 A The car became a weapon at that point.
- 19 Q So the car was the weapon.
- 20 A If it would have ran over one of our deputies or the
21 community members, and then I didn't know if there was
22 weapons in the car, you know. He'd already -- I knew that
23 Mr. Little had already shot at me, I knew that for a fact,
24 knew he'd shot at other deputies out there. Now he was
25 fleeing off, could have possibly ran over someone, and, you

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1 know, if he had any other weapons or anything like that.

2 Q And you didn't -- you weren't charged with anything
3 about shooting at anybody in a car.

4 A No, sir.

5 MR. YOUNG: All right. Thank you very much.

6 THE COURT: Any redirect?

7 MS. JOHNSON-LEE: No, Your Honor.

8 THE COURT: Sir, you may step down. Thank you.

9 THE WITNESS: Thank you, sir.

10 THE COURT: You may call your next witness, please.

11 MR. REDMOND: The State would next call Alvin Cruz.

12 The witness, ALVIN CRUZ, was first duly sworn and

13 Testified as follows:

14 THE COURT: Sir, if you will state your full name for
15 the record and spell your last, please.

16 THE WITNESS: Yes, sir. My name is Alvin Cruz, last
17 name C-r-u-z. First name, A-l-v-i-n.

18 THE COURT: All right.

19 MR. REDMOND: May it please the Court, Your Honor?

20 THE COURT: Yes, sir.

21 DIRECT EXAMINATION

22 BY MR. REDMOND:

23 Q Mr. Cruz, give us your background in law enforcement.

24 Are you currently in law enforcement?

25 A No, sir, I am not.

ALVIN CRUZ - DIRECT

1 Q Okay. And what are you doing at this time?

2 A Right now I'm just focusing on my health more. I was
3 in the military. I have some things that I need to work
4 through that have been causing me a little setback in
5 employment, so, yeah.

6 Q And now back in 2015, were you employed in law
7 enforcement?

8 A Yes, I was.

9 Q And by whom were you employed?

10 A I was employed by the Chesterfield County Sheriff's
11 Office.

12 Q I didn't ask you this, but were you in the military?

13 A Yes, I was.

14 Q In what branch?

15 A In the Army.

16 Q When did you serve in the Army?

17 A 2003-2006 active duty, and then 2006-2009 National
18 Guard.

19 Q Okay. And then were you ever deployed?

20 A Yes, I was.

21 Q Well, thank you for your service first and foremost.

22 A Thank you.

23 Q Now, and after that obviously you then go into law
24 enforcement.

25 A Yes, sir.

ALVIN CRUZ - DIRECT

1 Q And let's begin. Talk about your law enforcement
2 background. Could you tell the ladies and gentlemen of the
3 jury your law enforcement history?

4 A Well, I worked probably about five years total, but at
5 the time I only had about three years I was out of the
6 academy. I worked at the jail for about a year and a half
7 from 2012 to about 2014, somewhere around there, 2012 to
8 2014. Then I went to the sheriff's office in 2014. I
9 graduated the academy I believe it was March of 2015, about
10 seven or eight months prior to this incident. I'm not
11 sure --

12 Q And then did you subsequently leave the sheriff's
13 office and go into another agency?

14 A Yes, I did.

15 Q Tell us when and where.

16 A Cheraw Police Department. I worked for the Cheraw
17 Police Department, 2016 I believe it was I left the
18 sheriff's office, or '17 it might have been. I'm not sure
19 with the timeframe.

20 Q That's fine. And was Cheraw PD your last stop in law
21 enforcement?

22 A No, sir. Then after that I went to the Marlboro County
23 Sheriff's Office as an investigator for about like six
24 months, and then I returned to the Chesterfield County
25 Sheriff's Office.

ALVIN CRUZ - DIRECT

1 Q Okay. And then -- so you were obviously working with
2 the sheriff's office on October 25th, 2015.

3 A Yes, sir.

4 Q And at that time, what capacity again did you work with
5 the sheriff's office?

6 A Deputy. Patrol deputy.

7 Q And were you on patrol that evening?

8 A Yes. That was my shift.

9 Q And did you receive a call to respond to Evans Mill
10 Road in the Pageland area?

11 A Yes, I did.

12 Q Tell us about that.

13 A Initially I was at the house on -- Nicholson house
14 helping with the inventory also when the call came in, so we
15 were all together. And when the call came in everybody just
16 got up and I just followed the most senior ones, I don't
17 remember who, but we all kind of convoyed to that area on
18 Evans Mill Road.

19 Q And did you arrive at Evans Mill Road?

20 A Yes, I did.

21 Q And once you arrived tells us what you did.

22 A When I arrived I pulled my vehicle at the drive by
23 where my First Sergeant Chuck Mixon was, which he
24 was already -- he was the first one there as far as I
25 remember and understand, and he was with someone who was on

ALVIN CRUZ - DIRECT

1 the ground who I later found out was the person who had been
2 shot at. Because as soon as we got there -- as soon as I
3 got there, there was a lot of things going on. There was
4 shots being fired, again, so as soon as I got there I didn't
5 have time to kind of like sit and check on the man that was
6 on the ground. It just went from me getting out of the car,
7 seeing what was going on, hearing the shots and then moving
8 with the rest, Wayne and all of them, to figure out.

9 Q And was this gentleman later found out to be Luther
10 Chambers, had he been shot in the arm?

11 A Yes, sir.

12 Q Okay. And so at that point were you -- did you stay
13 there or did you -- and I think you already answered this,
14 but did you proceed on further?

15 A I proceeded on further.

16 Q And let me stop you. Because yesterday afternoon your
17 body cam video has already been played in evidence. Did
18 you, in fact, turn your body cam on --

19 A Yes, I did.

20 Q -- when you arrived?

21 A Yes, I did.

22 Q Okay. I guess what actually took place that night from
23 your vantage point, is that reflected on the body cam video?

24 A Yes, sir, to the best of my knowledge. I haven't seen
25 the body cam video at all since --

ALVIN CRUZ - DIRECT

1 Q But it was your body cam video that you had turned on.

2 A Yes, sir.

3 Q But, of course, you lived it.

4 A Yes, sir.

5 Q Now, go back to what we're talking about. So then you
6 push forward. So tell us about where you proceeded after
7 you initially checked with Mr. Chambers. What took place
8 next?

9 A As I can remember, like I said, being fresh out of the
10 academy I just took kind of the back seat to it and followed
11 what the more senior officers were doing, like Stuart and
12 them. So we proceeded towards another trailer, because like
13 I said, we heard shots, so we went in the direction of where
14 we heard those shots. At the same time there was people
15 running around the trailer park, so, you know, you're
16 checking everybody because you didn't know who had a gun,
17 who was this, who was that, so you're just hyper-aware of
18 your surroundings and what was coming at you like clearing.
19 I was checking people, you know, let me see your hands, let
20 me see your hands, you know, because it was like we were on
21 high alert when we were there.

22 Q Would the term of it being a chaotic scene be
23 appropriate?

24 A Oh, yeah, definitely.

25 Q All right. So at that point -- so you're encountering

ALVIN CRUZ - DIRECT

1 these folks. At this point what did you do after that?

2 Moving forward what did you continue to do?

3 A Moving forward just scanning the area. We stopped at a
4 trailer where there was a person laying down and there was
5 people crying over him, who I later found out to be Tyvon.
6 I'm not familiar with him personally, but just in the
7 after -- after I found out that that was who it was. But he
8 had been shot and there was people hovering over him crying
9 and things of that nature. And I believe, if I'm not
10 mistaken, while we were -- he was bleeding, I don't think he
11 was even talking. Someone had said that shots are coming
12 from the dumpster or something along those lines, and that
13 was --

14 Q So let me stop you there. So while y'all were there
15 there were more shots that you heard.

16 A Right.

17 Q Okay.

18 A And I believe some screaming. Like I said, it was a
19 chaotic scene, so I don't know if it was screaming from
20 someone being shot or whatever, but there was a lot of
21 screaming. There was a lot of background, you know, going
22 on.

23 Q Okay. So moving forward what did you then do after
24 that? So at 1894, I believe that's the trailer where Mr.
25 Threatt was, what did y'all do at that trailer? And did you

ALVIN CRUZ - DIRECT

1 stay at that trailer or did you subsequently move?

2 A I believe we moved and we went to another trailer
3 which -- that's when like Deputy Robinson said they
4 challenged the people out and people came running out and
5 whatever. While we were there I believe -- I'm not certain
6 if it was screaming or something, I'm going to have to
7 check, we heard a noise the next trailer over. Like there
8 was a trailer on this side and then another trailer to the
9 left side.

10 Q Okay.

11 A And we heard there and just followed them there.
12 Wherever they were going that's where I was kind of like
13 moving with them.

14 Q I got you. I understand. Now, at some point were
15 you -- did you find yourself at 1902?

16 A Yes.

17 Q And where were you located initially? When y'all got
18 to the trailer at 1902, where were you located?

19 A Well, I went to the back of the trailer. I went to the
20 back of the trailer.

21 Q All right. And what was your purpose in that?

22 A Well, they were at the front and I was at the back so
23 that if anything -- anybody ran out the back or anything,
24 you know, I would have eyes on that and they had eyes on the
25 front.

ALVIN CRUZ - DIRECT

1 Q Did you stay at the back or did something happen that
2 then caused you to move to --

3 A A shot was fired, or shots were fired, and I'm not sure
4 if it was one or two, I heard shots fired. Stuart, I saw
5 him because he was in my line of sight at a vehicle, he
6 called me to come back and I ran back to the vehicle where
7 he was at. Even by running over there I fell over the
8 tongue of the trailer because I didn't even realize that the
9 tongue was there, so I fell over the tongue of the trailer
10 and had to get back up and keep on running to that vehicle.

11 Q Now, just to be clear, because of where you were, did
12 you actually see who was shooting at that time?

13 A No, I did not. No, I did not.

14 Q But did you -- based on your vantage point based on
15 what was taking place, was -- were y'all under fire?

16 A Oh, yes. Yes. Yeah. Absolutely.

17 Q Now, during the time of the shooting tell us what you
18 did. So you're back there with Stuart and I believe
19 Lieutenant Jordan at the time. Tell us what took place
20 next.

21 A Well, we were taking cover and I know that I raised --
22 I was low to the car, like crouched down, I raised up
23 because shots started being fired, I raised up, and when I
24 raised up I saw -- because I'm not going to give more target
25 to someone than what I need to identify what's going on, so

ALVIN CRUZ - DIRECT

1 I kind of peeked up at the vehicle and I saw a muzzle flash.
2 When I did I pointed my firearm at the direction of where
3 the muzzle flash was coming from and I fired off some rounds
4 at that direction. I don't remember how many. And when it
5 stopped I stopped and then I crouched back down and I
6 reloaded my firearm and then waited for more instructions.

7 Q And so did you ever get anymore instructions? Just
8 take us through what happened next.

9 A Then I believe someone, I heard them saying that -- I
10 guess he -- the subject that was in the house come running
11 out the back of the house, I heard them say, oh, he's coming
12 out the back. I remember him having his hands up or
13 whatever, so they were saying don't shoot, don't shoot. I
14 know some of the officers said don't shoot because he had
15 his hands up.

16 Q Go ahead and finish and then I'll ask you.

17 A Yeah. I remember some of the officers saying not to
18 shoot because the man had come out with his hands up and
19 everything, you know, so I heard that. And then he went
20 into his vehicle and just took off and Deputy Robinson fired
21 off some shots at the vehicle while they left.

22 Q Did you ever get a look at him? As he was coming
23 around were you able to get a look at the defendant?

24 A I got a look at him when he came out the trailer.

25 Q And do you see that person here today?

ALVIN CRUZ - DIRECT

1 A I see him right there.

2 Q And just to be clear, is that the defendant you're
3 pointing at?

4 A Yes.

5 Q Okay.

6 MR. REDMOND: Your Honor, let the record reflect that
7 the person he says he saw walking around from the back and
8 the side of the trailer is the defendant.

9 THE COURT: So noted for the record.

10 MR. REDMOND: Thank you.

11 Q And so at that point did you fire or did anybody fire
12 at him as he's coming around?

13 A No. No one fired at him.

14 Q And again, why was that?

15 A Because he had his hands up. He came out with his
16 hands up. And then walking -- he continued to walk, he
17 didn't stop, but he had his hands up and you couldn't see
18 that he had anything that could be a threat to us on him in
19 his possession at that time.

20 Q So once he drove off, and shots were fired toward him
21 by other deputies when he was driving off, as he was driving
22 off in the car.

23 A Yes, sir.

24 Q Okay. What did you do next after he's gone? He's
25 already left the scene, tell us what took place next.

ALVIN CRUZ - DIRECT

1 A Well, then we all got together and we proceeded to go
2 into the house. We cleared the house. I didn't clear the
3 house. I stayed at the door, the other deputies went in,
4 they cleared all the rooms and everything like that, and
5 then I stood in the house while everybody tried to figure
6 out where the subject had went to. So I secured the scene.
7 I basically stayed with the scene until, you know, we can go
8 through what happened.

9 Q Now -- and I know this may not be easy, but could you
10 explain from your vantage point when you got inside the
11 house what was taking place? As y'all got initially in the
12 house what were your observations?

13 A There was kids over there over this woman crying, I
14 know it was their mom, crying, screaming they didn't want to
15 let go of her. She appeared to be dead. There was a lot of
16 blood on the floor immediately entering the house.

17 Q Okay. Now, I'm going to ask you with the Court's
18 indulgence, if I can have him step down I'm going to show
19 you --

20 THE COURT: What exhibit number is that?

21 MR. REDMOND: I'm sorry. This is Exhibit Number 12,
22 State's Exhibit Number 12 that we're now looking at.

23 THE COURT: Thank you.

24 Q Mr. Cruz, could you tell us when you first arrived
25 using the laser pointer, the best that you can recall tell

ALVIN CRUZ - DIRECT

1 us --

2 A I pulled my car up right here in this little grass
3 patch somewhere around here. My first sergeant was
4 somewhere right here in this drive with the first shooting
5 victim.

6 Q Okay. And so then when you moved forward, do you
7 remember about -- just take us through where you moved
8 forward as best you can recall.

9 A The best as I can recall I believe we moved here, and I
10 think this was the trailer -- the first trailer we stopped
11 at where Tyvon was.

12 Q Okay. If you're looking at 1894, since it's already
13 established the next trailer down, are you talking about the
14 one more down?

15 A Okay.

16 Q 1894?

17 A Right.

18 Q And so you're describing the trailer when you first saw
19 Tyvon Threatt.

20 A Right.

21 Q Okay. So now, did you stay at that trailer or did you
22 move in?

23 A We moved this way. I believe -- is it around here --
24 these maps are all --

25 Q No, that's all right. And I understand that you did --

ALVIN CRUZ - DIRECT

1 A There should be another trailer somewhere around here.

2 I think it's either this one --

3 Q And, of course, this is not a map from 2015, so, in
4 fact, there may be trailers missing. However, in looking at
5 this scene --

6 A Right.

7 Q -- to the best that you can recall, do you recall
8 moving from this trailer into this trailer at 1902?

9 A Right.

10 Q And to the best that you can recall, is that the
11 trailer that, I guess, the shooting took place?

12 A Yes.

13 Q All right. Now, let me move to the next picture, I
14 think that's going to be State's Exhibit 22. Yes, that's
15 it. So is this 1902 as you remember it?

16 A Yes.

17 Q Okay. Now, giving you back the pointer. Could you
18 tell us about -- and it may not be reflected in here, but
19 the best you can, show us where you were initially before
20 any shots were fired.

21 A At the back of the trailer. I was all the way at the
22 end of the trailer at the back most corner of the trailer,
23 and I was there crouched down looking around at the, you
24 know, the back side of the trailer.

25 Q And when the shooting started take us to where you then

ALVIN CRUZ - DIRECT

1 ended up.

2 A Okay. When the shooting started I run --

3 Q And I can show you State's Exhibit 23.

4 A I run back to this vehicle, but I'm on the right side
5 of this vehicle and I'm towards the back -- the rear, but
6 Stuart is at the rear. He's behind the vehicle. I'm not
7 behind the vehicle, I'm on the side of it still at the rear.
8 So I'm on the side of this car at the rear right here by the
9 tire.

10 Q Okay. And for the record that's actually State's 24
11 we're now looking at. So again, show us using that picture
12 as a vantage point, where did you end up?

13 A Came from here, ran over that tongue right there, got
14 up, come back here at the tire at the rear of this car right
15 here by the tires.

16 Q Okay. And so you, of course, as we said, you didn't
17 actually get a look at his face as he was shooting.

18 A No, I did not.

19 Q Okay. Now, going to State's Exhibit 25. All right.
20 So about where was the car the best that you can recall that
21 he got into the Cadillac that was backed in?

22 A Right in here.

23 Q And at that time, were you able to see the defendant's
24 face as he was approaching y'all?

25 A Yes.

ALVIN CRUZ - DIRECT

1 Q Okay. And again, did anybody fire at him while he came
2 walking around with his hands up?

3 A No.

4 Q And what did the defendant do? As a matter of fact I
5 think -- I want to say there's some -- almost some tire
6 marks on the grass. Is that about the general direction
7 that he was moving? As a matter of fact I'm referring to
8 the tire marks.

9 A I see them.

10 Q Is that the general direction in which he was taking
11 place -- that he was leaving? Excuse me.

12 A Right.

13 Q Thank you. You can have a seat. And was this the
14 extent of your role in the case once that happened? Did you
15 have any other involvement in the case?

16 A No, sir.

17 Q Were you involved in apprehending the defendant --

18 A No, sir.

19 Q -- later on, I guess, the next morning?

20 A No, sir.

21 Q Okay.

22 MR. REDMOND: Beg the Court's indulgence.

23 THE COURT: Yes, sir.

24 MR. REDMOND: Please answer any questions that Mr.

25 Young or Mr. Frick may have.

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1 THE COURT: Mr. Young?

2 MR. YOUNG: Thank you, Your Honor.

3 CROSS EXAMINATION

4 BY MR. YOUNG:

5 Q Good morning, Mr. Cruz.

6 A Good morning.

7 Q Are you okay?

8 A I'm all right.

9 Q And I wanted to echo the State's comments on thank you
10 for your service, I appreciate that.

11 A Thank you.

12 Q I know it's hard and going through stuff like this is
13 not easy.

14 A Right.

15 Q And I appreciate your honesty that you didn't get a
16 look at the person who was shooting out of the door.

17 A Right.

18 Q You saw muzzle flashes.

19 A Yeah. And I might have seen part of the hand, too, but
20 I didn't see a face or anything like that.

21 Q It was dark.

22 A I would say more because of my angle. I mean, you also
23 got to take that into consideration of where I was at
24 versus -- I can't say what anybody else seen, I can only
25 tell you what I saw. And where I was at and the angle I was

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1 at I wasn't going to get a good -- I didn't have a good
2 vantage point to see in anything, so maybe somebody else saw
3 him but I didn't.

4 Q Okay. It was dark.

5 A It was dark.

6 Q There weren't any lights on in the trailer. There were
7 lights in the back of the trailer, but in the room where the
8 door opened up to there weren't any lights on.

9 A Right.

10 Q And you were the only one who had a body camera out
11 there.

12 A Yes, sir.

13 Q And we've watched that recording and it reflects, you
14 know, what you saw and said, right?

15 A Right.

16 Q And on the body camera at one point in time you were
17 asked did he shoot at you and you said, no. I saw the
18 muzzle flashes and returned fire.

19 A Yes, sir.

20 Q Right?

21 A Yes, sir.

22 Q And you gave a statement in this case at I think
23 12:03 a.m., is that right?

24 A I believe so. I don't remember the time.

25 Q Have you reviewed your statement?

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- 1 A I did. I reviewed my statement when I got here.
- 2 Q Okay. And you have it with you up there.
- 3 A Yes, I do.
- 4 Q Okay. And you drew a diagram about where you were and
- 5 what all happened.
- 6 A Here it says 10:50 on my statement. 10:50 is what it
- 7 says here on mine.
- 8 Q Well, mine I have 10:50 crossed out and 12:03
- 9 written -- and some initials next to it. I'll let you look
- 10 at it and see if that's your initials or not.
- 11 A That's my initials. Yeah, that's my initials.
- 12 Q Okay.
- 13 A I'm just going off of what I saw at the top here. I
- 14 don't remember if it was 10, 11.
- 15 Q Sure. At the top it says 10:50 then at the bottom it
- 16 has change -- time change and your initials on it; is that
- 17 right?
- 18 A Yeah. I don't remember why that is, but --
- 19 Q Okay. Now, you talked about the suspect coming out of
- 20 the trailer. Did you see -- you didn't see anybody come out
- 21 of the trailer; is that correct?
- 22 A No. I didn't see him come out, no, I did not.
- 23 Q You saw somebody approaching from the side of the
- 24 trailer.
- 25 A Yes, from around the side --

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1 Q You saw --

2 A -- of the trailer coming out.

3 THE COURT: Hold on. Let him finish his answer. I
4 can't have both of you talking at the same time. Go ahead
5 with your question.

6 Q You saw Mr. Little come from the area of the woods that
7 were right next to the trailer.

8 A Yes, sir.

9 Q Right?

10 A Yes, sir.

11 Q Towards the front.

12 A Yes, sir.

13 Q And that's when you saw him get in the Cadillac and
14 leave.

15 A Yes, sir.

16 Q But you didn't see anybody come out of the trailer.
17 Nobody had eyes on the back of the trailer.

18 A No, they did not.

19 Q There was a door on the back side of the trailer.

20 A Yes, sir.

21 Q But nobody was back there watching it to see who came
22 out or not, right?

23 A Right.

24 Q And you were called back out to that location the next
25 day; is that right? You went back out there and met with a

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1 guy named Marques Tyson the next day?

2 A I don't recall that.

3 Q Okay.

4 A I don't recall that. After the incident I was home for
5 like a week or so.

6 Q Okay.

7 A Yeah. I didn't work after that incident.

8 Q That might be my mistake. And I think I am mistaken it
9 was you that went back out there and met with --

10 A No, it wasn't me.

11 Q -- Marques. See. Okay. Not you. You stayed home for
12 a week.

13 A I believe so, yes, sir.

14 Q So when you said on direct that you looked at somebody
15 coming out of the trailer, you just saw him come from the
16 side. You don't know if that person came out of the trailer
17 or from the woods or where they came from. You said
18 appeared around the front corner.

19 A I mean, one and one together equals two. I mean, what
20 just happened, man walks out beside of the trailer, I can
21 put one and one together and it equals two.

22 Q Right. If there were two people or three people in the
23 trailer shooting you don't know.

24 A No, I don't.

25 Q And you didn't see anybody come out.

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1 A I didn't see anybody come out of the trailer.

2 Q You just know that there wasn't anybody in the trailer
3 when you went in after Mr. Little left in the Cadillac.

4 A Right.

5 MR. YOUNG: All right. Thank you, Mr. Cruz.

6 MR. REDMOND: No redirect, Your Honor.

7 THE COURT: Sir you may step down. Thank you. All
8 right. We're going to take a short break. Ladies and
9 gentlemen, we've been going about an hour or 15 and 20
10 minutes, I'm not sure how long the next witness may be so
11 I'm going to go ahead and give you a short break. Please
12 step to the jury room, do not discuss the case at all.
13 Madam Forelady, if you'll knock on the door and let the
14 bailiff know when you all are ready to come back in we'll
15 get you back in here as quickly as we can. Okay?

16 (The jury left the courtroom.)

17 THE COURT: We will stand down just a few minutes.

18 (A recess was taken.)

19 THE COURT: All right. Bring the jury, please, ma'am.

20 (The jury returned to the courtroom.)

21 THE COURT: All right. All of the jurors are present.
22 I hope y'all had a nice break and are ready to proceed at
23 this time. I recognize the State, call your next witness,
24 please, sir. Please, ma'am.

25 MS. MUNNERLYN: Your Honor, good morning. The State

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1 calls Brian Campbell.

2 DIRECT EXAMINATION

3 BY MS. MUNNERLYN:

4 Q State your full name for the record.

5 A Brian Campbell.

6 Q Okay. And where are you currently employed?

7 A I'm employed with the Sandhill Telephone Cooperative
8 and Chesterfield Police Department.

9 Q Okay. And have you been previously employed with the
10 Chesterfield Sheriff's Office?

11 A Yes, ma'am.

12 Q And when were you employed with them?

13 A I was employed with Chesterfield County Sheriff's
14 Office in the years of 2005 through 2011. I left there,
15 went to Cheraw Police Department from '11 to '13, and
16 returned in '13 at the sheriff's office, remained there in a
17 full-time capacity until '17. And from that point it's been
18 periodically between part-time with the sheriff's office and
19 the Town of Chesterfield.

20 Q Okay. And so all total how many years law enforcement
21 experience do you have?

22 A From 2005 to the present.

23 Q Okay. All right. And in what capacity were you
24 working with the Chesterfield County Sheriff's Office back
25 in 2015 when this incident occurred?

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1 A I was a Corporal or Sergeant in the Criminal and
2 Narcotic Investigations.

3 Q And were you actually working on October the 25th when
4 the call came out on Evans Mill Road?

5 A Yes, ma'am. If I'm correct I believe I had been
6 working for 12, 14, 15 hours. We had an adjacent case going
7 on that we were dealing with, had been out with search
8 warrants and evidence recovery and such.

9 Q And so you were nearby?

10 A Yes. I actually was at the parking lot at the Pizza
11 Hut in Pageland.

12 Q Picking up some food for --

13 A I was attempting to, yes, ma'am.

14 Q Okay. All right. So when the call came out what did
15 you do?

16 A Whenever the dispatch come through on (inaudible) the
17 shots fired Evans Mill obviously I got in my truck, I was
18 alone, and proceeded to Evans Mill. I don't remember the
19 numeric. I think they maybe addressed the numerics or maybe
20 below the trailer park, whatever, but got in my vehicle and
21 went towards the call.

22 Q Okay. And when you arrived on Evans Mill Road, what
23 did you find when you first stopped?

24 A When I arrived at Evans Mill there were a couple of
25 units there, I can't recall exactly who they were. I exited

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1 my car, was made aware there was a gunshot victim there
2 present. I actually laid eyes upon the victim, you could
3 tell he was bleeding at that time. He was speaking. I
4 believe he was able to maybe sit up or stand or something,
5 you know. He was obviously a gunshot victim, not to negate
6 that, but at that time he was there, there was officers
7 there. I believe someone had already reached out for
8 medical attention at that point.

9 Q Okay. And I'm going to pull up --

10 THE COURT: What exhibit number is that, Ms. Munnerlyn?

11 MS. MUNNERLYN: 12. Yes, Your Honor, I believe that's
12 12.

13 THE COURT: Okay. Thank you.

14 Q We're looking at State's Exhibit 12 here. If you want
15 to come down and go through and let's tell the jury what
16 happened through your eyes. And I'm going to give you that
17 pointer. Okay. Can you show us where you parked when you
18 arrived in your vehicle?

19 A When I arrived I parked my vehicle at the entrance of
20 the trailer park, I believe I parked somewhere in here or
21 maybe had pulled in this drive. I was in this field here.
22 I say field, it's a front yard residence.

23 Q And do you recall who all officer-wise was there when
24 you got there?

25 A I remember seeing First Sergeant Chuck Mixon, I want to

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1 say maybe Wayne was there, Stuart, Mr. Cruz was there, and
2 Burns was there either right with me or maybe just after me.
3 But there was a couple of us that had parked right in this
4 area right here. Some of them were obviously on the
5 roadway, there's not that much room. But at that point we
6 responded to this area where the gunshot victim was, the
7 first gunshot victim.

8 THE COURT: All right. Hold on a second. Sir, could
9 you move a little closer to this microphone here to ensure
10 that everything is being picked up? All right. Go ahead,
11 sir.

12 Q All right. So you're in the vicinity there where the
13 initial gunshot victim was. And what happened at that point
14 to draw your attention anywhere else?

15 A There was gunfire heard by myself coming from the
16 trailer park, which is just west of our location at that
17 point.

18 Q Okay. And what did you proceed to do at that point?

19 A I grabbed a patrol rifle out of my back seat, I hadn't
20 really been that far from my truck. I had seen the first
21 victim and grabbed the patrol rifle and proceed westward
22 into the trailer park toward the gunfire.

23 Q Okay. If you can show us -- can you roughly show us
24 where you went?

25 A Just coming down at an angle -- just coming down

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1 through the trailer park here. I believe I came in behind
2 this first trailer. There was a bunch of people at that
3 point we were encountering. As you would move up you were
4 being encountered or seen or approached by several people,
5 but made entrance behind that first trailer westward right
6 there.

7 Q Okay. And the people were coming towards you?

8 A Yes, ma'am. Some would come towards you, some would
9 step out from behind, you know, just the cover or homes or
10 whatever it was. It was just kind of chaotic with
11 everything going on. Obviously they heard the same shots we
12 did and were there. We made our way through here, began at
13 that time checking hands, eyes, just trying to figure out
14 who's the suspect, who's the victim, who potentially would
15 be a victim, and trying to get people out of the way, out of
16 the area and get to a (inaudible.)

17 Q All right. And did you -- because you'd already
18 encountered one victim, did you see anybody else?

19 A Yes, I did. We made our way -- I mean, I made my way,
20 rather, down this road, I believe, clearing these homes
21 initially and then trying to make sure that we had someone
22 put hands on them. As we approached this single-wide
23 trailer here sitting east to west there was a young black
24 male on the outside of the home. When I initially
25 encountered him he had a gunshot wound to his midsection.

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1 He was accompanied by some family members. There was some
2 utterances about shooting, the shooter is behind us, shots
3 coming from behind us.

4 Q Before you go forward, where was he in relation to the
5 trailer?

6 A In relation to this trailer here -- in relation to this
7 trailer he appeared to be just off this corner if not more
8 toward the front. Just in front of this trailer here.

9 Q So just in the yard?

10 A Yes, ma'am.

11 Q Okay. All right. And he had an injury to his
12 midsection you say.

13 A That's where I remember. As I far as recall I remember
14 him being shot somewhere in the midsection. I remember
15 looking at his face, he was a young guy, young kid, and he
16 had some family there. I think Burns, the investigator with
17 me, we made the conscious decision to at least try to get
18 him shielded behind this knowing -- we had not yet at this
19 point determined where the shots were fired or the shooter
20 was behind us or someone else was there, so we made attempt,
21 or did attempt to a position of cover in our thoughts that
22 maybe we could get an ambulance there in time to save his
23 life.

24 Q Okay. Well, he was still alive at that point.

25 A Yes, ma'am, at that point.

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1 Q All right. And once you and the other officers were
2 able to get him to a safer place, what did you proceed to
3 do?

4 A We proceeded to clear I guess in this direction, I'm
5 calling it south, I hope I'm correct -- this is east, west,
6 north and south -- we proceeded to clear south of this
7 trailer. There was a large dumpster or something
8 (inaudible) we had a clear view that was still good position
9 of cover. Checking the wood lines and -- I don't know, but
10 definitely this trailer here was here and this one here and
11 I want to say there was another one. But we started moving
12 southbound down through the trailer park, attempted to
13 locate a shooter, a suspect or possibly another victim.

14 Q Okay.

15 A So we began to sweep, like I said, the wood lines and
16 everything else. I made the approach at 1902 Evans Mill
17 initially, had made it almost to the front steps --

18 Q Now, which one at 1902 --

19 A Or excuse me, this home right here. I left this home
20 here, I made it almost to these front steps right there -- I
21 made it almost to these front steps and I heard screaming
22 coming from this direction.

23 Q Coming from which direction?

24 A It would have been to my right, what I'm calling more
25 of a western side of the trailer.

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1 Q Okay. From that particular trailer?

2 A Well, you could hear screams still throughout. At that
3 time I knew I could hear and identify people there.

4 Q Okay. All right. So the screams, did it appear that
5 the screams that you're speaking of were coming from inside
6 that trailer?

7 A I could see people outside this trailer, it was a
8 family.

9 Q Which one? Show me which one.

10 A Right here. I moved back from here to these people to
11 get them to safety, and then re-approached this trailer like
12 right here, and re-approached this trailer after they were
13 moved and cleared of being a suspect or a victim, moved them
14 here back around to re-approach this home.

15 Q Now, you said you had a long gun, correct?

16 A Yes, ma'am. I grabbed a -- well, it wasn't a patrol
17 rifle because (inaudible.)

18 Q Did you have your bullet proof vest?

19 A Yes, ma'am. I grabbed my jump vest and all. When I
20 was leaving the restaurant I started throwing everything on
21 and headed that way.

22 Q Okay. So you cut back around to a location in front of
23 the trailer that is shown as 1902 Evans Mill Road?

24 A Yes, ma'am.

25 Q Okay. And do you recall -- okay. So you said you

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1 heard some -- what did you hear at that point?

2 A At that point on re-approaching this home right here
3 the second time it had become eerily silent at that point.

4 A lot of things behind us had settled down, I don't know if
5 that was tunnel vision or what but re-approaching that home.

6 I don't distinctly remember much going on right there other
7 than us just trying to identify. We cleared to the right or
8 behind us, we cleared east, and we're moving down to the

9 trailer park. I just remember approaching the front of that
10 home, and I watched the other officers -- Wayne was, one of
11 the investigators, I watched Wayne move from my right to my
12 left, Stuart was moving from my right to my left. I believe
13 Burns had actually flanked him so that we wouldn't all stack
14 up and be in the same line. So I moved right directly
15 toward the front door of that home.

16 Q Okay. I want to move to a different photo. Okay.
17 This is State's Exhibit 14. Do you recognize what's in that
18 photo?

19 A Yes, ma'am.

20 Q Okay. And do you -- can you tell us by looking at that
21 photo where you were on your re-approach to that trailer?

22 A On the second approach to that trailer I was walking up
23 along side this Honda Accord.

24 Q Okay. And at that time -- the door is open on that
25 minivan. Was the door open on the minivan at the time you

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1 approached?

2 A I don't recall, maybe it was. I mean, if it were I'm
3 sure we glanced and looked in it and cleared it as we was
4 walking up through there.

5 Q Okay. So you believe you were between those two
6 vehicles on the approach.

7 A Yes, ma'am.

8 Q Okay. So what happened next?

9 A There was -- shots began to be fired inside this mobile
10 home to the outside. I say to the outside, you could see
11 the sparks. Wayne had made an approach from my right to my
12 left, so where that light is on that home Wayne was probably
13 just below or just maybe to the right.

14 Q Now, when you say Wayne, you're speaking of Wayne
15 Jordan?

16 A Yes, ma'am. Wayne Jordan with the sheriff's office.

17 Q All right.

18 A So he was somewhere here. I was here. I could see
19 Robinson working his flank and come back (inaudible.) But,
20 yeah, shots began to be fired from inside the home at that
21 time.

22 Q Okay. And what did you do when those shots were being
23 fired?

24 A I mean, initially you try to identify where the shots
25 were coming from.

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1 Q Were you able to do that?

2 A Yes, ma'am, I was. I determined first that the shots
3 were coming from inside the home to the outside. It wasn't
4 just a shot or two initially, but from inside out.

5 Q And so what did you do at that point?

6 A I proceeded to scatter to a kneeling position there in
7 an attempt to get my rifle up and I put it on target. You
8 could at that time still hear -- you could hear now more
9 screams and hollering, so really just trying to identify
10 what was a threat, who shot, we had an officer down.
11 Obviously when the shots fired Wayne went down, that was
12 your first thought (inaudible) has been hit. So you worried
13 about him. Stuart is going to recover him so you've got a
14 lot of moving parts, and as those parts are taking place the
15 front doors open and there's a --

16 Q Front door to what opened?

17 A The front door of this trailer was opened.

18 Q All right.

19 A And there's a series of gunshots at that time just one
20 right after the other firing in my direction.

21 Q Okay. And what did you do at that point?

22 A I had moved up about halfway on the car and was trying
23 to get a line of sight inside when the shots were being
24 fired from the outside. Through ambient lighting I guess of
25 the trailer park I could see -- you could see around -- this

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1 room was illuminated to the best of my memory and actually
2 did not use -- excuse me. The shots were coming from
3 inside, the door was open, I could see a black man firing
4 outside. That all happened pretty quickly. I did not
5 return fire from my position as I could hear what I believed
6 to be women and children behind him, or just screams in
7 general. I could tell it was children screaming. From the
8 position I was and with the rifle I was carrying I didn't
9 fire back like that.

10 Q Okay. All right. So you are at a position, you're
11 still between these two white vehicles?

12 A Yes, ma'am, right here.

13 Q In a kneeling position.

14 A Yes. I had went from standing to kneeling in an
15 attempt to get in position to fire the rifle or transition
16 to a handgun if I needed to.

17 Q Okay. And when you saw that door open and you saw
18 those muzzle fires what, if anything else, did you notice in
19 or around you?

20 A I remember a round striking the ground in front of me,
21 and that was when I realized that there was still an active
22 shooter.

23 Q Okay. If you would go have a seat right back there.
24 I'm going to show you what has been marked as State's
25 Exhibits 29, 30, 31 and 32, and ask you to look at those and

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1 see if you can -- if you recognize those.

2 A 29 is a --

3 Q Just tell me whether or not you recognize them first.

4 A Yes, ma'am.

5 Q Okay. From where do you recognize those photos?

6 A From the shootout that night.

7 Q Okay. All right. And they accurately depict the
8 ground in front of you where you were kneeling that night?

9 A At the front right quarter panel of the Honda Accord,
10 yes, ma'am.

11 Q Okay. All right.

12 A To the best of my memory.

13 MS. MUNNERLYN: Your Honor, I would move to admit these
14 exhibits then.

15 THE COURT: Any objection?

16 MR. YOUNG: No, Your Honor.

17 THE COURT: Without objection State's Exhibits 29, 30,
18 31 and 32 are admitted.

19 (State's 29-32 were received.)

20 Q All right. If you will go through those then. Do
21 those accurately show what the bullet -- where the bullet --
22 at least two of the bullets traveled near to you?

23 A Yes, ma'am. The trajectory path shown in 16 and 17 are
24 where I received or was taking gunfire from the front door
25 of this residence to the front rear most quarter panel of

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1 that Honda.

2 Q All right. So now these markers 16 and 17, they were
3 not there at the time of the shooting, correct?

4 A No, ma'am.

5 Q They would have been placed there later, correct?

6 A Yes, ma'am.

7 Q Okay. But what are they sitting behind there?

8 A They're marking where rounds were fired into the ground
9 in front of my position.

10 Q Okay. And this is a closer of where that round hit the
11 ground in front of Marker 16, that's State's Exhibit 30.

12 A Yes, ma'am.

13 Q Okay. All right. And then the next one, that's
14 State's Exhibit 31.

15 A Yes, ma'am.

16 Q Okay. And that is another shot of those. And then 32.
17 And that shows Marker 17, correct?

18 A Exhibit 32, yes, depicts a picture of 17.

19 Q So those are all located in this photograph on that now
20 State's Exhibit 14 between the Honda and the Dodge Caravan,
21 correct?

22 A I don't have that photograph here, but yes, ma'am.

23 Q Okay. Up here.

24 A Yes, ma'am.

25 Q Okay. All right. And so after -- do you remember how

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1 many shots were fired toward -- in your direction when the
2 bullets hit the ground immediately in front of you? Do you
3 remember how many shots were fired?

4 A No, ma'am. I don't recall exactly how many shots were
5 fired. At that point I knew that I had received fire, it
6 was multiple rounds. I knew there was fire that had taken
7 place initially through the trailer, which is just above
8 Wayne's head. So, no, ma'am, I don't recall exactly how
9 many were shot. No, ma'am.

10 Q Did other officers return fire that you know of at that
11 point?

12 A Yes, ma'am. To my knowledge the deputies positioned to
13 my right, which would have been on the gray car, had
14 returned fire at that point back into the home.

15 Q Okay. And you're referencing this photograph, which is
16 State's Exhibit 14, the gray Toyota which sits in front of
17 the Dodge Caravan?

18 A Yes. The forward most car in that picture is where I
19 remember Wayne Jordan, Stuart Robinson and Cruz.

20 Q Okay. They were in front of you in relation to the
21 trailer?

22 A Yeah. In relation to the trailer they were directly in
23 front of me just off to the right, like 2:00 maybe.

24 Q All right. And so what happened next?

25 A I mean, it's still chaotic. The shooting quits, door

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1 shuts. At that point I actually moved positions. There was
2 a lot of hollering back and forth, you know, change
3 positions, check mags, check your guy, check anybody around
4 you. I had moved positions. Being shot at I knew that he
5 had obviously identified or at least guessed where my
6 positioning was. I knew that my position at that time was
7 comprised. I moved around the back of the car and was --

8 Q Which car? I'm sorry.

9 A That white Honda -- and re-approached the home again,
10 and I had gotten or was trying to get into position of cover
11 behind the engine block. As the door -- if I recall from --
12 the trailer door opened left to right, me moving that
13 position would put me in a better angle to look into the
14 home. So I remember moving around the car, I guess,
15 counterclockwise.

16 Q Okay. So you would have moved from between the Dodge
17 and the Honda around to the opposite side.

18 A From the right passenger door of that Honda around to
19 the trunk and then on to the driver's side door.

20 Q Okay. All right. So what happened next?

21 A I could see a black male come around the side of the
22 home. I threw my patrol rifle up. I kept a light on my
23 rifle, identified myself obviously, sheriff's office, gave
24 commands to see his hands, asked his hands be raised. I
25 could -- at that time I thought that this is possibly a

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1 gunshot victim. I could see blood on him.

2 Q Where was the blood on him?

3 A On his arms, upper body, torso, I think his right side

4 if I'm looking to my left, or you know, as he's coming out.

5 I don't know the distance, it wasn't a great distance

6 between us. I remember there was a car parked there off the

7 front nose of that Honda to the left moving down that

8 trailer if we're looking at from our right to our left. We

9 began giving him commands and there was blood on this

10 individual. His hands were up, we were ordering him to

11 stop. He was noncompliant in that action and continued

12 towards that car. That car was a Cadillac, I believe.

13 Q Okay. And now, let's go -- again, you said -- where

14 exactly was he? Did he come out of this front door?

15 A No, ma'am. If we're looking at that trailer -- the way

16 we're looking at that trailer he come from the left side.

17 He'd been to the far left of that picture, that corner

18 trailer's picture there. Yes, ma'am.

19 Q So he comes from the left side of the trailer.

20 A Yes, ma'am.

21 Q And is walking around here?

22 A Yes, ma'am.

23 Q All right. And in relation to the Honda, where was

24 this Cadillac?

25 A Directly off the driver's side headlight. It would be

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1 off the left side of that driver's side headlight right
2 there.

3 Q So to the left of the Honda but in front of it between
4 it and the trailer?

5 A Yes, ma'am.

6 Q Okay. All right. And so when you saw this black male
7 coming around the trailer and you could see that he had
8 blood on him --

9 A Yes, ma'am.

10 Q -- did you see his hands?

11 A Yes, ma'am. His hands were up in this motion I
12 remember. Never completely up I don't remember -- or maybe
13 they were. But I remember seeing hands some. In a gunfight
14 that's what I was focusing on most was his hands, and
15 continued to watch his hands.

16 Q Okay. And what did he do?

17 A He continued down the face of the trailer, which would
18 put him behind the Cadillac walking behind the trunk of the
19 Cadillac, and re-approached on the driver's side. At that
20 point I was directly on with him as far as line of sight as
21 I was shading or shaded at that point in front of the car,
22 that was the only position that I had cover. I continued to
23 keep my rifle on him and light on him, because just past
24 experience, I mean, I had seen hands before and seen weapons
25 right behind them.

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1 Q So you have a light and you have a rifle.

2 A Yes, ma'am. I had a light actually attached to the

3 rifle.

4 Q And it's trained on him.

5 A Yes, ma'am.

6 Q And what are you saying? What are you and the other

7 officers saying? Are y'all saying anything at this point?

8 A Just stop, stop, you know, get down, stop, freeze, put

9 your hands up, keep your hands up, you know. Just orders

10 for compliance.

11 Q And what did he do in response?

12 A Just continuously -- you know, he made that same

13 trajectory with his walk. He walked down behind the

14 Cadillac, walked right to the Cadillac, opened the door, got

15 right in, immediately cranked it up, drops it in gear.

16 Q Okay. Dropped it in gear. And where did he go?

17 A Right in my direction.

18 Q And where were you at this point?

19 A Just off the left side of that Honda Accord.

20 Q Right here?

21 A Yes, ma'am.

22 Q Okay. And so, again, the Cadillac was parked forward

23 or backward in relation to the trailer?

24 A As I was standing to the left of that Honda Accord

25 facing the trailer I was looking at the front grill of the

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1 Cadillac.

2 Q Okay. So it was --

3 A It was backed into the trailer, yes, ma'am.

4 Q Okay. All right. So he had to come around it to get
5 in the driver's side door.

6 A Yes, ma'am.

7 Q Okay.

8 A As I recall, yes, ma'am.

9 Q All right. Okay. I'm showing you now Plaintiff's
10 Exhibit 25. This is a different angle of the front of that
11 trailer. Can you see the path that that Cadillac took when
12 it went out of that driveway that night?

13 A Yes, ma'am.

14 Q Where do you see it?

15 A It is depicted there, the wear marks in the grass.
16 That vehicle exited, come in my direction, I moved again to
17 get out of the way of that car and it exited the northern
18 most drive there at the trailer park.

19 Q Okay. All right. So, again now, these markers, 33,
20 32, 31, all of these markers here, they were not there when
21 this happened, correct?

22 A No, ma'am.

23 Q Those are all markers placed there later by SLED; is
24 that correct?

25 A Yes, ma'am.

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1 Q Okay. But this tire track, is that the tire track
2 you're referencing?

3 A Yes, ma'am.

4 Q Okay. So that accurately reflects the path that that
5 Cadillac took out from in front of that trailer that night.

6 A Yes, ma'am.

7 Q And were you able to see the black male that came out
8 from around the trailer and got to that Cadillac?

9 A Yes, ma'am. I was able to see that.

10 Q Were you able to identify him?

11 A I had no personal knowledge of who he was at the time.
12 Now, I mean, I know who he is.

13 Q And do you see that person, that black male that got
14 into that Cadillac that night, do you see him in the
15 courtroom today?

16 A Yes, ma'am, I do.

17 Q And who is he?

18 A Rashawn Little sitting right there.

19 MS. MUNNERLYN: Your Honor, if the record could reflect
20 he has pointed to the defendant.

21 THE COURT: So noted for the record.

22 MS. MUNNERLYN: Thank you, Your Honor.

23 Q And you said there was a time that you actually had
24 your rifle and the light that was on the rifle trained on
25 him when got in the Cadillac.

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- 1 A Yes, ma'am.
- 2 Q So he was, would you say, well lit at that point?
- 3 A Yes, ma'am.
- 4 Q Okay. Any question about your identification of him?
- 5 A No, ma'am.
- 6 Q Okay. After he got in that Cadillac and he peeled out
7 of there, what did you do?
- 8 A When the car -- when he got in the car and dropped the
9 car in drive he accelerated obviously very quickly. I
10 moved, again, to the right, which is the only place to go at
11 that point, back behind cover not knowing if I was going to
12 be shot as he drove by. So I moved to the right back behind
13 cover.
- 14 Q Okay. If you had remained where you were initially,
15 would you have been struck by that Cadillac as it exited?
- 16 A Yes, ma'am.
- 17 Q Okay. All right. And what action did you next take?
- 18 A As he leaves there was some confusion and distortment
19 (sic) about whether we pursue or not. There were obviously
20 other units and police and deputies coming to the scene. We
21 felt like -- not felt like, we knew there were guys behind
22 us as far as law enforcement, and we knew we had a continued
23 threat, that was the belief at the point still in that home.
24 So as he exited behind us we made a decision to enter that
25 home.

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1 Q Okay. And did you actually go inside the home?

2 A Yes, ma'am. I made entrance to that home first.

3 Q Tell us what you found when you entered the home.

4 A In the home I seen the body of a white female laying in
5 the floor covered by her children. There were still screams
6 at that point going on. I immediately stepped over and
7 passed the children and continued down that home from left
8 to right in an attempt to clear bedrooms. You know, at that
9 point my initial thing was I can't protect anyone else until
10 we stop what's going on here. There was guys that were
11 going to grab children or cover children up with their
12 bodies, but I moved in that home into the front door down to
13 the left clearing bedrooms, bathrooms, hallways, so whatever
14 was there, and a small kitchenette, bathroom, a bedroom,
15 exterior door on the right. And I think my partner, Burns,
16 cleared the bedroom to my right. As soon as he stepped in
17 he stepped over into that bedroom to take it.

18 Q And as you cleared that home, was there anyone else
19 inside the home?

20 A The only occupants of that home at the time I made
21 entry was a deceased female and small children.

22 Q Okay. And that deceased female was later identified as
23 Shannon Little?

24 A Yes.

25 Q Okay. Now, there was another deputy that actually

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1 escorted the children out; is that correct?

2 A Yes, ma'am.

3 Q Okay. And then the trailer was secured by you or
4 someone else?

5 A I don't know. We didn't want to move the children --
6 or we had -- there was, I think, Wayne or somebody actually
7 covered the children with body -- because there was deputies
8 sparsely covered with body armor. I was the one covered
9 with body armor so I went down the hall. We didn't want to
10 move the kids anywhere until we knew that we could provide
11 the best opportunity for safety, so as we come back out --
12 and as I come back down into the home I believe we moved the
13 children out, secured the scene. Obviously no one else was
14 in or out. There was no moving around, you've cleared for
15 threats. We secured it and at that point just really
16 focused on perimeter and making sure we get the help to
17 whoever needed it.

18 Q So once the children were removed from the trailer, the
19 trailer was secured by another deputy.

20 A I believe as far as (inaudible.)

21 Q And did you take any further action that night? The
22 scene was later turned over to SLED, correct?

23 A Yes. We always would turn the scene over to state law
24 enforcement if it was an officer involved shooting in our
25 agency. No. I took no more further police action in this

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1 matter, no, ma'am.

2 Q Okay.

3 MS. MUNNERLYN: Court's indulgence just one moment.

4 (Break in proceedings.)

5 MS. MUNNERLYN: Please answer any questions that the
6 defense may have.

7 THE COURT: Cross examination.

8 MR. YOUNG: Thank you, Your Honor.

9 CROSS EXAMINATION

10 BY MR. YOUNG:

11 Q Good morning, Mr. Campbell.

12 A Good morning.

13 Q So -- and I just want to kind of do this in reverse a
14 little bit. So when the car was leaving you were standing
15 over here?

16 A In that general area, yes, sir.

17 Q Not by the -- behind the engine block of the Honda.

18 A I could not be behind that car. I was off to the left
19 of it, between that Honda and the front of that Cadillac.

20 Q Okay. All right. So it seems a little bit weird to me
21 that you were standing out here and no cover.

22 A I moved to that position to confront Mr. Little as he
23 exited the home.

24 Q Oh, when he was walking to the Cadillac.

25 A Yes. As he went behind the car I moved in front of the

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1 car to have a line of sight of him.

2 Q Okay. All right. And then as the car passed you like
3 you didn't shoot into the front of the car.

4 A No. I didn't fire any rounds into the front of the
5 car.

6 Q Okay. You did fire rounds into the side of the car as
7 it went past you.

8 A No, sir, I did not.

9 Q Oh, you didn't fire any rounds.

10 A No, sir.

11 Q Okay. My mistake. At the front of the trailer you did
12 not see who was shooting out of the trailer.

13 A I couldn't identify the male that was shooting out the
14 doorway, no, I couldn't. Once you seen muzzle flash I
15 identified threat, and then from there it was to make sure
16 no one else there was shot with me.

17 Q And you said -- I believe you previously said that you
18 couldn't fire because there were deputies between you and
19 the door.

20 A There were deputies just offset to my right. I knew
21 there were other individuals in the home and I had received
22 gunfire from that doorway from that suspect, but I didn't
23 feel that I was in a position -- I did not want to further
24 endanger anymore human life that night.

25 Q So you chose not to shoot over or into the trailer that

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1 you knew was occupied.

2 A Yes, sir.

3 Q And then you saw Mr. Little come from the far side of
4 the trailer.

5 A Yes, sir.

6 Q And that's where he came out of the dark and that's
7 when you put your light on him.

8 A Yes, sir.

9 Q And at that point in time -- he didn't have a weapon on
10 him at that point in time.

11 A I (sic) did not have a weapon in either one of his
12 hands that I could see.

13 Q And that's when he got in the car and left.

14 A Yes, sir.

15 Q Now -- and we've seen the pictures out there and it was
16 dark that night. It wasn't like -- I know you talked a
17 little bit about the ambient light, but it wasn't like a
18 full moon night where you could see what was going on
19 everywhere.

20 A You had headlights from the patrol vehicles that were
21 parked, so you had sporadic rays of lights throughout there.
22 You have ambient light and I have a light on the end of my
23 weapons. I didn't ever carry a weapon there. I didn't have
24 a handgun or a rifle.

25 Q With the lights in the trailer -- you could see in the

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1 photograph that it's dark, it's hard to see out there if you
2 don't have a flashlight trained on something.

3 A I recall the lights in the trailer being on.

4 Q Okay.

5 A So the suspect shooting from the front door was backlit
6 by myself. The light situation, really, I just don't know
7 how to describe it. You could obviously be fully lit in
8 those situations or you could have from lit and transition
9 three feet and be in a position of dark cover again.

10 Q Okay. You didn't have a body camera on.

11 A No, sir, I didn't.

12 Q And the jury has seen Cruz's body camera and that will
13 show them what the lighting was like, right?

14 A Uh-huh.

15 THE COURT: Is that a yes?

16 THE WITNESS: I'm unaware of the body cam footage.

17 THE COURT: Okay.

18 Q You haven't watched the body cam.

19 A No, sir.

20 MR. YOUNG: All right. Thank you very much.

21 THE COURT: Any redirect?

22 MS. MUNNERLYN: No, Your Honor.

23 THE COURT: Sir, you may step down, thank you.

24 MR. REDMOND: May it please the Court? The State would
25 next call Greg Burns.

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1 The witness, GREG BURNS, was first duly sworn and
2 Testified as follows:

3 MR. REDMOND: May it please the Court, Your Honor?

4 THE COURT: Yes, sir.

5 DIRECT EXAMINATION

6 BY MR. REDMOND:

7 Q Mr. Burns, by whom are you employed?

8 A Chesterfield County Sheriff's Office.

9 Q And what is your rank?

10 A At this present time I'm a First Sergeant.

11 Q Okay. And Sergeant Burns, in what capacity at this
12 time are you employed with the sheriff's office?

13 A I'm a school resource officer.

14 Q Over in Cheraw?

15 A Yes, sir, Long Middle School.

16 Q And let's go through your background in law
17 enforcement. Could you take the ladies and gentlemen of the
18 jury through your background in law enforcement? When did
19 you start law enforcement?

20 A I started law enforcement in January of 2007 at the
21 county jail, left there, went to the academy in 2009 to
22 become a deputy. I was a patrol deputy for a couple of
23 years. Departed Afghanistan, came back. Upon my return
24 from Afghanistan I had opportunity to become a K-9 officer.
25 Spent about a year and a half as a K-9 officer. And then we

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1 had an opening for a detective, so I put in for it and
2 fortunately got it and I spent five years as an
3 investigator. January to I would say April of 2019 I was
4 transferred -- January of 2019 I was transferred to the
5 narcotic division, and then April of 2019 I was transferred
6 to the school resource officer.

7 Q And you mentioned Afghanistan.

8 A Yes, sir.

9 Q Were you in the military?

10 A Yes, sir. I spent 24 and a half years in the United
11 States Navy.

12 Q Thank you for your service.

13 A Thank you.

14 Q So now, did you do any law enforcement while you were
15 in the military?

16 A Yes, sir. On my deployment I did U.S. Customs in
17 Kuwait and Iraq. And on my last deployment I did tactical
18 data information, extraction of cellphones, computer and
19 electronic gear while in Afghanistan prosecuting the
20 Taliban.

21 Q Now, let me direct your attention to October 25th,
22 2015. Were you employed at the sheriff's office at that
23 time?

24 A Yes, sir.

25 Q And in what capacity?

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1 A I was a Sergeant on the Investigators Unit.

2 Q Now, did you respond to the Evans Mill trailer park
3 area outside of Pageland?

4 A Yes, sir.

5 Q Okay. Tell us about that.

6 A I was currently in Pageland on that afternoon working
7 on recovering stolen property off McGregor Street and the
8 call came out of shots being fired. At the current moment I
9 was actually inside the back of an 18 wheeler trailer. I
10 exited the vehicle, got into my patrol vehicle and went to
11 that location. Because I'm on the Sheriff's Department
12 Special Response Team I keep a jump out vest in my front
13 seat and a rifle in my back seat. Upon my arrival I pulled
14 up on Evans Mill Road, I saw blue lights belonging to First
15 Sergeant Chuck Mixon, I pulled up behind him. Before I
16 exited the vehicle I put on my jump out vest and grabbed my
17 rifle, walked over to his location. At that present it was
18 himself along with Stuart Robinson, Brian Campbell, Alvin
19 Cruz and Lieutenant Wayne Jordan. They had a -- a black
20 male sitting on the ground with what appeared to be a
21 gunshot wound to the right arm.

22 Q And is that person the person you later learned to be
23 Luther Chambers?

24 A Yes, sir.

25 Q And so at that point take us through -- so you've

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1 encountered Mr. Chambers, one gunshot victim. Please
2 continue to carry us through the rest of that episode.

3 A Well, I informed Luther Chambers who I was, that I was
4 an investigator, and I tried to ask him some questions on
5 what happened to him, and in the process of trying to ask
6 him a couple of questions, he was very noncompliant, and
7 during that timeframe gunshots rang out. The guys --
8 officers turned and went to the gunshots. Because of my
9 position, I got in my vehicle and drove inside of the
10 trailer park. I didn't want to leave my vehicle on the side
11 of the road. I drove inside the trailer park, I exited my
12 vehicle at the trailer where the officers were positioned
13 at, when at that point they found a young black male laying
14 on the ground.

15 Q Now, at that particular time, is that the individual
16 that you later learned to be Tyvon Threatt?

17 A Yes, sir.

18 Q Would that have been at the trailer 1594 Evans Mill
19 Road?

20 A Yes, sir.

21 Q All right. So you encountered Tyvon. Tell us what was
22 taking place and what you observed and what did you.

23 A Tyvon was on his back looking up, he was breathing
24 heavy, he had shallow breathing. He had some females around
25 him saying that he's been shot, he need help. He was

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1 bleeding pretty bad. Myself and Officer Campbell proceeded
2 to move him inside because we didn't know where the threat
3 was coming from, so we didn't want him taking anymore
4 gunfire than he had already had taken so we moved him inside
5 of the doorway of the home. He appeared to have a gunshot
6 wound to his lower abdomen area down towards his groin area,
7 what appeared to be where the majority of the blood was
8 coming from.

9 Q And so in taking him inside, would that be -- in other
10 words you were getting him to cover.

11 A Yes, sir. And we only took him inside the home once
12 the other officers cleared to make sure it was safe to move
13 him inside of the home.

14 Q So then you did that. So continue to take us through
15 what transpired.

16 A So after that someone said gunshots are being rang out
17 next to a dumpster. Myself, I didn't depart the area, I
18 stayed with Tyvon. I talked to him. I went to the roadway
19 to tell EMS it's safe to come in. They informed me that it
20 was still an active shooter. I told them at that present
21 time I'll be their guide and escort them in. I brought EMS
22 in, got them in and I stood with them the whole time they
23 worked on -- until they loaded him into the vehicle is when
24 I fine departed the area. I never went down to the area to
25 check the dumpster, I stayed at the residence with Tyvon

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1 until they loaded him in the rescue squad.

2 Q Okay. Now, at that time were you able to hear
3 anything? Now, there were other people around, but did you
4 hear anything that Tyvon said?

5 A No, Tyvon was not talking.

6 Q All right. Not at least while you were there.

7 A No. The minor time that I was with Tyvon he never said
8 a word.

9 Q So then -- but you leave. Tell us when you left that
10 area.

11 A Once EMS departed the area I returned back to my
12 vehicle, because I was slightly pulled in front of 1894. I
13 returned to my vehicle, and during that time I saw the other
14 officers down in the very back of the trailer park. So in
15 doing -- keep in mind, at the same time I did have my blue
16 lights on the hole entire time. I never turned my blue
17 lights off. I only turned off my siren. I pulled all the
18 way back to the back trailer where the other officer was
19 positioned.

20 Q So now -- so then take us through what happened.

21 A I exited my vehicle. At that time when I exited my
22 vehicle the door was opened to the trailer and I ran up
23 behind the white Honda next to Brian Campbell, and I could
24 see a black male standing in the doorway firing upon the
25 officers. As I approached I noticed an officer was behind

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1 to my right, so I went to the left next to Brian Campbell
2 where it was more room for me to take cover.

3 Q And so -- and let me do this. At this point in time
4 now that we're getting into the area at 1902 -- this is
5 1902?

6 A Yes, sir.

7 Q Okay. Let me have you step down. I'm going to show
8 you first State's Exhibit 12 and I'm going to hand you this
9 pointer. All right. Now, take us through -- when you first
10 arrived just take us through what you did and where you
11 went.

12 A Initially exiting out to (inaudible) when I pulled up I
13 pulled in right here in front of 1904 -- 1902, but I didn't
14 pull straight in, I pulled in at an angle sideways.

15 Q Okay. So when you got to 1902 -- now, of course, this
16 is after you left 1894 and gone to 1902; is that correct?

17 A Yes, sir.

18 Q All right. So when you got to 1902 tell us what
19 happened.

20 A I went to the white Honda, stood behind next to Brian
21 Campbell. I had my rifle. I had a flashlight on my rifle
22 but I did not turn that flashlight on, because when I
23 arrived I could see the black male standing in the doorway
24 and a light inside of the trailer illuminated the person
25 standing in the door, and it was gunfire being changed

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1 between the person in the doorway -- the black male in the
2 doorway and the deputies.

3 Q Okay. So let me show you what is, I think, State's
4 Exhibit 14. Now, from a position standpoint, could you show
5 us what position you took?

6 A I was here.

7 Q Okay. And that's the Honda you were referring to.

8 A Officer Campbell was here and he moved down to the side
9 here, and when he moved down to the side I moved over to the
10 end of this white Honda to be his cover and make sure I had
11 his -- watching his back and I (inaudible.)

12 Q Now, let's talk about what you saw in the doorway of
13 the trailer. Again, did you see anybody shooting?

14 A Yes, sir. I saw a black male with a white t-shirt on,
15 dreads.

16 Q Okay. And what did he do? What did you see?

17 A When I saw him open the door from my point I saw him
18 having a firearm in both hands. He was firing on the
19 deputies and this car with his left hand, and on Officer
20 Campbell with the firearm in his right hand.

21 Q Okay. And so at some point did you have to take cover?
22 Did he shoot at you?

23 A Yes. When the firearm -- when Officer Campbell
24 backtracked back here I moved out of his way and slid back
25 behind this car so I can give him access to get back behind

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1 cover.

2 Q Okay. Now, when you I guess -- once that part ended as
3 far as him shooting, let me be clear, did you see him
4 shooting and did he have a gun in both hands from your
5 vantage point?

6 A Yes, sir.

7 Q Do you see that individual here in the courtroom today?

8 A Yes, sir.

9 Q The individual that was shooting that night.

10 A Yes, sir.

11 Q And could you point him out, please?

12 A Yes, sir.

13 MR. REDMOND: Let the record reflect that he has
14 indicated the defendant is the person he saw firing.

15 THE COURT: So noted for the record.

16 Q And so now the next exhibit. I think that's going to
17 be 25 is the next exhibit. Now, after you -- when the
18 shots -- you know, he's shooting. So tell us what happened
19 then. At some point the shooting stopped, and did you
20 observe him again?

21 A Yes, sir. So the door closed here and then it was
22 quiet for a moment, you know, and with tunnel vision it
23 seems like a long period of time. Officer Campbell had came
24 around me and he took position on the driver's side of this
25 Honda right here. And again, I moved to the right rear --

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1 left rear of this Honda watching his back, watching the
2 doorway and staying in my sector over here. At that time I
3 saw a black male with a white t-shirt on come around the
4 corner of this house. Myself and Officer Campbell engaged
5 him and began yelling at him. I still never turned my
6 flashlight on. Officer Campbell had his flashlight on the
7 subject, so I used his flashlight as my light to illuminate
8 this person (inaudible.)

9 Q Okay. Now, he came out, his hands were up. Did you or
10 anybody else fire at Rashawn Little?

11 A No, sir, we didn't. I noticed -- because of Officer
12 Campbell's flashlight illuminating him, I yelled do not
13 shoot, he is not -- he is unarmed, he is unarmed, do not
14 shoot. We also asked for Mr. Little to stop proceeding, to
15 stop, and he was walking from my -- I didn't see anything
16 but a white t-shirt and he was walking at a brisk pace.

17 Q And did you observe any blood on the -- from your
18 vantage point.

19 A At this point I did not see. All I saw was his left
20 side partial of his -- the right side partial of his
21 (inaudible) and I saw no blood.

22 Q From your vantage --

23 A From my vantage point I did not see any blood.

24 Q And that's fair enough. But you did see the white
25 t-shirt?

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- 1 A Yes, sir.
- 2 Q Now, when he gets to the car -- he's going toward the
3 car, he's not being compliant. Tell us what took place
4 next.
- 5 A He hits the remote on his car -- he had light to
6 illuminate the area, so he hit the unlocked button on the
7 remote and the headlights came on it, it lit up the hole
8 entire area. From that point he saw myself and Officer
9 Campbell standing there, he entered the vehicle, crunk it up
10 and threw it in drive. I was standing right here. When he
11 came out I moved out here to acquire a better angle at him,
12 because I didn't want to fire next to Officer Campbell
13 because it was close in my opinion, so I moved over here to
14 get a better vantage point of him.
- 15 Q Okay. Now -- and I didn't ask you this, did you ever
16 fire into the residence?
- 17 A No, sir.
- 18 Q And why didn't you fire?
- 19 A I didn't want to fire because Officer Campbell was here
20 and I didn't want to shoot over his head during the time --
21 if I would have fired I would have been shooting over him
22 and the possibility of him standing up and me shooting my
23 partner.
- 24 Q Okay. Fair enough. Now, do you see those tracks?
- 25 A Yes, sir.

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1 Q Do those tracks look -- do they look familiar, or are
2 they indicative of something important that took place that
3 night?

4 A The Cadillac that Mr. Little left in was backed in
5 right here and this was the path that he took, and I was
6 standing here and I moved. I took two steps to my left to
7 avoid Mr. Little.

8 Q All right. You can have a seat. Thank you. Now, let
9 me ask you this: Once he leaves the scene what did you all
10 do?

11 A We was still yelling for Mr. Little to stop. Officer
12 Campbell obviously had his gun and flashlight shining in the
13 car. When he threw the car in drive and came towards I took
14 two steps to the left and fired three rounds.

15 Q So you did fire into the vehicle.

16 A Yes, sir. I fired a round into the engine block and a
17 round into the tire. The third round sad to say I don't
18 know where it went.

19 Q And so -- and was that to try to stop that vehicle?

20 A Yes, sir. I did not shoot into the vehicle, because I
21 felt like shooting into the vehicle it raised the
22 possibility of one of those rounds striking Officer Campbell
23 or one of the officers in the background.

24 Q Fair enough. Now, after he drove off -- were you
25 unsuccessful in stopping him that day?

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1 A No, sir. I turned and run towards my truck because I
2 felt like he was -- he shot at us and it was our
3 responsibility to go get him, but Officer Campbell yelled at
4 me and said no, no, they've got people out there to go get
5 him, we need to clear this house. So we turned around and
6 went back to the house.

7 Q Did you end up going into the house?

8 A Yes, sir. We walked down to the doorway, we conferred
9 with Lieutenant Jordan that we needed to clear this house,
10 he said let's go. So we stacked up. I was in the front,
11 Officer Campbell was behind me, then Sergeant Robinson, we
12 all got in a stack, we entered the house. I went
13 immediately to the bedroom to the right, Officer Campbell
14 went to the left. We're trained alternate -- everybody
15 alternate each person, and Officer Robinson came along with
16 me, went into the bedroom, cleared it and found a firearm
17 laying on the bed in that bedroom.

18 Q Now, tell us what else as far as the inside.

19 A Once we got in the house -- once I exited the bedroom I
20 observed a female laying to my right with three kids over
21 her crying. She was in a pool of blood. I proceeded to
22 walk past, went down the hall where the other officers were
23 at. Once we cleared the entire house and ensured that no
24 other shooters or nobody else was injured in the home we
25 came back to the living room. I informed Lieutenant Jordan

GREG BURNS - DIRECT

1 that we needed to get these kids out of here. By that time
2 Officer Cruz was still standing in the front part of the
3 living room. We walked over to remove the kids, they was
4 still hysterical, crying. When I walked over there I did
5 put my hand on her neck to check her pulse, which obviously
6 her eyes was open, it appeared that she was already deceased
7 but we couldn't make that decision because we're, you know,
8 not medical professionals, so we got the kids out of there.
9 One of the deputies escorted them. We walked outside and
10 secured the perimeter and had one of the Pageland police
11 officers secure the scene.

12 Q Now, when you -- I guess once you all -- once you left,
13 did you have any -- were you involved in the capture of the
14 defendant?

15 A No, sir.

16 Q Okay. And just to be clear and clarify one thing.
17 When you went to Tyvon Threatt's residence, now, you said
18 you did not hear him say anything. Can you say anything
19 about what he said to anybody else?

20 A No, sir.

21 Q Okay. But he didn't say anything to you.

22 A Not to me. Not to me not at all.

23 Q Okay.

24 MR. REDMOND: Beg the Court's indulgence.

25 THE COURT: All right.

GREG BURNS - DIRECT

1 (Break in proceedings.)

2 Q Now, the gun that you mentioned seeing, explain again,
3 where exactly did you see that gun?

4 A It was on the bed in the bedroom to the right.

5 Q And when you go in the house -- just for clarification,
6 when you go into the house where would the bedroom have
7 been?

8 A As soon as you walk through door and you make a right
9 it's a bedroom immediately to your right.

10 Q So now did you see -- did you seize the weapon or did
11 you leave that to SLED?

12 A I left it in place.

13 Q Is that pursuant to your training? In other words, the
14 house was being secured, y'all were waiting for SLED crime
15 scene to arrive?

16 A Yes, sir. I also felt like due to the fact that there
17 was no one else in the home but law enforcement that firearm
18 was no longer a threat.

19 Q Fair enough.

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

21 (Break in proceedings.)

22 MR. REDMOND: That will be all of the questions I have.
23 Please answer any questions that Mr. Young has.

24 THE COURT: Cross examination.

25 CROSS EXAMINATION

GREG BURNS - CROSS

- 1 BY MR. YOUNG:
- 2 Q Good morning, Sergeant, how are you doing?
- 3 A How are you doing, sir?
- 4 Q Good. I can't recall the last time I have seen three
- 5 of us from the Navy all in court, but thank you for your
- 6 service.
- 7 A Thank you.
- 8 Q So after this incident you gave a statement that night,
- 9 right?
- 10 A Yes, sir.
- 11 Q And you handwrote your own statement, right?
- 12 A Yes, sir.
- 13 Q And that was at the time here 11:40 at night?
- 14 A Sounds about right.
- 15 Q Sound about right? Good. Is this a copy of your
- 16 statement?
- 17 A Yes, sir.
- 18 Q Does that say 11:40 on the bottom?
- 19 A Yes, sir, 23:40.
- 20 Q All right. Can you look at this statement and tell me
- 21 where you wrote about the two guns being fired at you and
- 22 the description of the person shooting at you?
- 23 A I didn't write that part in the statement that night.
- 24 But you also got to -- I didn't write that part that night.
- 25 Q Okay. You've been through law enforcement

GREG BURNS - CROSS

1 certification.

2 A Yes, sir.

3 Q And you've been trained on how to write statements?

4 A Yes, sir.

5 Q And how to write reports?

6 A Yes, sir.

7 Q And to include details that are important?

8 A Yes, sir.

9 Q And obviously you can't write every detail in the
10 statement but you need to include ones that are important,
11 right?

12 A Yes, sir.

13 Q And at this point in time based on your testimony
14 you've had somebody in the community who was a threat?

15 A When he left the scene?

16 Q When left the scene, right.

17 A Yes, sir.

18 Q And you wanted him to be caught.

19 A Yes, sir.

20 Q And you wanted to get as accurate a description as you
21 could to other deputies and law enforcement that were
22 looking for him?

23 A I didn't patch anything on the radio, so that part, no,
24 sir.

25 Q You didn't think that was important to --

GREG BURNS - REDIRECT

1 A I didn't have the radio on me. Other officers that was
2 there that was not involved were doing all of the radio
3 talk. Because at that time I was engaged with the gun
4 battle so I didn't have my -- I was not talking on the
5 radio.

6 Q Okay. So you didn't think it was important to get a
7 description out to the people who were looking for him.

8 A The personnel that was there with us that was not
9 involved with the gun battle did give a description out and
10 gave a accurate description.

11 Q So they gave a more detailed description than what
12 we've heard in court today.

13 A Apparently. I guess so, yeah. What they gave out is
14 black male, white t-shirt driving a silver or light blue
15 colored Cadillac.

16 MR. YOUNG: Okay. Thank you very much.

17 MR. REDMOND: Brief redirect, Your Honor.

18 THE COURT: All right.

19 REDIRECT EXAMINATION

20 BY MR. REDMOND:

21 Q A couple of things in light of what the defense just
22 asked you. The first thing is you talked about not having
23 the radio on you. Let me ask you this, was the information
24 specifically regarding Rashawn Little subsequently
25 broadcast, and did you know that you were looking for

GREG BURNS - REDIRECT

1 Rashawn Little?

2 A When we first got the initial call it just says shots
3 fired at --

4 Q I'm asking -- let me clarify. Afterwards. So after
5 the battle is done based on what he's asking you, after the
6 battle is over with you've already discovered Shannon Little
7 dead --

8 A Yes, sir.

9 Q -- and you were securing the scene. Subsequent to that
10 after he had left, did it subsequently get put out there
11 that Rashawn Little was the person you were looking for?

12 A Yes, sir.

13 MR. YOUNG: Objection, speculation.

14 THE COURT: Overruled.

15 MR. REDMOND: Thank you.

16 Q Now, let me ask you another question in line of what he
17 asked, I actually forgot to ask you this and that's on me.
18 Did you know this defendant?

19 A Yes, sir.

20 Q Tell us about that.

21 A I was a patrol deputy in the Pageland area with a K-9
22 patrol and then even when I had a K-9, and I met Mr. Little
23 on several occasions even through school and --

24 Q And let me ask you this, because it was asked -- it was
25 actually asked by the defense of Captain Wayne Jordan so

GREG BURNS - RECROSS

1 I'll just ask you, do you recall actually going to that
2 residence with Captain Jordan several months before this
3 incident?

4 A Yes, sir.

5 Q Okay. And did you -- without getting into any details,
6 did you encounter this defendant at that time?

7 A Yes, sir.

8 Q Okay. I will ask you again, is there any doubt
9 whatsoever in your mind that the person that was at the door
10 firing two guns was the defendant? Any doubt in your mind?

11 A No, sir.

12 MR. REDMOND: That would be all of the questions I
13 have, Your Honor.

14 THE COURT: Any recross?

15 MR. YOUNG: Briefly, Your Honor.

16 MR. REDMOND: And, Your Honor, I have no objection if
17 Mr. Young decides he wants to admit that, I have no
18 objection if he does.

19 MR. YOUNG: Thank you, Your Honor. I would just go
20 ahead and read it with Sergeant Burns here if that's all
21 right.

22 RECROSS EXAMINATION

23 BY MR. YOUNG:

24 Q Sergeant Burns, I'm reading this highlighted line right
25 here that says once on scene I aided exchange of gunfire

GREG BURNS - RECROSS

- 1 between the deputies and the suspect, right?
- 2 A Uh-huh.
- 3 Q That's what you wrote, right?
- 4 A Yes, sir.
- 5 Q And I guess you mean I saw an exchange of gunfire
- 6 between the subject and the deputies, correct?
- 7 A Right.
- 8 Q You didn't write Rashawn Little.
- 9 A No, sir.
- 10 Q You wrote subject, right?
- 11 A Yes, sir. Again, also in report writing I don't put
- 12 the subject name in there until he's apprehended and we get
- 13 100 percent positive identification. Once he's apprehended
- 14 then his name can go into the report. So prior to that it
- 15 would have been prejudgment on my behalf to put his name in
- 16 the report, in my statement.
- 17 Q And then you wrote the subject came to the front door
- 18 but did not come out, right?
- 19 A Yes, sir.
- 20 Q And then you wrote I saw the subject come from the rear
- 21 of the residence wearing a white colored shirt and dark
- 22 jeans.
- 23 A Yes, sir.
- 24 Q And that's the first description that you wrote was
- 25 when he came from the side of the trailer.

SPENCE VAUGHN - DIRECT

1 A Yes, sir.

2 MR. YOUNG: Thank you, Sergeant Burns.

3 THE COURT: Sir, you may step down.

4 THE WITNESS: Thank you, sir.

5 THE COURT: As he's stepping down, can the lawyers
6 approach a minute, please?

7 (A bench conference was held with the judge and the
8 Lawyers.)

9 THE COURT: Call your next witness, please.

10 MS. MUNNERLYN: May it please the Court, Your Honor?

11 The State would call Spence Vaughn.

12 The witness, SPENCE VAUGHN, was first duly sworn and

13 Testified as follows:

14 DIRECT EXAMINATION

15 BY MS. MUNNERLYN:

16 Q State your full name for the record.

17 A John Spencer Vaughn, Jr.

18 Q Okay. And where are you employed?

19 A With the Chesterfield County Sheriff's Office.

20 Q And how long have you been employed with the sheriff's
21 office?

22 A Twenty-five years. I started October the 7th of 1996.

23 Q Do you have any other law enforcement experience other
24 than with the sheriff's office?

25 A I worked with the Town of Chesterfield probably three

SPENCE VAUGHN - DIRECT

1 months prior to me coming here. At the time Kenny Welch,
2 Sheriff Welch, wouldn't hire you unless you was already
3 certified.

4 Q Okay. All right. And so you were working for the
5 sheriff's office back on October the 25th of 2015?

6 A Yes, ma'am.

7 Q And in what capacity were you working with them at that
8 time?

9 A I was a lieutenant over patrol, the patrol deputies
10 that would answer calls and whatnot.

11 Q Okay. And were you actually working that evening?

12 A Yes, ma'am.

13 Q And where were you when the call came out, a shots
14 fired call on Evans Mill Road?

15 A We was at the residence where we had been since Friday
16 working on a property crimes case that we'd been working for
17 a couple of days.

18 Q Okay. And what did you do in response to that call?

19 A I got in my vehicle with David Lee, which was an
20 employee with us at the time, I proceeded to going towards
21 Evans Mill Road. Radio traffic was giving us indication to
22 go to that area about shots fired and I proceeded in that
23 direction of the Evans Mill Road area in the Pageland area.

24 Q Okay. And as you neared the scene, did you get any
25 further direction?

SPENCE VAUGHN - DIRECT

1 A As I was traveling that way getting closer I overheard
2 radio traffic saying a suspect is possibly running in the
3 woods behind the trailer park. Me knowing the area from
4 over these years of working I knew Rollings Road was the
5 closest road to that trailer park, and I knew from past
6 dealings in that area that there was a heavy wooded area and
7 a swampy area. So I immediately went on Rollings Road, let
8 out David Lee, and then I went down a little bit further
9 with the intentions of trying to set up a perimeter in the
10 event that anybody was in the woods trying to flee that
11 area.

12 Q Okay. And so you went to set up a perimeter on
13 Rollings Road?

14 A Yes, ma'am.

15 Q Okay. And did you at any point drop David Lee off?

16 A Yes, ma'am. I dropped him off when I turned on
17 Rollings Road a little short distance there. There's a
18 house sits way off in the edge of the woods, I believe it's
19 a doublewide mobile home, brown in color I believe it is,
20 close to that end of Evans Mill Road. So I dropped him off
21 in that general area and I went down just a little bit
22 further just enough to try to keep him in sight.

23 Q Okay. I'm going to put up an exhibit here and ask you
24 to give us an idea of where all of this was occurring.

25 MR. REDMOND: Beg the Court's indulgence.

SPENCE VAUGHN - DIRECT

1 (Break in proceedings.)

2 Q Okay. If you could step down and sort of give us an
3 idea of where you were setting up the perimeter here that
4 particular night. Hopefully this will work. Yes, it does.
5 Give us sort of -- if you would explain to the jury --

6 A As you can see the trailer park is in this vicinity
7 here where this red marker here. Rollings Road is this road
8 here, this is Evans Mill. When I dropped David Lee off in
9 this area here I went up just a little bit further up the
10 road in this area here. The trailer park being here
11 separated by woods, there's a little creek, a little wooded
12 area, a swampy area right here.

13 Q Okay. All right. And so y'all maintained that
14 perimeter for some period of time, or did you take further
15 action?

16 A We were there for, I don't know the exact time period,
17 but there was still video traffic going on, and I heard
18 radio traffic about a car fleeing, the Cadillac was fleeing
19 the trailer park. I got in my vehicle, I picked up David
20 Lee in that area with the intentions of trying to maybe meet
21 the vehicle, try to stop the vehicle that was possibly
22 fleeing. Never met a vehicle. Actually made it to the
23 trailer park and pulled up. First Sergeant Chuck Mixon was
24 there with a gentleman on the side of the road. I was there
25 just a short period of time, overheard radio traffic again

SPENCE VAUGHN - DIRECT

1 coming from other officers saying that a vehicle Cadillac
2 had passed them on 151 with a tire out on the vehicle. So I
3 turned around, went back to Rollings Road and -- because
4 they made the comment that maybe he was turning on Rollings
5 Road which is right off of 151. This is 151, the four lane
6 right here, and turned on Rollings Road right in there.

7 Q That would be coming back toward --

8 A Coming back towards Evans Mill Road. As I got on
9 Rollings Road, proceeded up Rollings Road I observed a
10 vehicle. Right around here is a private driveway, it goes
11 up in a wooded area that actually takes you down into this
12 little swamp area on -- whoever owns it has an access road
13 to get to it, and I observed a Cadillac parked on the side
14 of the road in that general area of that private drive with
15 the driver's side door opened, car was still running and the
16 headlights was still on.

17 Q All right. You can have a seat. All right. I'm going
18 to show you what has been marked as State's Exhibits 26, 27
19 and 28, and see if either -- first all, yes or no, do you
20 recognize what's in those photos?

21 A Yes, ma'am.

22 Q Okay. And where do you recognize those photos from?

23 A From the incident location of this case that we're here
24 this week on.

25 Q Okay. Is that the Cadillac that you came upon that

SPENCE VAUGHN - DIRECT

1 night?

2 A Yes, ma'am.

3 Q And is that where it was located on the side of the
4 road?

5 A Yes, ma'am.

6 Q Okay. And does it show the state of that right front
7 tire being blown out and basically driven off?

8 A Yes, ma'am, it does.

9 Q Okay. And that's how you found it that night on the
10 side of the road?

11 A Yes, ma'am.

12 Q Okay.

13 MS. MUNNERLYN: Your Honor, I would move to admit then
14 State's Exhibits 26, 27, and 28.

15 THE COURT: Any objection?

16 MR. FRICK: No objection, Your Honor.

17 THE COURT: Without objection so admitted.

18 (State's 26-28 were received.)

19 MS. MUNNERLYN: Thank you, Your Honor.

20 Q Okay. And when you found this vehicle, was there
21 anyone inside of the vehicle?

22 A No, ma'am.

23 Q You said the driver's door was open?

24 A Yes, ma'am.

25 Q Okay. So it was just standing open.

SPENCE VAUGHN - DIRECT

1 A Yes, ma'am. It was all the way open.

2 Q Was the car still running?

3 A Yes, ma'am.

4 Q And you previously stated, I believe, that the

5 lights --

6 A I believe they were, yes, ma'am.

7 Q Okay. Did you see anyone in or around it?

8 A No, ma'am. I did a little quick check of the vehicle.

9 Try not to stay around the vehicle because obviously nobody

10 is there and I knew that we had additional help coming,

11 which would be the bloodhound team from SLED, and usually

12 they bring the helicopter. I figured they were going to

13 bring about all they had. So you try not to get around the

14 vehicle, because, you know, a dog is coming, they're going

15 to have to scent the dog off the car where, you know,

16 somebody would have had to get out of the vehicle. So I

17 stayed there on the scene to try to help get the perimeter

18 started, started calling out additional officers that were

19 off that night that weren't already in Pageland helping, and

20 then I stayed there until however long it took to start

21 getting SLED agents arrived. Then I obviously showed them

22 the vehicle, and then I give them the reference points of

23 where the trailer park was in reference to the where the car

24 was located, and then basically just helped keep the

25 perimeter in check while they did what they did.

SPENCE VAUGHN - CROSS

1 Q So you remained there with the vehicle until SLED
2 agents arrived and the bloodhound team arrived.

3 A Yes, ma'am.

4 Q To track the suspect.

5 A Yes, ma'am. Or whatever they deemed fit when they
6 came. Whatever plan they come up with I stayed there to
7 make sure nobody did anything to the vehicle or have
8 excessive amount of people walking up to the car or whatnot.

9 Q And did anyone approach the vehicle, get in the
10 vehicle, do anything to the vehicle during the time you were
11 there with them?

12 A Not at the time that I had custody of it, no, ma'am.

13 Q So at the time you pulled up on it until SLED arrived
14 nothing happened to the vehicle.

15 A No, ma'am.

16 Q Okay. Nothing was disturbed with regard to it.

17 A No, ma'am.

18 Q Did you see the suspect that night?

19 A No, ma'am.

20 Q Okay.

21 MS. MUNNERLYN: Answer any questions the defense may
22 have.

23 CROSS EXAMINATION

24 BY MR. FRICK:

25 Q Deputy Vaughn, it sounds like you did a lot of driving

SPENCE VAUGHN - CROSS

1 that night with radio traffic.

2 A I did. I did.

3 Q And you didn't see the suspect, right?

4 A No, sir.

5 Q Did you hear a description of the suspect?

6 A No. I think I only remember it was about a Cadillac.

7 Q Okay. And, of course, you found the Cadillac off of
8 151 or rolled up, I guess.

9 A Yes, sir.

10 Q And there was nobody there when you got there, right?

11 A No, sir.

12 Q And it wasn't your place to try to collect evidence
13 from the scene, correct?

14 A No, sir, I wouldn't do that.

15 Q You just secured it until SLED showed up.

16 A Yes, sir.

17 Q All right. You drive a marked vehicle?

18 A No, sir.

19 Q Okay. So does your car have an in-car cam or anything
20 like that?

21 A No, sir.

22 Q Unmarked cars don't, do they?

23 A Unless they do traffic enforcement or DUI enforcement
24 or something like that they typically don't.

25 Q Okay. Do you wear a body cam when you work?

BRIAN TRUEX - DIRECT

1 A I have one but I don't wear it because I don't always
2 wear my vest. And I didn't have my vest on then because we
3 had been loading up some stolen property, I didn't have it
4 on at the time.

5 Q Okay. All right.

6 MR. FRICK: Thank you. That's all of the questions I
7 have.

8 THE COURT: Any redirect?

9 MS. MUNNERLYN: No, Your Honor.

10 THE COURT: Sir, you may step down. Thank you.

11 MS. MUNNERLYN: State calls Brian Truex.

12 The witness, BRIAN TRUEX, was first duly sworn and
13 Testified as follows:

14 THE COURT: State your full name for the record and
15 spell your last, please.

16 THE WITNESS: Brian Carl Truex, T-r-u-e-x.

17 MR. REDMOND: May it please the Court, Your Honor?

18 THE COURT: Yes, sir.

19 DIRECT EXAMINATION

20 BY MR. REDMOND:

21 Q Agent Truex, by whom are you employed?

22 A The South Carolina Law Enforcement Division, SLED.

23 Q And in what capacity are you employed with SLED?

24 A Right now I'm the Captain over the Training Unit.

25 Q And Captain Truex -- I did not know that, Captain,

BRIAN TRUEX - DIRECT

1 Truex. I had been referring to you as Lieutenant,
2 congratulations. I apologize.

3 A Thank you.

4 Q Captain Truex, how long have you been with SLED?

5 A I've been with SLED six years.

6 Q Okay. And could you give us your law enforcement
7 background?

8 A In 2001 I started with the Myrtle Beach Police
9 Department. I was with the Myrtle Beach Police Department
10 for 15 years. I worked everything from road patrol traffic,
11 narcotics, street crimes, and then in my last five years I
12 worked as a robbery homicide detective. In 2014 to '15
13 right at the end I came over to SLED. I was employed as a
14 Special Agent with the Fugitive Unit in the Pee Dee Region,
15 was then promoted a year and a half later to Lieutenant over
16 Fugitive Teams. And then in the last two and a half years
17 Captain over the Training Unit.

18 Q And in your capacity at the time, I believe you may
19 have been a lieutenant in 2015, October 25th to be exact,
20 25th into the 26th of October of 2015, were you dispatched
21 to Chesterfield County?

22 A Yes, sir.

23 Q Could you tell us about that?

24 A At the time I worked as an agent in the Pee Dee Region
25 on the Fugitive Apprehension Team. That night we were

BRIAN TRUEX - DIRECT

1 called, our SWAT team, Bloodhound Tracking Team and Aviation
2 Unit Team had been called out in reference to a shooting in
3 Chesterfield County. I also respond as part of the Fugitive
4 Team for tracking purposes. I responded to Chesterfield
5 County in the area of Rollings Road, was given a name and
6 description of the defendant Little as a black male with
7 long dreads, white t-shirt, black pants, and that he had
8 fled from a vehicle on Rollings Road where we had set up a
9 perimeter.

10 Q And to be clear, were you given the name and the
11 description of the defendant?

12 A Yes.

13 Q Thank you. Please continue.

14 A At that time based on the helicopter being up they run
15 what's called flare, which is infrared on the helicopter to
16 try to get heat signatures out of the woods. We had
17 bloodhound tracking dogs in the woods also and we had been
18 running tracks through the woods for several hours that
19 night. At approximately 5:00 in the morning I was back in
20 my truck facing southbound on Rollings Road, we were waiting
21 for further information or tracks from the helicopter, and
22 while I was sitting in my truck I heard Captain Dafalla
23 (phonetically) yell on the radio that he had made contact
24 with Little crossing the road on Rollings Road. I
25 immediately threw my vehicle into drive, I was less than a

BRIAN TRUEX - DIRECT

1 quarter mile away from him at the time and came down
2 Rollings Road and encountered Captain Dafalla (phonetically)
3 and the defendant in the roadway on Rollings Road.

4 Q Now, when you encountered him on Rollings Road, were
5 you able to make an ID based on information you had been
6 provided?

7 A Yes, sir. I was immediately able to recognize him as
8 Little from the pictures that had been sent out and the
9 description, however, he did not have the white t-shirt on
10 anymore. He did have the pants on and long dreads as
11 described.

12 Q And so just to be clear again, you were given the name,
13 description, and based on that were even able to get access
14 to photographs to be able to identify the defendant as the
15 person that was --

16 A Yes, sir.

17 Q And just to be clear for the record, do you recognize
18 the person that you apprehended that night?

19 A Yes, sir. He's sitting at the table right there.

20 MR. REDMOND: Your Honor, I would ask that the record
21 reflect that he has identified the defendant.

22 THE COURT: So noted for the record.

23 Q So now getting back to that -- and I think this was
24 around or at 5:30 in the morning, you encounter him. Tell
25 us -- I'll just ask you this, when you encountered him, did

BRIAN TRUEX - DIRECT

1 he surrender peacefully or was there additional -- was there
2 additional actions that took place?

3 A No, sir, there was additional action. When I got out
4 of my vehicle Captain Dafalla (phonetically) was in the
5 roadway and I recognized Little, approached to the left side
6 of Dafalla, drew my weapon obviously due to the
7 circumstances, covered him with my weapon and began giving
8 him loud verbal commands to get on the ground. Told him to
9 get on the ground. The first words out of his mouth were --

10 MR. FRICK: Objection, hearsay, Your Honor.

11 MR. REDMOND: Your Honor --

12 THE COURT: Overruled.

13 A The first words out of his mouth were what, I ain't got
14 no strap on me no more. I don't have any strap on me
15 anymore, which is street terms for a handgun or some sort of
16 weapon. So he was making those statements to me as I was
17 challenging him in the roadway to get on the ground. He did
18 not comply. However, did he not have a weapon in his hands
19 that I could see. As we were standing there challenging
20 him, I was giving him those verbal commands to get to the
21 ground and comply, which he did not, and as I was other
22 agents began to show up from that radio call and began
23 coming up behind me. Several agents showed up, and as those
24 people started to show up Little began to back away, started
25 walking away trying to move towards the edge of the woods,

BRIAN TRUEX - DIRECT

1 and I continued to give him the commands. And at some point
2 during that time I called for somebody to bring up some sort
3 of less lethal munitions. He was not armed, however he was
4 not complying, so if there was somebody from the SWAT team
5 that had some sort of less lethal options that would have
6 been effective to take him into custody without anybody else
7 getting hurt that would have been the best option. While I
8 was doing that he continued to move towards the edge of a
9 field wood line, it had been a cut field that was no more
10 than a foot and a half high with brush, and as those people
11 showed up he started taking off into the field.

12 Q Let me stop there. So he comes out, y'all encounter
13 him, but he did not submit at that time. Is it your opinion
14 based on your experience that he was continuing to try to
15 get away?

16 A Yes. At that time when he turned towards the field he
17 attempted to get away again, and I pursued him into the
18 field.

19 Q And tell us about that. I interrupted you, please
20 continue.

21 MR. FRICK: Your Honor, I would ask for the relevance
22 on this.

23 THE COURT: Overruled, I'll allow it.

24 MR. REDMOND: Thank you.

25 A I pursued him in the field with several other agents,

BRIAN TRUEX - DIRECT

1 at which time I heard from behind me somebody yelling Egor
2 is coming, which is our K-9 dog which we had in the area.
3 He's a bite apprehension dog, which was an audible
4 indication to me to be prepared, that the dog is coming to
5 attempt to apprehend him, which is important to me because
6 the dog should target the suspect, and so I reduced my
7 momentum to not key in on me. So as Little slowed in front
8 of me he turned around towards me and Egor passed me on my
9 right-hand side and went to attempt to apprehend Little. As
10 Egor went to apprehend him, Little reached down and punched
11 Egor in the face, then kicked him. Egor disengaged and then
12 came back at Little again, at which time he was kicked and
13 punched again. During the second time that Little engaged
14 the police K-9 he lost his footing and fell backwards, and
15 as he fell he fell on his back and put his hands down. I
16 continued to give him the command to submit, to give up.
17 Egor had disengaged, and at that time I drew my taser, there
18 were several other people there that had lethal coverage for
19 me. So I drew my taser from my vest and pointed the taser
20 at him, and when he put his hand down to stand up, which was
21 a signal to me that he was not going to comply, he was not
22 going to give up. As he pushed to get off the ground I
23 initiated my taser on him with the probes, which means that
24 the two metal probes come out of the taser, stick into his
25 body, give him what's called neuromuscular incapacitation,

BRIAN TRUEX - DIRECT

1 which locks his body up and makes him freeze. At that point
2 I engage him, the taser cycled and at that point agents
3 swarmed on top of him to try to take him into custody.
4 After the first round of the taser it let's up and it stops
5 after five seconds automatically, continued with the loud
6 verbal commands to try and get him to comply, his hands were
7 underneath him and he would not comply. A second cycle of
8 the taser was applied to attempt to gain voluntary
9 compliance, which he did not. However, after a third cycle
10 he did relinquish his hands and was handcuffed and taken
11 into custody.

12 Q Now, once he's in custody, was that the extent of your
13 role in this case?

14 A Yes, sir.

15 Q Now, let me show you what has been marked as State's
16 19, 20 and 21.

17 MR. REDMOND: If I may approach the witness, Your
18 Honor, with the Court's permission?

19 THE COURT: Yes, sir.

20 Q Could you take a look at those photos? And I have a
21 couple of questions once you've had a chance to look at
22 them.

23 A Yes, sir.

24 Q Do you recognize those photos?

25 A Yes, sir.

BRIAN TRUEX - DIRECT

1 Q And regarding State's 19, what does State's 19 show?

2 A The defendant standing on the side of the roadway after
3 he was taken into custody.

4 Q State's 20. What does State's 20 --

5 MR. FRICK: Your Honor, they haven't introduced them.

6 MR. REDMOND: We haven't introduced them yet.

7 Q What is State's 20?

8 A An additional picture of the suspect, just a closer
9 version of that.

10 Q And State's 21?

11 A A picture of the defendant's hand.

12 MR. REDMOND: At this point, Your Honor, I would move
13 to introduce and publish State's 19, 20 and 21.

14 THE COURT: Any objection?

15 MR. FRICK: Object to relevance, Your Honor.

16 THE COURT: Can the lawyers approach, please?

17 (A bench conference was held between the judge and
18 Lawyers.)

19 THE COURT: Objection sustained.

20 Q So Agent Truex, at the time that you apprehended the
21 defendant, just to go back to a key part of this, tell us
22 again what the defendant said when you first encountered
23 him. What did the defendant say?

24 A Something to the effect of what, I ain't got my strap
25 no more. I ain't got my strap no more.

BRIAN TRUEX - CROSS

1 Q And again, based on your experience in law enforcement,
2 what did you perceive to that mean?

3 A A firearm.

4 MR. REDMOND: I have no further questions, Your Honor.

5 THE COURT: Before cross examination, can the lawyers
6 come up here just a minute?

7 (A bench conference was held with the judge and
8 Lawyers.)

9 THE COURT: All right. Cross examination.

10 MR. FRICK: Thank you, Your Honor.

11 CROSS EXAMINATION

12 BY MR. FRICK:

13 Q Lieutenant Truex, when did you get called to come up to
14 Chesterfield?

15 A I could not tell you, sir. I'm not aware of what time
16 it was.

17 Q Okay. Do you know when you arrived in Chesterfield?

18 A I don't. I can tell that I lived in Myrtle Beach at
19 the time and it takes me about an hour to get there. I know
20 I was there for at least three to four hours, because we had
21 made several tracks through the woods, searched several
22 structures, swamps. We had been there awhile.

23 Q All right. So you had been there for awhile.

24 A Yes, sir.

25 Q Okay. All right. And you said that Mr. Little came

BRIAN TRUEX - CROSS

1 out of the woods about 5:00, somewhere around 5:00 in the
2 morning?

3 A Somewhere around 5:00 in the morning is when Captain
4 Dafalla encountered him coming out of the woods. I did not
5 encounter him coming out of the woods. When I pulled up he
6 was already in the roadway.

7 Q Okay. All right. So you weren't the one that first
8 saw him.

9 A Correct.

10 Q Okay. And you said the description you had been given,
11 back male, dark pants, white shirt, long dreads, correct?

12 A Yes, sir.

13 Q And you said that's the description that he matched?

14 A Except for the shirt.

15 Q He didn't have the shirt on.

16 A Correct.

17 Q Do you know the location where he was apprehended?

18 A It was on Rollings Road. I can't give you an exact
19 location, because when I took off from where I was I don't
20 have exactly where I stopped.

21 Q Do you have any idea how far that location is from
22 where the Evans Mill location is?

23 A I do not.

24 Q Okay.

25 MR. FRICK: Thanks you, sir. That's all of the

1 questions I have.

2 MR. REDMOND: No redirect, Your Honor.

3 THE COURT: Can the lawyers approach again? I'm sorry.

4 (A bench conference was held with the judge and
5 Lawyers.)

6 MR. REDMOND: Your Honor, the other witnesses who
7 testified, if any of them wish to be released from their
8 subpoena the State would have no problem with them being
9 released from their subpoena, that includes Captain Truex
10 and anybody else who has testified.

11 THE COURT: Any objection?

12 MR. FRICK: No objection.

13 THE COURT: All right. Sir, you may step down and
14 those who testified this morning are released from their
15 subpoena for the duration of this trial without objection.
16 All right. Ladies and gentlemen, it is 12:21, I told you we
17 were going to stop about 12:30, we stopped a little short
18 today of 12:30. What I'm going to do is we're going to
19 break at this time and I'm going to let you go home for
20 the -- whatever business you may have for the balance of
21 today. Okay? As I said from the outset do not discuss this
22 case at all with anyone, nor is anyone to discuss this case
23 with you. Furthermore you are not to do any independent
24 investigation on your own about this case. As I have said
25 from the outset you're to decide this case based solely,

1 solely upon the evidence and testimony which was presented
2 in this courtroom. Okay? I would ask that you all be back
3 tomorrow morning at 9:00, be back tomorrow morning at
4 9:00 and we will continue with the trial of this case as
5 promptly at that time as possible. Thank you all, you have
6 a good rest of the day.

7 (The jury left the courtroom.)

8 THE COURT: Anything from the State before we break for
9 the day?

10 MR. REDMOND: Nothing from the State, Your Honor.

11 THE COURT: Defense counsel?

12 MR. YOUNG: No, Your Honor.

13 THE COURT: All right. 9:00 in the morning.

14 (Court recessed for the evening and resumed at
15 9:00 a.m. on Wednesday, November 17, 2021.)

16 THE COURT: Madam Forelady, ladies and gentlemen of the
17 jury, I apologize that you all had to wait. We had a few
18 technical difficulties that we had to get ironed out before
19 we could get started out this morning. I appreciate you
20 being here when you were asked to be here. I hope you all
21 had a nice evening last night and are ready to proceed here
22 today. At this time I'm going to recognize the State. Call
23 your next witness, please.

24 MS. MUNNERLYN: May it please the court, Your Honor?

25 The State would call Grant Cook.

GRANT COOK - DIRECT

1 The witness, GRANT COOK, was first duly sworn and
2 Testified as follows:

3 DIRECT EXAMINATION

4 BY MS. MUNNERLYN:

5 Q State your full name for the record, please.

6 A Grant Emmette Cook.

7 Q Okay. And where are you employed?

8 A South Carolina Highway Patrol.

9 Q Okay. And how long have you been employed with the
10 highway patrol?

11 A Five years.

12 Q All right. And so you were -- back in 2015 who were
13 you working for?

14 A The Chesterfield County Sheriff's Office.

15 Q Okay. And how long did you work for the sheriff's
16 office?

17 A Three years.

18 Q Okay. Do you have any other law enforcement
19 experience?

20 A Yes, ma'am. Prior to working at the sheriff's office
21 as a deputy sheriff I was a detention officer at the
22 Chesterfield County Detention Center from 2009 to 2013.

23 Q And so your law enforcement experience began in 2009?

24 A Yes, ma'am.

25 Q And runs up through the present time?

GRANT COOK - DIRECT

1 A Yes, ma'am.

2 Q Okay. All right. And for whom were you working back
3 on October 26, 2015?

4 A The Chesterfield County Sheriff's Office.

5 Q Actually it would be October the 27, 2015. You were
6 working for the sheriff's office at that time?

7 A Yes, ma'am.

8 Q Okay. And did you have any reason to come into contact
9 with the defendant in this case?

10 A Yes, ma'am.

11 Q And tell us how that occurred.

12 A I signed onto work at approximately 06:00 that morning
13 the day after the incident had occurred, and I was
14 notified -- I don't recall if it was a phone call from a
15 supervisor or through dispatch, I was told to go to the
16 Pageland Police Department to pick up the suspect from an
17 incident the night before and transport them to the
18 Chesterfield County Detention Center.

19 Q Okay. And did you, in fact, go to the Pageland Police
20 Department?

21 A Yes, ma'am.

22 Q Okay. And did you pick up Rashawn Little?

23 A Yes, ma'am.

24 Q Okay. And where did you transport him that morning?

25 A I transported him from the Pageland Police Department

GRANT COOK - DIRECT

1 where they were holding him to the Chesterfield County
2 Detention Center.

3 Q Okay. Now, was this transport done by you by yourself
4 or were any other officers with you?

5 A No. It was just me, ma'am.

6 Q Okay. And you were just the transport officer; is that
7 correct?

8 A Yes, ma'am.

9 Q All right. And during the time that you were
10 transporting the defendant from the Pageland Police
11 Department to the Chesterfield County Detention Center, was
12 there any conversation by -- between you and Mr. Little?

13 A During the majority of the transport he did not say
14 much. I believe it was about the half way point between
15 Pageland and Chesterfield he asked what he was being charged
16 with --

17 MR. YOUNG: Your Honor, I just want to note our
18 previous objection under Denno and Your Honor's ruling on
19 that.

20 THE COURT: So noted for the record.

21 MS. MUNNERLYN: Thank you, Your Honor.

22 Q Okay. I'm sorry. Tell me again what he stated.

23 A He asked what he was being charged with and I told him
24 they would talk to him when he got to the detention center.

25 Q Okay. You didn't have any of that information,

GRANT COOK - DIRECT

1 correct?

2 A No, ma'am. I was -- I came out and the incident had
3 occurred. Other than knowing something had happened in the
4 Pageland area because that was generally where I worked I
5 did not know what exactly had happened or what he would be
6 charged with.

7 Q Okay. All right. And was there any further
8 conversation after that?

9 A No, ma'am. As I recall he did not say anything else
10 for the remainder of the trip to the jail.

11 Q Okay. And so therefore he never asked you about his
12 wife, Shannon Little?

13 A No, ma'am.

14 MS. MUNNERLYN: Please answer any questions that the
15 defense may have for you.

16 THE COURT: Cross examination.

17 CROSS EXAMINATION

18 BY MR. YOUNG:

19 Q Good morning, Mr. Cook, how are you doing?

20 A Good morning, sir, how are you today?

21 Q I'm doing well. So on the day after this incident on
22 October the 26th, you went out to a call back near the
23 trailer park where you met with Marques Tyson; is that
24 correct?

25 A I do not recall, sir.

GRANT COOK - CROSS

1 Q You don't remember meeting with him with your camera
2 on?

3 A I remember going out to the trailer park at some point
4 after the incident but I do not recall if I met with someone
5 out there.

6 Q Okay. You don't remember talking to Marques Tyson and
7 his girlfriend on a trespassing call?

8 MS. MUNNERLYN: Your Honor, I would just object to any
9 conversations he had with any other persons that are not
10 here in court.

11 THE COURT: I'll sustain the objection as to any
12 hearsay. You haven't gotten to that point yet, I don't
13 think. You can go ahead, Mr. Young.

14 MR. YOUNG: Well, I do think that I'm entitled to it
15 under Kyle and the nature of the investigation, because
16 there was information given by witnesses to law enforcement,
17 specifically Officer Cook --

18 THE COURT: Hold on a minute. Can y'all approach over
19 here a second?

20 (A bench conference was held with the judge and
21 Lawyers.)

22 THE COURT: All right. Mr. Young, you may continue.

23 MR. YOUNG: Thank you, Your Honor.

24 Q Mr. Cook, you met with a guy named Marques Tyson out
25 there by the trailer park.

GRANT COOK - CROSS

1 A I recall going to the trailer park, I do not recall who
2 I met with. Without reviewing an incident report or the
3 body cam I would not be able to comment on it.

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

5 (Break in proceedings.)

6 Q Deputy, I'm going to show you a copy of the incident
7 report and just ask you to review it and see if it refreshes
8 your recollection.

9 A All right. I still don't recall anything beyond just
10 that, I'm sorry. It was a long time ago.

11 Q That's okay, no problem. You met with a guy, his name
12 was Marques Tyson. He said he was present during the
13 shooting and you took his information and passed it on to
14 officers.

15 A Yes, sir.

16 Q Is that pretty much what happened?

17 A Yes, sir. That's what the incident report says.

18 Q Okay.

19 MR. YOUNG: Thank you very much. That's all of the
20 questions I have.

21 THE COURT: Any redirect?

22 MS. MUNNERLYN: No, Your Honor.

23 THE COURT: Sir, you may step down. Thank you.

24 MS. MUNNERLYN: Your Honor, may this witness be
25 excused?

CRYSTAL BROCK - DIRECT

1 THE COURT: Any objection?

2 MR. YOUNG: No, Your Honor.

3 THE COURT: Yes, sir. Sir, you are relieved of your
4 subpoena, you are free to go. Have a nice day. Call your
5 next witness pleas.

6 MS. MUNNERLYN: Crystal Brock.

7 The witness, CRYSTAL BROCK, was first duly sworn and
8 Testified as follows:

9 DIRECT EXAMINATION

10 BY MS. MUNNERLYN:

11 Q Crystal, will you state your name for the record and
12 spell your first name?

13 A Yes, ma'am. My name is Crystal Lynn Brock, and it's
14 spelled C-r-y-s-t-a-l.

15 Q Crystal, do you know, or did you know, Shannon Little?

16 A Yes, ma'am. Shannon Rochelle Brock Little was my baby
17 sister. I'm six years her senior. I'm six years older than
18 she was.

19 Q And did y'all grow up together?

20 A Yes, ma'am.

21 Q So y'all were together basically her whole life?

22 A Yes, ma'am. I lived in the era where mom and dad
23 worked in the evening so I was the one.

24 Q And do you know if your sister was right-handed or
25 left-handed?

CRYSTAL BROCK - DIRECT

1 A She was right-handed, ma'am.

2 MS. MUNNERLYN: That's all of the questions I have.

3 Thank you.

4 THE COURT: Cross examination?

5 MR. YOUNG: No questions, Your Honor.

6 THE COURT: You may step down.

7 THE WITNESS: Thank you, sir.

8 MR. REDMOND: Your Honor, can I approach on an

9 administrative matter?

10 (A bench conference was held with the judge and

11 Lawyers.)

12 THE COURT: Call your next witness, please.

13 MS. JOHNSON-LEE: State calls Todd Schenk.

14 The witness, TODD SCHENK, was first duly sworn and

15 Testified as follows:

16 DIRECT EXAMINATION

17 BY MS. JOHNSON-LEE:

18 Q What is your name?

19 A My name is Todd Schenk.

20 Q Please spell your name for the court reporter.

21 A Yes, ma'am. T-o-d-d, S-c-h-e-n-k.

22 Q Where are you employed?

23 A I'm employed with the South Carolina Law Enforcement

24 Division, also known as SLED.

25 Q What is your job there?

TODD SCHENK - DIRECT

1 A So I'm a Lieutenant in the Crime Scene Investigation
2 Unit, and our job is to respond and investigate homicides or
3 assist -- our main job is to assist local agencies with
4 homicide investigations or any other kind of investigation
5 that they might need a crime scene unit for.

6 Q And how long have you been doing that?

7 A I have been with crime scene for a little over eight
8 years now.

9 Q Is SLED the totality of your law enforcement
10 experience?

11 A It is.

12 Q So when did you come on board with them?

13 A I started November of 2013.

14 Q Are you a graduate of the Criminal Justice Academy?

15 A I am.

16 Q Are you a Class One Certified Officer?

17 A I am.

18 Q Are you a Crime Scene Agent of the State Law
19 Enforcement Division?

20 A Yes, ma'am, I am.

21 Q Were you working crime scene on October 25th and 26th
22 of 2015?

23 A I was.

24 Q Please tell the jury how you came to be involved in
25 this particular case that we're here for today.

TODD SCHENK - DIRECT

1 A Yes, ma'am. So on October 25th around 8:11 p.m. that
2 night I received a call from our operations desk, we call
3 OD, they're our dispatch center, and we were told that there
4 was a -- more or less an active shooter scene that they
5 needed help with where there were multiple parties that had
6 been shot. When officers responded to a shooting incident
7 the suspect had fired at the officers and then officers
8 ended up returning fire, and the suspect had then fled the
9 scene was still at large. So I then gathered a team, we
10 started -- or we responded to Chesterfield.

11 Q Where did you respond to?

12 A It was 1902 Evans Mill Road in Chesterfield. Or,
13 excuse me, I believe it's Pageland.

14 Q And that is in Chesterfield County?

15 A Yes, ma'am, it is.

16 Q And is 1902 the residence where you conducted all of
17 your crime scene duties?

18 A No, ma'am. It was a pretty large crime scene. So the
19 primary address we were given was 1902. There were several
20 mobile homes in the area that we also searched around, and
21 there was an open field, too, that was involved in the
22 incident.

23 Q What were your observations when you first arrived on
24 scene?

25 A When we first got on scene the scene was pretty

TODD SCHENK - DIRECT

1 chaotic. There was a SWAT team on scene, we had a tracking
2 team on scene still trying to find the suspect. There was
3 heavy officer presence on scene. Several vehicles were
4 parked out in front of the mobile home at 1902, and it was a
5 dirt road that everything was parked on. Cartridge cases
6 all over the place. It was a pretty involved hectic crime
7 scene when we first arrived.

8 Q Since it was so involved did other crime scene agents
9 go with you?

10 A We did. So normally when we respond to a crime scene
11 there's two, maybe three of us. On this instance had
12 myself, Agent Talon, Agent Burke, Agent Oliphant. I believe
13 it was six of us in total that responded to this scene.

14 Q And when at the scene, did you collect evidence?

15 A Yes. So how it works is when we get on scene, first we
16 met with investigators or -- either local investigators or
17 if the SLED region shows up, which they did in this case, we
18 try to gather all the information we can to have a better
19 understanding of what we're walking onto or into. After
20 that we then photograph the scene take -- or to document
21 where everything is as is sits when we first show up. After
22 we photograph everything then we'll actually put evidence
23 markers down, which are the -- I'm sure you've seen them on
24 TV, the little yellow tents with the numbers on them, we'll
25 place those down on scene. We'll then rephotograph the

TODD SCHENK - DIRECT

1 scene, take our measurements of items of evidence that are
2 pertinent and then we will collect the evidence then.

3 Q Now, when you -- what is your procedure when you
4 actually collect items of evidence?

5 A So we wear gloves because we don't want to contaminate
6 anything. Depending on what it is depends on the package it
7 gets placed into. So for instance we collect a lot of
8 cartridge cases in this case. Normally they go into either
9 a small white box or a small coin envelope. We'll write
10 what the item of evidence is, what time we collected it,
11 date collected, who collected it, then it all gets sealed up
12 and then transported back to the lab when the case is over.

13 Q Okay. So what do you physically do with that after you
14 collect it and seal it up?

15 A So it all gets stored in my truck, in the back of my
16 truck, and then I bring it back to the SLED laboratory in
17 Columbia, South Carolina, where I'll then log it in and
18 disseminate it to the other units within the lab.

19 Q Okay. Now, what units within the lab would it go to?

20 A Depending on the item of evidence, it could go to our
21 latent print department for looking for fingerprints. It
22 could go to our firearms department who examined the actual
23 markings on cartridge cases and guns. It could go to our
24 DNA Department or Toxicology Department. Any of the
25 disciplines in the lab it could go to.

TODD SCHENK - DIRECT

1 Q And what does it mean when you say you seal an item?

2 A So it goes into a -- whatever the package is, depending
3 on how large it is, it gets either packing tape, and then --
4 it's called seal tape. It's very sticky and it's got -- it
5 uses I believe it says SLED forensic services on it. It's a
6 yellow tape with a white bar at the bottom, and you will
7 seal the evidence in its tamperproof tape. So if someone
8 were to try to open the said item of evidence you would see
9 it on the tape where the tape has been messed with.

10 Q Is that called tamper evidence or tamper resistant?

11 A Tamper resistant, yes, ma'am. And then we also date
12 and initial our seal to show that we did seal it.

13 Q And did you follow all of that procedure in this case?

14 A I did.

15 Q So you took photographs?

16 A People on scene -- I may not have directly taken the
17 photographs, but I was the primary crime scene investigator
18 so we had other people taking photographs. But photographs
19 were taken, then the items were collected.

20 Q And were you present throughout the entire evening?

21 A I was. Yes, ma'am, I was.

22 Q So your team took photographs?

23 A Yes.

24 Q Your team prepared a diagram?

25 A I actually prepared the diagram, yes, ma'am.

TODD SCHENK - DIRECT

1 Q I'm going to show what's marked for identification
2 State's 87 through 90.

3 MS. JOHNSON-LEE: Permission to approach?

4 THE COURT: Yes.

5 Q Now those are blow-ups obviously, but do you recognize
6 what's depicted in those blown-up -- I believe the last
7 one -- there should be four total.

8 A Yes. These four, yes, ma'am, I do.

9 Q And what do those depict?

10 A These are larger versions of the diagram I created for
11 my report.

12 Q Okay.

13 MS. JOHNSON-LEE: At this time I would like to move to
14 have those diagrams put into evidence.

15 THE COURT: Any objection?

16 MR. FRICK: No objection, Your Honor.

17 THE COURT: What are the numbers again?

18 THE WITNESS: Exhibits 87, 88, 89, and 90, Your Honor.

19 (State's 87-90 were received.)

20 Q Now, are those to scale?

21 THE COURT: They're admitted without objection.

22 MS. JOHNSON-LEE: Thank you, Your Honor, sorry.

23 THE COURT: That's okay.

24 Q Are those to scale, the diagram?

25 A No, ma'am, they're not.

TODD SCHENK - DIRECT

1 Q Okay.

2 MS. JOHNSON-LEE: I would like to publish to the jury
3 at this time, Your Honor.

4 THE COURT: All right.

5 Q Let's start with 87. Agent Schenk, can you see the
6 diagram?

7 A Yes, ma'am. I have a copy of my report, too, if I may
8 refer to that.

9 Q Can you please tell the jury what is located right here
10 that I'm pointing at?

11 A That would be mobile home number 1894.

12 Q And what is that marker right there at the corner of
13 1894?

14 A It's Marker 50, 5-0.

15 Q And what is located at that marker?

16 A Marker 50 was --

17 THE WITNESS: Beg the Court's indulgence --

18 A -- suspected blood.

19 Q Okay. And what about to the right and left here of
20 trailer 1894?

21 A To the left of 1894 is Marker 49. To the right is
22 Marker 47.

23 Q Now, what is this right here?

24 A I'm sorry? Oh, I apologize. That is apartment 1902.

25 Or -- I said apartment, I apologize, mobile home --

TODD SCHENK - DIRECT

- 1 Q Is that 1902?
- 2 A Yes, ma'am.
- 3 Q Now, directly in front of 1902, what is that right
- 4 there?
- 5 A That was a Toyota, a vehicle.
- 6 Q And directly behind the Toyota?
- 7 A Was a Dodge minivan.
- 8 Q And to the left of the Dodge?
- 9 A Was a Honda.
- 10 Q And what color was that Toyota?
- 11 A I believe it was green, or -- hold on, sorry.
- 12 Q Do you have it documented in your notes?
- 13 A Yes, ma'am, I do. It's a gray Toyota Camry. I
- 14 apologize.
- 15 Q And what color were the Dodge and the Honda?
- 16 A The Dodge was a white in color Dodge Grand Caravan, and
- 17 it was a white Honda civic.
- 18 Q Now, these items and numbers all around the outside,
- 19 can you go through and --
- 20 MS. JOHNSON-LEE: I'm going to ask that you step down.
- 21 Your Honor?
- 22 THE COURT: Yes.
- 23 Q I would like to go through and tell what each number
- 24 corresponds to as far as what evidence was collected.
- 25 A Yes, ma'am.

TODD SCHENK - DIRECT

1 MS. JOHNSON-LEE: The diagram is a little backwards,
2 Your Honor, so I'm going to put the poster up here as well.
3 It's just a different -- the -- on the screen it's turned
4 upwards and I think it would be easier for the jury if it
5 was front ways.

6 THE COURT: Okay.

7 A So this was the front of 1902. This is where -- we
8 pulled up, this is where the vehicles were. So the front
9 door of 1902 was about in this area. This is Marker 1 where
10 the cartridge case is.

11 Q Just tell what each marker is.

12 A Marker 1 was a cartridge case head stamped RP40 S and
13 W. Marker 2 was a cartridge case head stamped RP40 S and W.
14 Marker 3 was a cartridge case head stamped RP40 S and W.
15 Marker 4, which is on this side, was a cartridge case head
16 stamped RP S and W. Marker 5 was a cartridge case head
17 stamped RP40 S and W. Marker 6 was a cartridge case head
18 stamped 40 S and W. And Marker 7 was a cartridge case head
19 stamped RP40 S and W. Marker 8, which is right next to the
20 Toyota, was a cartridge case head stamped Speer 40 S and W.
21 And Marker 9 was a Speer 40 S and W cartridge case. And a
22 cartridge case is the part that comes out of the side of the
23 gun. The bullet comes out of the front of it, the cartridge
24 case is the brass or the spent round, as some people call
25 them. So when I refer to the cartridge case it's the part

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1 that comes out of the side of the gun. I believe I left off
2 at 9. Marker 10 over here was a cartridge case head stamped
3 RP40 S and W. Marker 11 was a cartridge case head stamped
4 Winchester 40 S and W. Marker 12, which was near the
5 minivan, was a cartridge case head stamped RP40 S and W.
6 Marker 13 was a cartridge case head stamped Speer 40 S and
7 W. Marker 14, which is here, was a cartridge case RP40 S
8 and W. Marker 15 was a cartridge case RP 40 S and W.
9 Marker 16 and Marker 17 were both suspected bullet skips or
10 bullet strikes in the dirt. It just looked like the dirt
11 had been struck by something moving in a high velocity, so
12 that's what both of these were. Marker 18, which was on
13 this side of the Toyota, was a cartridge case head stamped
14 RP 380 Auto. Marker 19 -- 19, 20, 21, 22, 23 and 24, all of
15 this was suspected blood. Marker 25, which is here, was
16 actually a tire impression in the grass in the front of the
17 residence. Marker 26, which was here, was suspected blood.
18 Marker 27, 28, and 29, we either didn't have the markers or
19 they were broken so you won't see those on this. Marker 26,
20 which I think I did that already, I apologize. Marker 26
21 was suspected blood. Marker 27, 28, 29 were admitted.
22 Marker 30, 31, 32, and 33 were all suspected blood. Marker
23 34, 35 and 36 were all cartridge case head stamped
24 Winchester 45 Auto. Marker 37 and 38 were both suspected
25 blood near the dumpster. Marker 39, which was here, I

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1 apologize. Marker 39 was a gray and black hat. Marker 40,
2 41, 42, 43, 44, 45 and 46 was all suspected blood. Marker
3 47, which was down here, was a green toy gun. Marker 48 --
4 excuse me. Marker 48 here in the middle of this dirt road,
5 49 and 50 was all suspected blood.

6 Q All right. Let's move on. This is just a key of the
7 markers to explain what they are as you just did?

8 A Yes, ma'am. That's what I was referring to when I --

9 Q Now, did you collect other additional evidence?

10 A We did. We responded on the 28th back to --
11 October 28th back to the original residence of 1902. And we
12 did a search of the back of the residence, and then we ran a
13 metal detector -- excuse me, we utilized a metal detector,
14 not ran it, throughout the area to search for any additional
15 cartridge cases we may have missed.

16 Q Now, is that residence 1902?

17 A Yes, ma'am it is.

18 Q And, again, going back to the other diagram on
19 Exhibit 87, the area with the vehicles in front and the
20 blood trail leading away from, that's all coming from
21 trailer 1902, or in front of 1902?

22 A It is.

23 Q All right. Now, please explain Exhibit Number 90, what
24 you found when you went back.

25 A Yes, ma'am. So when we respond on the 28th we ran --

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1 or excuse me, I like that word, we utilized a metal detector
2 in the back and at the front of the residence. Marker A was
3 actually -- so there was a wood line or a wooded area on the
4 side of the trailer or mobile home. Marker 1 was actually a
5 Luger Security 6 revolver and it had six empty cartridge
6 cases in the cylinder. Marker B, C, D and E were all
7 cartridge cases of a Winchester 40 S and W was the head
8 stamp. And then F was a cartridge case, which was an RP 380
9 Auto.

10 Q Okay. Now, when you say that the marker -- that's
11 Marker A with the Ruger?

12 A Yes, ma'am.

13 Q You said it had six empty cartridge cases. Explain
14 what that means.

15 A So normally when you think of a like for instance a
16 Glock or a semiautomatic handgun, when you fire a round the
17 cartridge case gets ejected out the side. With a revolver,
18 when you fire a round the cartridge case stays inside the
19 cylinder. So there were six empty -- or there were six
20 cartridge cases in the cylinder, which to me indicates that
21 that had has been shot six times.

22 Q And that .380 cartridge, Marker F, where was that
23 located?

24 A This was in the front of the residence in the grass, I
25 believe it was in the grass.

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1 Q All right. Thank you. Now, did you also go inside the
2 residence?

3 A We did.

4 Q And what did you do inside the residence?

5 A So inside the residence we would document with
6 photographs and then search. On the night of the -- I
7 believe it was the 26th at that point, it could have been
8 the 25th wee hours, after documenting with photographs we
9 would also -- it's called scaling, we use scale tape, which
10 just tape -- it's tape that has a ruler on it, and we use
11 that to mark and measure the actual bullet defects or the
12 bullet holes in the residence that we see. So after we
13 documented with the photographs, marked what we could mark
14 evidence-wise with the markers, we'll then scale bullet
15 holes throughout the residence, document the victim in any
16 way we can, document injuries, document anything we see
17 that's out of the ordinary with her, and then we would
18 collect the evidence that we saw.

19 Q Speaking of victim, please describe for the jury what
20 you found when you first stepped inside the trailer at 1902.

21 A Yes, ma'am. So the victim was laid pretty much right
22 as you -- in the front door she was barely off to the left
23 right by the front door. There was, I believe, a coffee
24 table near her feet, or some sort of table. There was a
25 couch, and there was -- I can't say -- there was a large

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1 amount of blood near the victim. We did note that there was
2 a firearm by her head underneath her neck on her left side.
3 There was eventually found two cartridge cases underneath
4 the couch, and then there was a fired bullet, actual bullet
5 in near the kitchen of the residence.

6 MS. JOHNSON-LEE: If we could put 89 on the screen,
7 Your Honor.

8 Q Now, looking at that diagram, which is State's 89, is
9 that the general location of the victim?

10 A Yes, ma'am.

11 Q Okay. Now, immediately above the victim on this
12 diagram, Marker CC and CC, what are those?

13 A Those are cartridge cases that we located underneath or
14 near the couch.

15 Q And right here where it says fired projectile, what is
16 that?

17 A So a fired projectile is what we call a bullet. It's a
18 bullet, or fired projectiles, what the technical term is
19 that we use to refer to bullets.

20 Q Now, you stated that you took photographs.

21 MS. JOHNSON-LEE: Your Honor, may I approach him to
22 hand up some photographs at this time?

23 THE COURT: Yes, ma'am.

24 Q All right. I'm going to start with what's marked for
25 identification -- I'm just going to hand them to you and we

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1 will go through them. Starting with what's marked for
2 identification as State's 42. Do you recognize that
3 photograph?

4 A Yes, ma'am, I do.

5 Q Okay. And what is depicted in that photo?

6 A The front of the residence of 1902.

7 Q Okay. And what about the next one?

8 MS. JOHNSON-LEE: These are marked in order, Your
9 Honor.

10 A State's Exhibit 43 is also of the front of the
11 residence of 1902.

12 Q Okay. Go through all of them and tell the jury if you
13 took each and every one of those photos and if they -- you
14 or your team took each one.

15 A Yes, ma'am.

16 (Break in proceedings?)

17 A Yes, ma'am, I do.

18 Q Is that last one labeled 86?

19 A No, ma'am.

20 Q What is the last one labeled?

21 A 94.

22 Q 94. Thank you.

23 MS. JOHNSON-LEE: Your Honor, at this time I would move
24 to have photographs 42 through 94 into evidence.

25 THE COURT: Any objection?

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1 MR. FRICK: Judge, if I could just take a quick look at
2 them and see.

3 THE COURT: Yes, sir, absolutely.

4 (Break in proceedings.)

5 MR. FRICK: Your Honor, we would just object to 79.

6 (Break in proceedings.)

7 THE COURT: Defense counsel's objection is so noted,
8 however, State's Exhibits 42 through 94 are admitted.

9 (State's 42-94 were received.)

10 MS. JOHNSON-LEE: Thank you, Your Honor. We would like
11 to publish to the jury and have Agent Schenk come down to
12 explain each photograph with the Court's permission.

13 THE COURT: Yes, ma'am.

14 Q Beginning with State's 42 -- you can step around here,
15 Agent Schenk. Beginning with State's 42, what does this
16 photograph depict?

17 A So this is the front of the residence of 1902. And if
18 you see that small tree bush --

19 Q You can use the --

20 A Oh, sorry. This bush right here, this is our Marker F,
21 which was the cartridge case.

22 Q What is that tape by the door?

23 A So this is from the night of -- or this photo was taken
24 on the 28th, but the tape was placed there on the 25th/26th
25 when we originally were at the crime scene. And what this

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1 is for is this is how we can document the height and the
2 distance of the bullet defects from a fixed point to the
3 ground and that door. So eventually there's a bullet hole
4 right here and there's one here, and I believe there's one
5 down in this frame, too (inaudible). So what this is to do
6 is this is to give us a scale to say, okay, it was this
7 amount of feet off the ground and that way we can document
8 it as best we can.

9 Q Okay. The next photograph, Exhibit 43. Again, explain
10 that one, please.

11 A So this is also the front of 1902. This is the night
12 of the incident. This is the scale (inaudible) there's a
13 bullet defect here and a bullet defect here, and I believe
14 there's one down in this area here.

15 Q The next, Exhibit 44?

16 A This is another photograph of the front of 1902. Same
17 bullet defect you saw earlier are pointed out in there, and
18 this is showing Marker 19.

19 Q And what was Marker 19?

20 A Marker 19 was the suspected bullet (inaudible.)

21 Q Next photograph is Exhibit 45.

22 A So this is a closer -- we take overall photographs
23 midrange and close-up. The overall photograph establishes
24 where we are in the crime scene. A midrange photograph is
25 an evidence establishing photo to trying to show where this

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1 piece of evidence is in relation to a fixed object to the
2 crime scene, and then a close-up is showing exactly what
3 this evidence is. So in this instance this is a close-up of
4 Marker AA, which was the bullet defect that came from the
5 inside of the house to the outside via that doorframe.

6 Q Next is Exhibit 46.

7 A This is another -- this would have been a midrange of
8 the photo of Marker AA. So this is the front door looking
9 into 1902, and then this is the bullet defect right by
10 the -- or through the doorframe.

11 Q Okay. Exhibit 47?

12 A This is a close-up of -- a closer close-up of Marker AA
13 prior to having the marker scale tape added to it.

14 Q And Exhibit 48. Is this inside the front door?

15 A Yes, ma'am. So this is directly inside the front door
16 looking at where the bullet -- this is a bullet defect that
17 appeared to correspond with the defect that you just saw of
18 Marker AA.

19 Q 49, please.

20 A This is Marker SS. This is the same defect that we
21 just saw, just this is more of a straight line 90 degree
22 shot showing the entrance hole here of the bullet going out
23 through the doorframe.

24 Q Exhibit 50?

25 A That's a closer photograph of Marker SS inside 1902.

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1 Q Exhibit 51?

2 A This is looking at the exterior side, so the outside of
3 the front door of 1902. And this is depicting the bullet
4 defect here that appeared to be coming from the inside of
5 the front door exiting the outside of the front door. And
6 then up top here, this is a bullet defect that entered from
7 the outside of the front door and left through the inside of
8 the front door.

9 Q Exhibit 52?

10 A This is a close-up of the bullet defect that was on the
11 lower side that appeared to come from the inside of the
12 residence, or the -- excuse me, enter through the inside of
13 the front door and exited the outside of the front door.

14 Q Now, is there anything significant about the shape of
15 that hole?

16 A Yes, ma'am. That helps to add -- when we get to the
17 other side you'll see when the bullet strikes metal it will
18 sometimes have a pinch point or a bullet wipe, but it's
19 usually a cleaner shot on the side of the metal it hits, and
20 the side that it exits it usually blows out or tears up, and
21 so that's consistent with coming out. To me it appeared
22 like this piece of metal here was over here and then you can
23 see where the metal is formed out of the door.

24 Q Would that be a straight shot or an angle shot?

25 A I believe on the back mainly from the entrance bullet

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1 hole is how you really do the calculations on that, but it
2 appeared to be an angle. It was not a straight on shot.

3 Q Would that be consistent with a door being opened or
4 being -- either while opening or while closing?

5 MR. FRICK: Your Honor, can we approach real quick?

6 THE COURT: Yes.

7 (A bench conference was held with the judge and
8 Lawyers.)

9 Q Agent Schenk, have you had any training in firearms?

10 A I have, yes, ma'am.

11 Q What kind of training have you had in firearms?

12 A So our in-house training consists of reading books,
13 writing tests, (inaudible) in practical examinations. It's
14 a thorough in-house training program. And then on top of
15 the in-house training that we do, we have to do a -- we
16 usually go to an external class, so I've also been to a 40
17 hour shooting range instruction class.

18 Q Have you ever testified in court before about bullet
19 angles?

20 A I have not.

21 Q What is the number of total hours that you think that
22 you've spent in firearms training, specifically in reference
23 to learning how to determine, if you can, the angles of the
24 bullets coming in or going out?

25 A So classroom training, the 40 hour class was the big

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1 training that I did for shooting range instruction. And
2 then we also get a little bit of it, a couple of hours in
3 the in-house training, so 45 hours maybe.

4 MS. JOHNSON-LEE: Okay. Court's indulgence.

5 (Break in proceedings.)

6 Q Now, with respect to crime scenes, have you worked --
7 how many crime scenes have you worked where there were
8 shooting incidents?

9 A I have been on probably a little over 430 crime scenes
10 at this point in my career, and I would argue 90 percent of
11 them, if not 95 percent of them, are shooting.

12 MS. JOHNSON-LEE: Your Honor, I would move to have
13 Agent Schenk qualified as an expert in crime scene analysis.

14 MR. FRICK: No objection, Your Honor.

15 THE COURT: Without objection. Ladies and gentlemen, I
16 previously gave you an instruction regarding expert
17 testimony. This individual has been qualified as an expert
18 in the area of crime scene analysis to give opinion
19 testimony in that area. As I told you before it is evidence
20 -- it does not mean that you must accept it, but it's
21 evidence for you to use in any way that you see fit and give
22 it the weight and credibility that you deem appropriate.
23 You may continue.

24 MS. JOHNSON-LEE: Thank you, Your Honor.

25 Q Now, is there any significance to this Exhibit Number

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1 42 in relation to that door being opened or closed?

2 A So it appears that it was coming at an angle in the
3 door. But the only issue with the door, I can't tell you
4 exactly where the door was in the doorframe when the bullet
5 struck. So what I can tell you is it appeared to be coming
6 from an angle from the edge of the door. If the hinge was
7 on this side, it came from this edge of the door, this way,
8 so it could be with any range of that door. But it did
9 appear to come from the edge of the door toward the hinge of
10 the door.

11 Q Thank you. Exhibit 53?

12 A So this is the interior side of the front door at 1902.
13 Here you can see the exit defects from the two bullet holes
14 that came in from the outside, or the outside of that door.
15 And then this down here is the entrance defect to the exit
16 defect you just saw in the last photograph.

17 Q Exhibit 54?

18 A This is more of a midrange photograph of the bullet
19 defect -- this is the inside of the front door of 1902.

20 Q Exhibit 55?

21 A This is a close-up of that bullet defect. This is
22 Marker II. When I was talking about bullet -- or the pinch
23 point of the bullet like, you can see where it is not a
24 circle. If a bullet hits metal perfectly at 90 degrees, or
25 close to 90 degrees, it will be a pretty clear circle

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1 through, especially this thin metal. So it appears to have
2 an angle on this side of the pinchpoint going this way,
3 which would also make sense with the way the exit of the
4 door blew open the way it did.

5 Q Now, do you in your expert opinion, know if that is an
6 entrance into the trailer projectile where a projectile came
7 through, or is that an exit leaving the trailer?

8 A So the way I see it is this is on the inside of the
9 front door, and the bullet comes from the inside of the
10 front door to the outside. So if the door is closed it
11 still comes from inside of the apartment leading to the
12 outside. If the door is completely open it still, depending
13 on the range of the door, which I don't believe we could --
14 I would have to look to see if we could open the door all
15 the way, but it appeared to me based on when we photographed
16 the door if it does not come all the way open it would have
17 been from inside of the residence to the outside of the
18 residence.

19 Q Exhibit 56. What does that depict?

20 A So this is the front porch of the residence at 1902,
21 and this is the suspected blood and the beginnings of the
22 suspected blood trail that we saw.

23 Q Exhibit 57?

24 A So this is standing near the front door looking out
25 towards the -- there's a dumpster in the dark over here, and

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1 I believe the 1894 would have been over here, that
2 residence. So this is showing -- this is the tire mark you
3 can see in the dirt, this is suspected blood, and then up
4 over here, I believe, is the cartridge cases that were the
5 45 caliber.

6 Q Exhibit 58?

7 A So this is further back. This is looking at the front
8 of 1902. This is the blood trail, and then this is -- you
9 can see the tire impression in the dirt.

10 Q Okay. Now, right there, Number 25, what is that?

11 A That is marking the tire impression in the dirt.

12 Q Is that the beginning of when that tire impression
13 starts right there?

14 A It appeared to be at the end of it from what I
15 remember. I believe the vehicle was parked there but I
16 never saw the vehicle.

17 Q It was not there when y'all were there.

18 A No, ma'am, it was not.

19 Q Exhibit 59?

20 A So this is another photograph showing the front. This
21 is more of an angle showing the front of 1902. You can see
22 these three of the cartridge cases, and then the suspected
23 blood trail leading from the front porch this way.

24 Q And then again that's the 25, the tire track ends or
25 begins right there?

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- 1 A Yes, ma'am.
- 2 Q Is that the silver Toyota?
- 3 A Yes, ma'am, it is.
- 4 Q Is that the white Honda?
- 5 A It is.
- 6 Q Exhibit 60?
- 7 A So this is standing with your back to the front of
- 8 1902, and this is looking at the blood trace as it goes off.
- 9 You can see the tire impression here, and then the dumpster
- 10 is here. And this, I believe, is the back of -- or 1894, I
- 11 believe.
- 12 Q Okay. Exhibit 61?
- 13 A So this is standing on the right side of the passenger
- 14 side of the white Dodge Caravan. 1902 is this residence
- 15 here. This is the gray Toyota Camry, and these are
- 16 cartridge cases that are -- I believe all of those are
- 17 cartridge cases.
- 18 Q 62?
- 19 A So this is the front of the Toyota Camry that was
- 20 parked towards the front of the residence in 1902.
- 21 Q What is that right there?
- 22 A So on the front of the vehicle there was a fired
- 23 projectile -- excuse me. There was a bullet defect in the
- 24 front bumper going into the grill of this car, and there was
- 25 also a defect in the windshield of the front of this car.

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1 Q 63?

2 A This is showing the defect in the windshield again, the
3 fired projectile -- or the bullet defect in the front of the
4 windshield of the Toyota.

5 Q And what about right here?

6 A There was another -- there was a defect in the glass on
7 the front driver's side.

8 Q What do you mean when you say defect?

9 A Defect is our technical term for a bullet hole, or what
10 we believe to be the bullet hole.

11 Q 64?

12 A So this is a scaled photo of -- with the scale tape of
13 the defect in the windshield of the gray Toyota Camry.

14 Q 65?

15 A This is a close-up photograph of the steering wheel of
16 the gray Toyota Camry. You can see the bullet defect on the
17 windshield, and then you see the bullet defect on the
18 steering wheel.

19 Q 66?

20 A This is looking at the side of the Toyota Corolla, and
21 you can see the windshield -- or, excuse me, the driver's
22 windows broken, and this is where the defect was.

23 Q 67?

24 A This is the rear of the Toyota Camry, and you can see
25 the back windshield was broken.

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1 Q 68?

2 A This is a scaling defect on the back of the vehicle.
3 There was a bullet defect on the lid of the trunk, there was
4 a bullet defect on the hood of the vehicle, and then there
5 was a larger defect in the glass of the rear windshield.

6 Q 69?

7 A This is a close-up prior to scaling. This gives you a
8 better indication of the bullet strike on the back of the
9 trunk. This was the broken glass. And then there's other
10 bullet defect in the hood of the -- or excuse me, the roof
11 of the vehicle.

12 Q 70?

13 A This is another photograph of the scale more of a
14 straight-on shot. This is, again, the bullet defect in the
15 trunk, the rear windshield and then the roof of the vehicle.

16 Q 71?

17 A This is a close-up of just the rear windshield and the
18 roof of the vehicle and the bullet defects.

19 Q And that's the front door of 1902?

20 A Yes, ma'am, it is.

21 Q 72?

22 A So this is looking at the side of 1902, this is still
23 mobile home 1902. The front door is in space approximate
24 over here. This is the treeline, and these are markers --
25 or excuse me, B, C, D and E. And then A was in this area

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1 over here.

2 Q Do you recall what was located at those markers?

3 A Yes. Those are the 40 caliber cartridge cases.

4 Q And what was located at Marker A over there?

5 A Marker A was the Security Six Revolver.

6 Q 73?

7 A That is a close-up photograph of the revolver.

8 Q That was found there behind the trailer.

9 A Yeah. And you can see Marker A in the background.

10 Q 74?

11 A Showing the reverse side of the revolver.

12 Q 75?

13 A This is showing that we marked the card for the
14 cylinder to show what was actually behind the hammer, and
15 then we took a photo to show that all fired -- or all of the
16 cartridge cases inside the revolver had been fired. The
17 reason we know they'd been fired is, one, there's no bullet
18 in front of the cartridge cases; but two, this smaller
19 circle on the back of the circle is called the primer. And
20 you can see the indentation on the primer which indicates
21 that it has been fired.

22 Q 76?

23 A So this is as you come in the front door of 1902, and
24 if you look slightly left this is the couch where the
25 cartridge cases would later be found under. This the coffee

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1 table, and then this is the victim and how we found her.

2 Q Okay. And is the trash bag right there?

3 A It is.

4 Q Okay. 77?

5 A This is looking -- if you come in the front door
6 standing in that first corner looking back towards the
7 kitchen. So the kitchen is back this area this way, you can
8 see the victim, the couch, and the actual like counter of
9 the kitchen.

10 Q Now, the sofa and the couch, are they actually at an
11 angle instead of directly against the wall?

12 A That is correct. They were, I wouldn't call it 45, but
13 it was at an angle.

14 Q 78?

15 A So next to the trash bag, that's where we found the
16 fired projectile, and you can see it right here. So a fired
17 projectile, again, is a bullet, the part that comes out the
18 end of the gun.

19 Q 79?

20 MR. FRICK: Your Honor, we just renew our objection to
21 this photo.

22 THE COURT: So noted for the record.

23 A So this is a handgun that we located in the blood
24 underneath the -- or beneath the victim's neck on her left
25 side.

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1 Q 80?

2 A This is looking at the front porch of 1902.

3 Q Now, let's go back just a minute. You don't have to go
4 to the photograph. But in Exhibit Number 79, the firearm
5 that was located underneath Shannon Little, do you know what
6 type of firearm that was?

7 A I remember it was a 380 auto caliber. It was a 380
8 caliber.

9 Q Now, Exhibit 80. What does this depict?

10 A So we've got Marker 19, 20 and 18. 18 is the 380
11 cartridge case, 19 and 20 are the suspected blood on the
12 front stoop of the mobile home.

13 Q And again, the 380 cartridge casing, that is in front
14 of trailer 1902?

15 A It was.

16 Q And the exhibit showing the victim on the floor inside,
17 that was inside residence 1902?

18 A Yes, ma'am.

19 Q Next exhibit, please. It is 81.

20 A So this is, again, the front of the residence of 1902.
21 And this is Marker F, which was a 380 cartridge case.

22 Q So there's two 380 cartridge cases out front.

23 A Yes, ma'am.

24 Q So the last one it was off to the side over here, and
25 then this one it's off to the opposite side, correct?

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1 A That is correct.

2 Q Exhibit 82.

3 A This is close-up photograph of the 380 cartridge case
4 that we located at Marker F.

5 Q Exhibit 84?

6 A This is if you --

7 Q Back up just a --

8 MS. JOHNSON-LEE: Beg the Court's indulgence. I'm
9 sorry.

10 Q Exhibit 83. Thank you.

11 A So as you enter the front door of the residence if you
12 turn right there was a bedroom right there. This is a
13 photograph looking into the bedroom. You can see the
14 cellphone. There's a 25 auto handgun on the bed and there
15 are some keys. There's another cellphone here.

16 Q Okay. So there's a gun right there.

17 A Yes, ma'am.

18 Q Now, the keys are right here. Does that say Shannon on
19 that key chain?

20 A It appears to, yes, ma'am.

21 Q Okay. Thank you. Exhibit 84?

22 A So this is looking at the side of the front of
23 apartment 1894. This is the front door of 1894, which was
24 facing away from 1902, so both of the front doors were in
25 the same direction. And then you can see the suspected

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1 blood on the stoop, or the steps.

2 Q Okay. 85?

3 A This is of the Cadillac that was located later by law
4 enforcement. There was suspected blood on the rear
5 passenger -- the rear driver door and the rear driver
6 quarter panel.

7 Q Now, this is obviously in front of the building. Where
8 is that at?

9 A This is taken at the sheriff's office. After we
10 finished the original scene we then proceeded to, I believe,
11 the sheriff's office to document and collect evidence from
12 the vehicle.

13 Q Okay. Exhibit 86?

14 A This is showing the actual driver door and front driver
15 quarter panel of the Cadillac. There is a bullet defect
16 here. This is a bullet defect, and then you can see the
17 back and a little bit of suspected blood on the rear driver
18 door.

19 Q Exhibit 91?

20 A So this is the front driver's side bumper quarter panel
21 of the Cadillac, and you can see the suspected blood.

22 Q 92?

23 A I believe F was on the rear driver door. I apologize.
24 Can you go back two photos?

25 Q Can we go back?

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1 A Yes. So the -- I apologize. Yes. Marker F. This is
2 on the rear driver door. This is a close-up of that photo,
3 of the blood.

4 Q 93?

5 A So this is on the rear driver quarter panel right
6 underneath the gas cap, that's here where the gas cap door,
7 and you can see the suspected blood stains.

8 Q And then 94?

9 A And this is the rear driver quarter panel bumper area,
10 and you can see the suspected blood stains on it.

11 Q If you could have a seat again for just a moment. You
12 testified you also collected evidence to take back to SLED?

13 A Yes, ma'am, I did.

14 Q Okay. I'm going to show you first what's marked for
15 identification as State's Number 34. Can you identify what
16 that is?

17 A Yes, ma'am. These are two fired projectiles that I
18 collected from the residence.

19 Q Do you know where you collected those from?

20 A Yes, ma'am. One is from Marker AA, which is the
21 doorframe outside of the front of 1902, and then one is from
22 the kitchen floor, which was next to the trash bag inside
23 the kitchen of 1902.

24 MS. JOHNSON-LEE: The State would like to move that
25 into evidence at this time.

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1 THE COURT: Any objection?

2 MR. FRICK: No objection, Your Honor.

3 THE COURT: 34 admitted into evidence without
4 objection.

5 (State's 34 was received.)

6 Q Next I'm going to hand you what is marked for
7 identification as State's 35. Can you identify that?

8 A Yes, ma'am. These all appear to be the fired
9 projectiles collected from the Toyota in the front yard of
10 1902.

11 MS. JOHNSON-LEE: The State would move to have those
12 put into evidence.

13 MR. FRICK: No objection.

14 THE COURT: Without objection so admitted.

15 (State's 35 was received.)

16 Q Next I'm going to hand you what's marked as State's
17 Exhibit 36. Can you identify that?

18 A Yes, ma'am. This is a fired projectile collected from
19 Marker D of the Cadillac, which was in the front driver
20 quarter panel.

21 MS. JOHNSON-LEE: The State would move to have that put
22 into evidence.

23 MR. FRICK: No objection.

24 THE COURT: Without objection 36 admitted into
25 evidence.

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1 (State's 36 was received.)

2 Q Next I'm going to hand you what is marked for
3 identification as State's 37. Are you able to tell what
4 that is in that package?

5 A It appears it's the cartridge case from Marker F and
6 some other --

7 Q Now, do you put distinctive markings on anything when
8 you first package it?

9 A Yes, ma'am. So I write what it is, where it's from,
10 the date, initials, time collected. And then when I get
11 back to the laboratory I actually put our lab number on it,
12 the specific lab number it is and I initial it again before
13 we --

14 Q Would somebody else at SLED, a scientist perhaps, have
15 done something with an item before it comes to court today?

16 A Yes, ma'am.

17 Q Okay.

18 MS. JOHNSON-LEE: The State at this time moves to have
19 Item 37 --

20 MR. FRICK: No objection.

21 THE COURT: Without objection State's 37 admitted into
22 evidence.

23 (State's 37 was received.)

24 Q Next I'm going to hand you what's marked as State's
25 Exhibit 38 for identification.

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1 A Thank you.

2 Q Can you identify what's in that packet?

3 A Yes, ma'am. These are cartridge cases, and they are
4 380 auto from -- this is one from under the couch. Sorry.
5 They're the 380 cartridge cases, it appears to be the one
6 from the couch and then probably out front that night of.

7 Q Is that at 1902?

8 A Yes, ma'am.

9 MS. JOHNSON-LEE: The State would move to have those
10 put into evidence.

11 MR. FRICK: No objection.

12 THE COURT: That's 38?

13 MS. JOHNSON-LEE: Yes, Your Honor.

14 THE COURT: 38 admitted without objection.

15 (State's 38 was received into evidence.)

16 Q Next, I'm going to hand you a packet that's
17 collectively marked as State's Exhibit 33. Can you please
18 identify what's marked and located in those bags, or that
19 bag?

20 A Yes, ma'am. This is cartridge cases that appear to be
21 40 calibers.

22 Q Do you know where those were collected from?

23 A It appears -- this is from Marker 15. So Marker 4 --
24 so these would have been the cartridge cases in the front of
25 the residence at 1902.

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1 MS. JOHNSON-LEE: The State would move to have those
2 put into evidence.

3 MR. FRICK: No objection.

4 THE COURT: Without objection State's 33 admitted.

5 MS. JOHNSON-LEE: Thank you, Your Honor.

6 (State's 33 was received.)

7 Q Next I'm going to hand you what's marked for
8 identification State's Exhibit 41. Can you identify what's
9 in that box?

10 A Yes, ma'am. This is a body guard -- or a MMP Body
11 Guard 380 semiautomatic handgun.

12 Q Where was that handgun found?

13 A This is the handgun that was collected from underneath
14 the left side of the victim's neck.

15 Q Okay.

16 MS. JOHNSON-LEE: The State would move to have the gun
17 put into evidence.

18 MR. FRICK: No objection.

19 THE COURT: That's 41?

20 THE WITNESS: Yes, Your Honor.

21 THE COURT: 41 admitted without objection.

22 (State's 41 was received.)

23 (Break in proceedings.)

24 Q Could you please take that weapon out and show it to
25 the jury?

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1 A Yes, ma'am.

2 MS. JOHNSON-LEE: Can he step down in front of the
3 jury, Your Honor?

4 THE COURT: Yes.

5 A So this is the Body Guard 380.

6 Q And that was found underneath Shannon Little's neck.

7 A It was, yes, ma'am.

8 Q Okay. Thank you. Next I'm going to hand you what's
9 marked as Plaintiff's Exhibit 40. Do you recognize that
10 item?

11 A Yes, ma'am, I do.

12 Q What is that?

13 A This is the Ruger Security Six revolver that we
14 collected from Marker A on the outside of 1902.

15 Q Was that at the back left looking at the trailer?

16 A Yes. Or the side left, yes, ma'am.

17 MS. JOHNSON-LEE: The State would move to have that put
18 into evidence.

19 MR. FRICK: No objection.

20 THE COURT: Without objection so admitted.

21 (State's 40 was received.)

22 Q If you could come up and show that to the jury, please.

23 A This is the revolver, these were the six empty -- or
24 six fired cartridge cases that were located within the
25 cylinder. And when I talked about earlier marking the

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1 chamber, we do a permanent marker on either side of the
2 cylinder so you can see exactly what space in the cylinder
3 was underneath the hammer when we collected it.

4 Q And what kind of handle is that on that weapon?

5 A It appears to be a wooden grip of some kind.

6 Q Thank you. And lastly I'm going to hand you what's
7 marked as State's Exhibit 39. If you would identify that
8 object.

9 A Yes, ma'am, I can.

10 Q And what is that?

11 A This is the Phoenix Arm firearm that was collected from
12 the bedroom directly to the right of the living room if you
13 enter the front door.

14 Q That was on the bed that had the keys and the phone?

15 A It was.

16 MS. JOHNSON-LEE: At this time I would move to have put
17 that into evidence.

18 MR. FRICK: No objection.

19 THE COURT: Without objection State's 39 admitted into
20 evidence.

21 (State's 39 was received.)

22 Q If you could show that to the jury.

23 A Yes, ma'am. And this is the Phoenix Arm 25 caliber.

24 And these were the unfired cartridges that were located in
25 the magazine. And this one was inside the chamber of the

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1 firearm when we collected it. It's an unfired cartridge.

2 Q So this gun was fully loaded?

3 A I'm not sure if the mag was full but it had ammunition
4 in it, yes, ma'am.

5 Q Okay. Thank you. Now, can you please explain to the
6 jury what Faro, F-a-r-o, is?

7 A Yes, ma'am. So the Faro is a laser measuring device
8 that we use that makes a point cloud. So the easiest way to
9 explain is it's a small box about this big, and it has a
10 mirror that spins up and down inside of the box, and then
11 the box actually spins 360 degrees -- or 180 degrees
12 capturing both sides. And the Faro shoots a laser beam out
13 into the environment into our crime scene, touches an object
14 and comes back and it measures the distance. Every spot it
15 touches it creates a point for a point cloud. I then --
16 once we've done the scans of the area I then take the point
17 clouds and I put them together and make what we call the
18 Faro production so I can make videos to show. It creates a
19 3D visual representation of the crime scene.

20 Q Okay. Did you create a Faro video in this case?

21 A I did.

22 Q I'm going to show you two disks now for identification
23 as States Exhibits 95 and 96 marked Faro.

24 A Yes, ma'am.

25 Q Do you recognize those?

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1 A I do.

2 Q What are those?

3 A These are the Faro production disks of the video
4 fly-through, the 3D scene, and then of the Faro web share,
5 which is -- if you've ever been online and you can walk
6 through a house kind of online they have those -- that's
7 what the web share is.

8 Q Where did you create this Faro video at?

9 A It was at the SLED forensics laboratory, services
10 laboratory.

11 Q And where did you take that box and tripod to take the
12 laser and photos to create that at the lab?

13 A So we actually took the Faro with us on scene to the
14 crime scene and we ran it as additional documentation the
15 night of. So as we're taking photographs and collecting
16 evidence we also have our Faro machine running in the
17 background so that we can capture a 3D version of the crime
18 scene.

19 Q Did you do that at 1902 Evans Mill Road?

20 A We did, yes, ma'am.

21 Q Okay.

22 MS. JOHNSON-LEE: At this time I would like to move the
23 Faro into evidence.

24 MR. FRICK: Your Honor, we would object based on our
25 same objection to the photograph number 79.

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1 THE COURT: Over defendant's objection I will allow it.

2 (State's 95 and 96 were received.)

3 MS. JOHNSON-LEE: And, Your Honor, if we could have

4 Agent Schenk --

5 THE COURT: Hang on a second. Can y'all approach,
6 please?

7 MS. JOHNSON-LEE: Yes, Judge.

8 (A bench conference was held with the judge and
9 Lawyers.)

10 THE COURT: State's 95 and 96 are admitted over defense
11 counsel's objection. The objection is so noted on the
12 record.

13 Q And Agent Schenk, if you could come down to publish the
14 video.

15 MS. JOHNSON-LEE: Beg the Court's indulgence.

16 (Break in proceedings.)

17 A Okay. So we can start on the outside.

18 Q If you would describe what's going on as this is
19 happening.

20 A Yes, ma'am. So what you can see here is everywhere you
21 see a circle that's where the Faro actually physically sits.
22 It sits about my height at the scene, and it can't see
23 directly underneath it, that's where cross circles in the
24 middle of the scene. And what you're seeing here, all of
25 these pop-ups, these are all of the evidence markers that

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1 were placed on scene. You can see, this is the main dirt
2 driveway, then you've got up here, this is the residence at
3 1902. This is the Dodge Caravan. This is the Dodge -- or
4 excuse me, the Honda Civic and then the Toyota is underneath
5 these markers here. And this is in black and white because
6 the scene was very dark, the Faro doesn't have the best
7 camera when there's no light so we do it in black and white,
8 or IR. And so what we're doing is this is just taking all
9 of the points that the Faro created and it let's you look at
10 the scene like you would hold an apple or so. You can move
11 the scene around and see how you like to. So as it zooms in
12 closer here, this is the front of the residence of 1902,
13 this is the Toyota, this is the Dodge Caravan, and this is
14 the Honda civic. The dumpster is over here. And you can
15 see this is the front porch, you can see where the blood
16 trail is up this way, and then you can see that large amount
17 of cartridge cases over on this side. This is showing a
18 blood trail. You can see the tire impression of Marker 25.
19 And then this is showing the blood trail as it goes towards
20 the dumpster. This is showing the other side of the
21 dumpster where the blood trail continued, and this is now
22 looking back at the front of the residence. The front door
23 of the residence is here. You can see the bullet defects of
24 Marker AA, CC, BB. This is again showing the blood trail
25 this way and the vehicles of the residence. This is showing

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1 the front porch. The last gun we showed was actually on
2 that bed directly there, so that kind of gives you a better
3 understanding of where that bedroom was. This is looking
4 out from the front porch at the vehicles and then the blood
5 trail, and then this residence here was 1894, the back side
6 of it. And then I believe it just loops. Marker 47 you can
7 see in the bottom right of the screen. And then it just
8 repeats. So this is the same -- I apologize, that still has
9 the markers. This is the video showing -- I believe this is
10 the entire scene, and this does not have any of the markers
11 on it so it's a little easier to see. If you see all the
12 little tents down here you can see where the markers are
13 still there, I just didn't put the little pins in the video.
14 So this again is the front of 1902. This is showing the
15 blood trail as it goes towards the dumpster. This is
16 following the blood trail towards the back. The blood trail
17 continues here, the markers are a little hard to see and it
18 continues along the front of this building. This is the
19 back of 1894. This is going around to the side of 19 -- or
20 1894. And this is looking from 19 -- or 1894 to the
21 dumpster to the front of 1902, which is back up where the
22 mouse is. This is now going to go inside of the residence.
23 And you can see the location of the victim, the couch, the
24 front door with the scaling and the bullet defects that we
25 saw. And I believe this does just go out and loop again.

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1 Q Now, is there a way you can fix it to look from the
2 vantage point of inside the doorway out to the scene without
3 playing a video?

4 A Yes, ma'am, there is.

5 Q Can you do that, please?

6 A So this is standing inside the front door looking out
7 the front door to the vehicles. You can see the cartridge
8 cases, the suspect blood on the stoop, and then if you spin
9 it around you can look on the inside of the residence.

10 Q Turn it back to look out the doorway and angle down
11 just slightly. All right. Marker 18. What is that?

12 A That was a cartridge case that I believe was stamped RP
13 380 Auto.

14 Q Okay. And that is the silver -- or gray Toyota right
15 there?

16 A Yes, ma'am, it is.

17 Q Okay. What are these two markers right here?

18 A Those were the suspected bullet defects in the dirt --
19 or the bullet skips.

20 Q Right there?

21 A Yes, ma'am.

22 Q Okay. And that right there, is that 25?

23 A It is.

24 Q And these right here are a trail going around? Is that
25 what you testified to?

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1 A This is a suspected blood trail, yes, ma'am, on the
2 markers, or underneath the markers.

3 Q And the bullet holes we looked at earlier on the -- to
4 the right, can you point those out yourself with the laser
5 pointer, or with the mouse?

6 A I can try, yes, ma'am. So this is the one bullet
7 defect that entered from the bumper into the grill of the
8 vehicle, and then this is the bullet defect that hit the
9 steering wheel here. Well, that I think hit the steering
10 wheel here as it went through the windshield.

11 Q And is that one right there also?

12 A This one I'm not sure about. It is a defect in the
13 glass but I'm not sure of the directionality of it.

14 Q Okay. Thank you.

15 MS. JOHNSON-LEE: Beg the Court's indulgence.

16 (Break in proceedings.)

17 Q I think that would be all. Thank you. You can have a
18 seat on the witness stand, please.

19 THE COURT: Will the lawyers approach a minute, please?

20 (A bench conference was held with the judge and
21 Lawyers.)

22 Q I'm going to show you what's marked for identification
23 as State's Exhibit 18. Can you identify that?

24 A Yes, ma'am. These are the bullet fragments that were
25 collected from Tyvon Threatt's autopsy.

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1 Q Okay. And were those turned over to you by another
2 agent?

3 A They were via chain of custody.

4 Q And what did you do with those bullet fragments from
5 Tyvon after you got them?

6 A Once I get them I then seal them up in this, or a bag
7 like this, but this has my identifiers on it, and then I
8 would submit it to firearms or wherever it needs to go.

9 MS. JOHNSON-LEE: At this time I would ask that that be
10 moved into evidence.

11 MR. FRICK: No objection, Your Honor.

12 THE COURT: Without objection 18 admitted into
13 evidence.

14 (State's 18 was received.)

15 Q And lastly I'm going to show you what's marked for
16 identification as State's Exhibit 17. Can you identify
17 what's in that package?

18 A Yes, ma'am, I can.

19 Q And what is that?

20 A This is the fired bullet from the neck of Shannon
21 Little.

22 Q And was that turned over to you by an agent?

23 A It was via chain of custody.

24 Q And retrieved it from autopsy?

25 A It was, yes, ma'am.

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1 Q And what did you do with it?

2 A I would have sealed it and then submitted it to
3 firearms or evidence.

4 MS. JOHNSON-LEE: At this time I would ask that that be
5 moved into evidence.

6 MR. FRICK: No objection, Your Honor.

7 THE COURT: Without objection 17 admitted into
8 evidence.

9 (State's 17 was received.)

10 MS. JOHNSON-LEE: Beg the Court's indulgence.

11 THE COURT: Yes, ma'am.

12 (Break in proceedings.)

13 MS. JOHNSON-LEE: Judge, as housekeeping I just want to
14 make sure, 40, the 357, was put into evidence.

15 THE COURT: Yes, ma'am, it was.

16 MS. JOHNSON-LEE: Thank you, Your Honor. I have no
17 further questions. Please answer any questions that either
18 Mr. Frick or Mr. Young have.

19 THE COURT: All right. Ladies and gentlemen, before we
20 begin cross examination we're going to take a short break.
21 We've been going about an hour and 45 minutes, I don't know
22 about you all but I need a break. Okay? So I'm going to
23 let you step to the jury room, do not discuss the case at
24 all, we'll get you back out here as quickly as possible. If
25 you'll knock on the door when you all are ready to come back

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1 out and let the bailiff know you all are ready. Okay? Step
2 to the jury room, do not discuss the case.

3 (The jury left the courtroom.)

4 THE COURT: All right. Sir, you may step down but do
5 not discuss your testimony at all with anyone. When we come
6 back in here I'll have you come back up here before I bring
7 the jury in. Okay?

8 THE WITNESS: Yes, sir. Thank you.

9 (A recess was taken.)

10 THE COURT: There's a court order issued by then
11 Supreme Court -- former Chief Justice of the Supreme Court,
12 Justice Toal, issued an order way back when that is still in
13 force and effect about the use of electronic devices,
14 cellphones, et cetera, are prohibited in a courtroom unless
15 authorized by the Court, and therefore if they are out
16 they're going to be confiscated and you're subject to being
17 held in contempt of court. All right? Bring me the jury,
18 please, ma'am. Hold on a second. Officer Schenk, come on
19 back up here, please.

20 (The jury return to the courtroom.)

21 THE COURT: We have all of the jurors back. I hope you
22 all had a nice break and are ready to proceed. At this time
23 I recognize defense counsel for cross examination.

24 MR. FRICK: Thank you, Your Honor.

25 CROSS EXAMINATION

TODD SCHENK - CROSS

1 BY MR. FRICK:

2 Q Investigator Schenk, there were -- I'm sorry, Agent
3 Schenk, I apologize.

4 A That's all right.

5 Q There were a couple of cars out in front of 1902 when
6 y'all arrived on scene, correct?

7 A There were.

8 Q Did y'all ever figure out whose cars were whom? Did
9 y'all do research on that?

10 A I don't remember. Normally when -- on the forensic
11 side of the house we document with what we can. If we find
12 vehicle registrations or anything like that we'll take
13 documents of it -- or take photographs of it. We also
14 photograph the tag, or the license plate, and the VIN, but I
15 don't run the vehicles through our DMV or anything.

16 Q Okay. All right. And as in the course of the
17 investigation y'all looked through these cars, correct?

18 A We did.

19 Q The Dodge Caravan, did you find a gun in it?

20 A Yes, sir, I believe we did.

21 Q Okay. Did y'all collect that?

22 A Yes, sir, I believe we did.

23 Q Okay. All right. But there was, in fact, a gun in
24 that Caravan, correct?

25 A Yes, sir. It was a Highpoint Model JHP 45 ACP.

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1 Q Okay. And on your -- let see if I can get the right
2 number here. As we're looking at State's 87, and
3 specifically I'm talking about the trail of blood, I think
4 you mentioned that it was going towards the dumpster. Is
5 that what you're opining, that it was headed towards the
6 dumpster or --

7 A What I can say is that the suspected blood existed
8 between the dumpster, 1902, 1906 -- or the building of 1906
9 and 37. And based just on the fact that the blood was at
10 1902 and then one of the victims was located in that field
11 on the other side of 1906, and then the other victim was
12 located in 1894, it made sense to me that it was going in
13 that direction of travel, because where the shooting
14 reportedly happened to where the victims were found that's
15 what made sense to me. But I can't say for sure that's
16 exactly how --

17 Q That's not what you're saying is that it definitely
18 happened here and ended up here, you're just guestimating
19 based on what you had.

20 A Based on where the cartridge cases were, where the
21 bullet defects in the residence were, based on where the
22 shooting appeared to have happened, and then where the blood
23 started to where the victims were later located, it made
24 sense that the bloodletting started at 1902 and then at --
25 someone moved from 1902 to the open field, and someone moved

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1 from 1902 to 1894.

2 Q Okay. All right. And the shell casings that you found
3 out on the scene, you're not able to say when those shell
4 casings went out there, are you?

5 A I cannot, no.

6 Q Okay. In fact, you really -- unless we have a weather
7 forecast you can't determine when that blood fell down
8 there, can you?

9 A No, sir, I cannot.

10 Q The defects to the trailer, and I'm talking about all
11 of them, because there were more than just on the door,
12 correct?

13 A That is correct.

14 Q It's fair to say that there were some coming out from
15 the trailer in your estimation, correct?

16 A Yes, sir, I believe there were.

17 Q And there were several going into the trailer, correct?

18 A There were, yes, sir.

19 Q Did you number which were which?

20 A No, sir. So the way I did it on scene was each bullet
21 defect had its own marker. For instance, on the front door
22 it was AA, then I believe BB was towards the side of the
23 house. So each bullet defect, either entrance or exit, had
24 its own designator of a marker.

25 Q Okay. I mean, is it fair to say that there were more

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1 going into the trailer than coming out of the trailer?

2 A I would have to go back and look through all of the
3 defects, sir, to give you a fair -- give me two seconds. I
4 don't remember, sir.

5 Q That's fine. That's fine. But there are a lot of
6 defects, correct? And they went both ways.

7 A I had starting from Marker AA through Marker VV, so A
8 through V.

9 Q Okay. And I believe we talked about it was a 25
10 caliber pistol that was found in the back bedroom, or a
11 bedroom of 1902?

12 A There was. There was the 25 -- or the 25 caliber
13 handgun on the bed to the right of the front door.

14 Q In all of the shell casings you collected, did you find
15 any 25 caliber shell casings?

16 A No, sir.

17 Q Okay. Did you find anything that you suspected to be a
18 fired bullet from a 25 caliber?

19 A I don't estimate on bullet sizes, so if -- more or less
20 if there's a gun in play or if there is a gun on scene and
21 we have bullets I want to collect every gun I can to make
22 sure that we --

23 Q And going off that, when you have the defects in the
24 trailer, can you match it up to a particular caliber, or do
25 you attempt to?

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1 A No, sir, I don't.

2 Q Okay. Let's look -- I'm going to show you -- I'm not
3 going to have the fancy stuff on the screen, I'm just going
4 to show you the State's pictures. Let's look at State's
5 Number 70 first. That's the -- I believe that's one of the
6 cars that was parked out front?

7 A Yes, sir. This is the rear end of the Toyota Camry.

8 Q Okay. Now, I've seen situations where y'all have
9 dowels that you run through to show direction. Did y'all do
10 that in this case?

11 A We did not.

12 Q Okay. So, I mean, you're just kind of looking at it
13 and saying the bullet came that way and goes into the trunk?

14 A So this bullet defect here from (inaudible) it is and
15 it's coming from the rear of the vehicle from what I can
16 see.

17 Q Got you. Thank you, that was my next question. So
18 this is the rear of the car, and it's fair to say that the
19 trailer is up in the front of the car, correct?

20 A That is correct.

21 Q So this was fired by someone who was standing behind
22 the car.

23 A Yes, sir, that is correct.

24 Q Behind the trunk. Okay. Let me show you 65. I think
25 it's the same car.

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1 A Yes, sir. So this is the inside of the steering wheel
2 of the Toyota, and this was the defect on the windshield of
3 the Toyota.

4 Q Can you look at the speedometer?

5 A Yes, sir.

6 Q Is there a defect there.

7 A There are multiple defects there, yes, sir.

8 Q In your estimation was that even caused by whatever hit
9 the steering wheel?

10 A Maybe. So based on this, the shape -- when a bullet
11 strikes glass the side that the bullet exits, it creates a
12 cone, a shape where the glass gets blown out. So this
13 bullet defect appeared to be coming into the windshield, and
14 then based on where it looks it looked like it hit the --
15 excuse me, steering wheel and could have come out. It could
16 have blown into a lot of pieces and ricochet into the
17 odometer. Once it hit that steering wheel I can't really
18 say where --

19 Q Don't know what happened.

20 A No, sir. But it appeared to be coming from the
21 windshield to the steering wheel based on what I'm seeing.

22 Q Okay. But we also, based on what you testified to,
23 know that bullets were coming from the other side, so it
24 could have been caused from one coming from that side as
25 well, correct?

TODD SCHENK - CROSS

1 A That is possible, yes, sir.

2 Q Let me ask you about -- you go back a day or two later
3 with a metal detector. Is that what you did?

4 A Yes, sir. So we were given some additional information
5 about what had happened the night of the incident, so we
6 responded back during daylight hours to search the area of
7 the -- new information we were given.

8 Q Okay. And then that's when you found the gun behind
9 the trailer.

10 A That is correct.

11 Q And it was -- I believe it was off in the woods
12 slightly, correct?

13 A Yes, sir, it was.

14 Q Okay. I'm going to show you State's Number 74. Is
15 that the gun?

16 A Yes, sir. This is the gun that was collected from
17 Marker A on the side of 1902.

18 Q Okay. Near the trigger there I see something that
19 looks kind of -- some kind of discoloration.

20 A Yes, sir. I see it, too.

21 Q Did you make any kind of determination what that might
22 be?

23 A It could have been -- it could have been mud.

24 Q It kind of looks like rust, doesn't it?

25 A It could be rust, yes, sir.

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1 Q And that's what it looked like when it was picked up on
2 October 20th, correct?

3 A Yes, sir. This is me picking it up on October 20th.

4 Q That is, in fact, your hand. Okay. This is State's
5 Number 40. That is the same gun, correct?

6 A Yes, sir.

7 Q If you look -- that side there, do you see any
8 discoloration like in that picture?

9 A I do, yes, sir.

10 Q Is it the same as you see it in that picture?

11 A Parts of it appear to be flaking off.

12 Q But it's still -- I'm calling it rust, is that fair
13 that it looks like it could be rust?

14 A It could be, sir. I couldn't tell you what it is.

15 Q Okay. I mean, did y'all swab it for DNA?

16 A We swabbed the gun, we swabbed the trigger, the trigger
17 guard, the grip and the hammer of the gun.

18 Q And I'm talking specifically those spots.

19 A No, sir, I do not believe we did.

20 Q Why not?

21 A I couldn't tell you.

22 Q You didn't think it was blood, right?

23 A No, sir.

24 Q So the discoloration I'm talking about is visible when
25 y'all pick it up on October 28th, '15, correct?

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1 A Yes, sir, it is.

2 Q Okay. Now, let's talk about this gun for a second.

3 I'm going to hand it back to you. All right. I'm going to
4 hand you both of these, 39 and 40. Correct me if I'm wrong,
5 39 is the 25 caliber that y'all got out of the bedroom,
6 correct?

7 A Yes, sir, it is.

8 Q Okay. A 25 caliber, those of us that aren't real
9 versed with firearms, is that a big gun or a small gun?

10 A Can I show the --

11 Q Yes, please.

12 A I can say that the cartridge and the bullet are that
13 size, and that's the handgun.

14 Q Okay. Show us the other one, the other gun if you
15 don't mind.

16 THE COURT: And that's exhibit what?

17 THE WITNESS: Excuse me. This is Exhibit 40.

18 MR. FRICK: 40. Yes, sorry.

19 Q Okay. And that's a 357, isn't it?

20 A It is, yes, sir.

21 Q And that's a pretty big caliber gun, isn't it?

22 A I would say it is a larger caliber than a 25.

23 Q Okay. You've been in law enforcement a long time,
24 correct?

25 A A little over eight years, yes, sir.

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1 Q You've fired firearms, correct?

2 A I have, yes, sir.

3 Q Multiple times. In fact, you've got to qualify on it
4 quite frequently, don't you?

5 A I do.

6 Q What is recoil?

7 A Recoil -- the easiest way to describe it is when a
8 firearm is fired you have the explosion of the primer
9 lighting the powder of the bullet, or of the cartridge,
10 throwing the bullet forward to the barrel, and as all of
11 that is happening it causes the gun to come backwards
12 towards you as you're shooting. So recoil is the, I don't
13 want to call it back blast, but it's what happens when you
14 fire a gun. It goes bang and then you feel the repercussion
15 of the explosion.

16 Q And to stabilize this would you typically use two
17 hands?

18 A It depends on the shooter.

19 Q Or the caliber of the gun.

20 A It could.

21 Q Okay. Is it fair to say that the 357 would have more
22 recoil than a 25?

23 A That starts getting into weight of gun, weight of the
24 ammo, because a heavier gun is going to have less recoil
25 than a lighter 357. So it starts getting -- it depends on

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1 the shooter. It depends on what you're comfortable
2 shooting. It's -- there's a lot of different variables that
3 goes into play on recoil.

4 Q It depends on the ammo, too, doesn't it?

5 A A lot -- there's a lot of variations that it depends.

6 Q And is it fair to say that generally the higher caliber
7 the gun the more recoil you're going to have.

8 A I would argue it is fair, yes, that is a fair
9 statement.

10 Q Okay. I mean, have you ever fired a 357?

11 A I have.

12 Q Have you fired it with one hand?

13 A I actually have, yes. For shooting competitions, yes.

14 Q For shooting competitions. Did you notice recoil in
15 that?

16 A You do.

17 Q Is it significant?

18 A It's recoil.

19 Q Would it be more than that 25 you would expect?

20 A For me, yes.

21 Q In the course of your investigation -- of course, there
22 were several agents that were working on this case so it
23 might not be you, that's what I'm trying to figure out -- in
24 the course of your investigation, did you receive
25 information that there was a gun that may have been thrown

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1 into a pond?

2 A We did. On October 28th after we had gone back and
3 searched the residence and located the cartridge casings on
4 the outside of the left of the front of 1902, we were told
5 there was potentially a firearm located in a pond behind the
6 woods -- or in the woods behind the residence.

7 Q But I'm talking about specifically. I mean, at some
8 point DNR came out and dove in a pond looking for a gun. Do
9 you recall that?

10 A I remember I got into a pond -- well, I waded a little
11 bit into a pond to search for a gun, but I'm not sure if DNR
12 came out or not.

13 Q Okay. Were you involved -- I mean, other than wading
14 in the pond, were you involved in the collection of that
15 gun, or the attempt to collect that gun?

16 A I remember searching for a gun in a pond, but other
17 than that, no, sir.

18 Q How did y'all come to search in a pond for a gun?

19 A So there was a wood line behind the house, and based on
20 the information we were given from our lead investigator the
21 subject who he was talking with --

22 MS. JOHNSON-LEE: Objection to hearsay.

23 MR. FRICK: I don't think he said anything yet.

24 THE COURT: Can y'all approach a minute, please?

25 (A bench conference was held between the judge and

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1 Lawyers.)

2 Q You said information came from your lead investigator,
3 don't tell me what anybody told anybody, but who was your
4 lead investigator?

5 A John Follin. Agent John Follin.

6 Q Agent Follin?

7 A Uh-huh.

8 MR. FRICK: Okay. Thank you, sir, that's all of the
9 questions I have.

10 THE COURT: Any redirect?

11 MS. JOHNSON-LEE: Just one, Your Honor, briefly.

12 REDIRECT EXAMINATION

13 BY MS. JOHNSON-LEE:

14 Q Agent Schenk, did I hear you say that you have fired a
15 357 one handily?

16 A In a shooting competition I partake in, yes, ma'am, I
17 have.

18 Q Okay. And you were able to do that.

19 A I was.

20 MS. JOHNSON-LEE: All right. Thank you. No further
21 questions.

22 THE COURT: Any recross?

23 MR. FRICK: No, sir.

24 THE COURT: Sir, you may step down. Thank you.

25 THE WITNESS: Thank you, sir.

1 MS. JOHNSON-LEE: May Agent Schenk be excused, Your
2 Honor?

3 THE COURT: Any objection?

4 MR. FRICK: No objection.

5 THE COURT: Sir, you're excused from your subpoena,
6 you're free to go. Have a nice day. All right. Ladies and
7 gentlemen, while he's stepping down, what we're getting
8 ready to do is after discussing scheduling for this
9 afternoon with the attorneys while we took our break a few
10 minutes ago, I'm going to let you go to lunch right now.
11 I'm going to ask you to be back here at 1:30, be back here
12 at 1:30 and we'll resume the trial of this case at that
13 time. As I've said from the outset, do not discuss this
14 case with anyone. No one is to try and discuss this case
15 with you. Do not do any independent investigation. As I
16 have said you're to decide this case based solely upon
17 evidence and testimony that's presented in this courtroom
18 and nowhere else. Anything from the State before I release
19 the jury for lunch?

20 MR. REDMOND: Nothing from the State, Your Honor.

21 THE COURT: Defense counsel?

22 MR. YOUNG: No, Your Honor.

23 THE COURT: See you all back at 1:30. Thank you.

24 (The jury left the courtroom.)

25 THE COURT: All right. Anything from the State before

1 we break for lunch?

2 MR. REDMOND: Nothing from the State, Your Honor.

3 THE COURT: Defense counsel?

4 MR. YOUNG: No, Your Honor.

5 (Break in proceedings.)

6 THE COURT: Mr. Young, do you want to address the
7 telephone calls now?

8 MR. YOUNG: Sure, yes, sir.

9 THE COURT: Let's do that.

10 MR. YOUNG: Your Honor, we had filed a memorandum and I
11 would like to mark this part of the Court's record. Yes,
12 sir. Rather than me belaboring the point, we feel it is an
13 equal protection violation for every phone call that the
14 defendant makes is recorded from the jail, it's because they
15 don't have bond. If he would have had bond he can freely
16 talk on the phone without fear of being listened to. These
17 phone calls are fairly innocuous and don't -- they're not
18 admissions to any of the State charges. They only admit
19 things that the defense has already admitted throughout this
20 case and we think that's it is a due process violation for
21 the State to have access to every communication that a
22 defendant makes just because they're indigent.

23 THE COURT: Yeah. Okay. If you'll hand that memo up.

24 (Break in proceedings.)

25 THE COURT: All right. I'll make that a Court's

1 Exhibit. Mr. Redmond, anything in reply?

2 MR. REDMOND: Yes, briefly, Your Honor. The State
3 would contend, and I think it'll actually come out during
4 the calls; one, the defendant was obviously aware of being
5 recorded because (inaudible because of someone coughing) as
6 he's cautioned certain things not to be said, so he's aware
7 of the fact that it's recorded. He is obviously -- it's
8 akin in my opinion to being aware of the situation but still
9 deciding to talk regardless of that, in essence being
10 waived. But I think clearly under South Carolina law with
11 obvious deference to the rules of evidence those recordings
12 are allowed as long as the foundation is laid correctly,
13 which we'll do with Agent Follin as we've indicated earlier
14 has been stipulated to that the authenticity of these calls
15 is not in dispute by the defense. So we would contend that
16 once that foundation is laid with Agent Follin that the --
17 and, of course, I did mention the redactions that the State,
18 just in my review of it, I think there are clearly a couple
19 of instances that could be problematic and inadmissible
20 under the rules and we are redacting those parts. But
21 otherwise we think that clearly under South Carolina law
22 they are allowed as long as the foundation is laid.

23 THE COURT: All right. Without going into great detail
24 let me say this: The Court did last night read Mr. Young's
25 motion and memorandum in opposition to the State introducing

1 these jail calls, and I will say, Mr. Young, it was a very
2 well put together memorandum as it relates to your position
3 concerning this issue. The Court also looked at State v.
4 Ellefson, E-l-l-e-f-s-o-n, cited at 266 S.C. 494, 224 S.E.2D
5 666, which is a 1976 South Carolina Supreme Court case which
6 was cited by defense counsel in its memo along with some
7 other cases as well. The Court specifically looked at that
8 particular case. And in that particular case the
9 defendant's jail mail was scanned and reviewed, and it was
10 done so pursuant to the defendant signing a card authorizing
11 jail officials to read his mail. The Supreme Court in that
12 case said that notwithstanding that authorization it was
13 improper due to an absence of proof of voluntariness of
14 consent. Okay? In this particular case, and I understand
15 that it has been many years since that 1976 opinion was
16 written, in this particular case before this Court we are
17 dealing with telephone calls, and it's my understanding that
18 before -- one, Chesterfield County Detention Center is not
19 the only detention center that does this. I think it's safe
20 to say that probably all of the detention centers do this,
21 because all of them do it doesn't necessarily make it right.
22 Okay? But in any event, each one of these phone calls prior
23 to being made, the defendant is advised that the telephone
24 conversation will be recorded. Furthermore I'll just cite
25 some references as well that the Court looked at. Title III

1 of the Omnibus Crime Control and Safe Streets Act of 1968,
2 18USC Section 2510. The Court also looked at the case of
3 People v. Windham, 145 California Appellate 4th 881, which
4 was a 2006 case; United States v. Hammond, 286F3D189, it's a
5 2002 case. State v. Martin, which was a 2017 Westlaw cite
6 as 4641406, which was a June 21, 2017 case which discussed
7 the Hammond case. The Court also reviewed the South
8 Carolina Interception of Wire Electric or Oral
9 Communications Act of South Carolina Code Section 17-30-10.
10 And therefore based upon my review of such the Court is
11 respectfully denying defendant's motion to suppress those
12 calls, but defense counsel's objection is so noted for the
13 record.

14 MR. YOUNG: Thank you, Your Honor. I just want to say
15 two things for the record. One, there is no in-person
16 visitation as far as I'm aware in any detention center in
17 South Carolina, but certainly not at the Darlington County
18 Detention Center where Mr. Little was housed. As to
19 voluntariness, you have the options of never talking to your
20 family, or that communication is scanned by law enforcement
21 and provided to the State to potentially use against him.

22 THE COURT: Okay.

23 MR. YOUNG: And the mail is scanned in and delivered
24 electronically to a kiosk, you don't get the actual letter,
25 and all phone calls are recorded, and the only option to see

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1 anybody is through a video visit, which is also recorded.

2 THE COURT: Well -- and those are visits with third
3 parties, not attorneys that we're dealing with here.

4 MR. YOUNG: Yes, sir.

5 THE COURT: But again, your objection is so noted for
6 the record.

7 MR. YOUNG: Thank you. Just as it goes towards
8 voluntariness I just wanted it to be in the record. Thank
9 you.

10 THE COURT: Very well. Thank you. Anything else
11 before we break for lunch?

12 MR. REDMOND: Nothing further from the State.

13 THE COURT: Anything further, Mr. Young?

14 MR. YOUNG: No, Your Honor.

15 THE COURT: All right. We'll stand down until 1:30.

16 (A lunch break was taken.)

17 THE COURT: Anything before with you bring the jury
18 back out?

19 MR. REDMOND: Nothing from the State, Your Honor.

20 THE COURT: Defense counsel?

21 MR. YOUNG: No, Your Honor.

22 THE COURT: All right. Bring the jury in.

23 (The jury returned to the courtroom.)

24 THE COURT: All right. We have all of the jurors
25 present. Madam Forelady, ladies and gentlemen of the jury,

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1 I hope you all had a nice lunch and are ready to proceed
2 here this afternoon. At this time I recognize the State to
3 call its next witness, please.

4 MR. REDMOND: Thank Your Honor. May it please the
5 Court? The State would next call John Follin, F-o-l-l-i-n.

6 The witness, JOHN FOLLIN, was first duly sworn and
7 Testified as follows:

8 DIRECT EXAMINATION

9 BY MR. REDMOND:

10 Q And please state your full name for the record.

11 A John Epps Follin, III.

12 Q And -- well, I say Agent Follin, by whom are you
13 employed at this time?

14 A I'm currently employed with the Lake City Housing
15 Authority as Operations Manager, and I work part-time with
16 the 4th Circuit Solicitor's Office as an investigator.

17 Q Okay. And how long have you worked in that capacity,
18 in both capacities?

19 A Going on a year with the housing authority, and
20 probably about a year and a half, maybe two year with the
21 4th Circuit Solicitor's Office.

22 Q Now, prior to working with our office, give us your law
23 enforcement background, please.

24 A After high school I joined the Marine Corps where I
25 served almost eight years. I got out of the Marine Corps to

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1 get involved in law enforcement. I spent about a year and a
2 half at the Williamsburg County Sheriff's Department. I
3 left there and then went to the City of Florence as a
4 Florence Police Officer. I worked in the area of patrol,
5 investigations, training and patrol supervisor. I left
6 there, went to Tri-County Technical College where I served a
7 year as Director of Campus Safety. I left there and went to
8 SLED where I served approximately 11 years, and I retired
9 from SLED in October of 2017.

10 Q And thank you for your service with the Marine Corps.

11 A Thank you.

12 Q Now, on the 25th of October of 2015, were you working
13 with SLED as a special agent?

14 A Yes, sir.

15 Q And were you assigned to the Pee Dee Region?

16 A I was.

17 Q And I think that's headquartered in Florence.

18 A Correct.

19 Q Okay. Now, were you called to Chesterfield County
20 regarding a shooting situation?

21 A We were.

22 Q Okay. Could you tell us about that, please?

23 A On the 25th of October I received a call to respond to
24 Chesterfield County. I ended up going to Evans Mill Road
25 where we met as a team, I met my lieutenant there and other

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1 investigators with SLED. And we were told that there was a
2 shooting where people had been shot, a murder, and officers
3 had also been involved in a shooting.

4 Q Okay. And what did you do upon arriving at the scene,
5 getting briefed on the situation, what did you then do?

6 A Once we arrive on scene we try and get with the agents,
7 see what we have. We look at the scene and then we decide
8 like a plan of action of what we're going to do, and at that
9 point after we did a cursory walk through of the trailer
10 park or where all the houses were at we began to interview
11 individuals.

12 Q Okay. And were you made aware during that time that
13 there were deceased parties as it relates to this incident?

14 A Yes, sir.

15 Q Okay.

16 THE COURT: Agent, could you speak up just a little
17 bit, please? Pull that microphone to you. Thank you, sir.

18 Q Now -- and so -- and after being briefed then what did
19 you do? Take us through the next steps, please.

20 A After being briefed then we started running
21 investigations and started running interviews.

22 Q And during that time, did you conduct any interviews at
23 that time?

24 A We did. We started interviewing individuals that were
25 located in the trailers, and then we also found out where

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1 one of the victims was at and we went and interviewed that
2 victim.

3 Q Okay. And specifically as it relates to that victim,
4 which victim was that that you went to interview?

5 A That would have been Luther Chambers who's also known
6 as Bam.

7 Q Now, who went to interview Bam, Luther Chambers?

8 A I went to interview him along with Special Agent
9 Michael August.

10 Q And where did that interview take place when you
11 interviewed Mr. Chambers?

12 A It was at the hospital, CMC in Charlotte.

13 Q And not Monroe. And was it your understanding he had
14 been moved from Monroe to Charlotte?

15 A My understanding when I interviewed him he was at the
16 CMC Hospital.

17 Q Now, when you get to CMC Main -- and did that interview
18 happen about 6:59 a.m. on the morning of the 26th of
19 October?

20 A I know it took place in the morning hours of the 26th,
21 the following day, because we got called on the 25th and we
22 worked through the night into the morning.

23 Q Now, when you -- well, let me ask you some foundational
24 questions. Did you yourself encounter Mr. Chambers at the
25 hospital?

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1 A I did.

2 Q And could you describe his demeanor? Was he still
3 undergoing or waiting to undergo treatment?

4 A He was in the hospital awaiting treatment for a gunshot
5 wound and he just seemed very frustrated and aggravated that
6 he got shot.

7 Q And was that a shot in the arm?

8 A Yes, sir, I believe it was.

9 Q And so based on your experience in law enforcement,
10 would you say -- was he still under the stress of the
11 situation that occurred?

12 A I would say that.

13 Q Okay. Now, with this, did you ask Mr. Chambers any
14 questions at that time?

15 A First we advised him of his Miranda warnings. And the
16 reason I did that is I wasn't sure if he was a suspect or a
17 victim at the time, so we went ahead and got his Miranda
18 warnings covered. He was unable to write so I actually read
19 his Miranda warnings to him. And there are lines beside
20 each line. In other words, we have them initial saying that
21 I do it, but he really didn't want to write. Like I said,
22 he was very agitated, he was kind of frustrated. So I asked
23 him -- in my opinion what I wanted to do was get him to sign
24 the waiver portion of the form, and I asked him that if I
25 read his rights to him he could tell me that he agreed and

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1 then when we got to the end I wanted to get his signature on
2 the line where he waived his rights to speak to me, so that
3 is what we did.

4 Q Okay. And did he speak to you?

5 A He did.

6 Q Now, after getting this information from him and he
7 speaks to you, was he still at the time you're interviewing
8 him -- well, let me back up. Based on the circumstances as
9 you understood it, did this incident occur between 7:30 and
10 8:00 the previous evening?

11 A I really can't tell you the time it occurred on the
12 25th --

13 Q Okay. I'm sorry, go ahead.

14 A -- I can just tell you that when I got there it was in
15 the evening hours.

16 Q Okay. That's fair enough. So -- and again, was Luther
17 Chambers still undergoing or waiting to undergo treatment?

18 A Yes, he was.

19 Q Okay. And so at the time he gave you this information,
20 again, in your opinion, was he stressed -- did he seem
21 stressed by the circumstances that had occurred to him
22 specifically having been shot?

23 A Yes, sir.

24 Q All right. Did he -- was he able to answer any
25 questions?

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1 A He did answer some questions.

2 Q And were any of those questions related to who shot
3 him?

4 A They were.

5 Q And was he able to give you that information?

6 A He did.

7 Q And who did he tell you shot?

8 MR. FRICK: Objection, Your Honor, hearsay.

9 MR. REDMOND: Your Honor, we would move under -- and I
10 laid the foundation, but specifically under 803-2 for
11 excited utterance of the rules of evidence, South Carolina
12 Rules of Evidence, we would introduce this as an excited
13 utterance based on that, and based on some case law
14 including State v. Sims.

15 THE COURT: Will you all approach a minute?

16 (A bench conference was held with the judge and
17 Lawyers.)

18 THE COURT: Objection overruled pursuant to Rule 803.
19 You may continue.

20 MR. REDMOND: Thank you, Your Honor. May it please the
21 Court?

22 Q I'll ask you again, was he able to give you -- was he,
23 being Bam, Luther Chambers, was he able to tell you in that
24 moment who shot him?

25 A He did.

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1 Q And who did he tell you shot him?

2 A He said Shawn.

3 Q Okay. And at that time did you have information
4 regarding the identity of the suspect that was being sought
5 or subsequently captured in this case?

6 A At that time I don't know if I knew who Rashawn Little
7 was at the time because I had actually left the scene.

8 Q Exactly. So Luther -- did you suggest any names to him
9 or did he give you that name?

10 A No, sir. At that time I didn't know who was shooting.

11 Q Okay. So, again, you did not prompt him or give him
12 any information or any cues Luther Chambers was the one that
13 gave you that name.

14 A No, sir.

15 Q Was Luther Chambers the one that gave you that name?

16 A He was the one, right. I asked the general question do
17 you know why agents are here to see you, and he immediately
18 said Shawn shot me.

19 Q Okay. And so did you continue with your interview with
20 Mr. Chambers at that time at the hospital?

21 A I did.

22 Q Okay. Now, obviously he was still waiting to undergo
23 treatment, but were you able to obtain a buccal swab from
24 him?

25 A I did.

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1 Q And what was the purpose of getting the buccal swab
2 from him?

3 A We were just doing a buccal to have DNA of him.

4 Q And is that standard procedure in a case, especially
5 one of this magnitude?

6 A I could say you could do that. I don't know if it's
7 standard procedure, but that was something that we wanted to
8 do because we didn't know what we had at the time.

9 Q Now, while at the hospital, did you also interview a
10 Kimberly Eason Dunlap?

11 A I did.

12 Q Okay. And was she at CMC Main at the time you
13 conducted the interview with her?

14 A She was.

15 Q Okay. And was she -- did you understand her to be his
16 girlfriend at the time?

17 A I did.

18 Q Okay. And, of course, we're not going to get into what
19 she said, but you did have an opportunity to interview her
20 at the time you interviewed Mr. Chambers.

21 A Yes, sir.

22 Q Now, let's move forward. So after completing your
23 interviews at the hospital, did you continue to work on this
24 case?

25 A I did.

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1 Q Okay. And tell us about that.

2 A We basically finished up our interview at the hospital,
3 then we returned back to the scene to meet with other
4 agents. Because it was a very involved scene as far as
5 having more than one or two agents present, so we would come
6 back together and meet and kind of discuss where we were at
7 and where we needed to go from there.

8 Q And when -- and so as it relates to your role and what
9 you did, did you all continue to interview witnesses and
10 gather evidence as you saw fit?

11 A That is correct. Our crime scene unit continued
12 gathering evidence and I continued on with interviews.

13 Q Okay. Now, did you conduct -- and I might skip around
14 a little bit but I'm going to ask you about some specific
15 interviews with the caveat we're not going to get into what
16 was said. On the 28th of -- on the 28th, did you interview
17 Megan McManus and Senchal Smith?

18 A I'm not sure on the date but I can tell you I did
19 interview Megan McManus. And who was the other name?

20 Q And Senchal Smith?

21 A I did.

22 Q And were they able to give -- without saying what, were
23 they able to give you any information that aided in the
24 investigation?

25 A It did. It helped the investigation with what I

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1 obtained from them.

2 Q And I went behind, but on the 26th of October, I guess
3 the day this happened, one of the people you interviewed out
4 there in the trailer park, was one those people Jeremy
5 Lowery that you recall interviewing?

6 A Jeremy Lowery was interviewed.

7 Q Okay. And let's see. Then moving to the -- and again
8 I'm skipping around, and I apologize, but these specific
9 ones I want it ask you about. November 3rd of 2015, did you
10 have the opportunity to interview both Doug and Angela
11 Threatt? Excuse me.

12 A Again, it's hard for me to remember the date but I do
13 remember interviewing the parents of Tyvon Threatt.

14 Q And I was going to ask you, were they the parents of
15 Tyvon Threatt?

16 A They were.

17 Q And were they able to give you information that aided
18 in your investigation?

19 A They did.

20 Q Now, when you came to be involved in this
21 investigation, were you aware that Shannon Little's kids
22 were in the house? Were you made aware at some point that
23 the kids were in the house?

24 A At some point I was, yes, sir.

25 Q And are you aware of the fact that they were

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1 interviewed at the Durant Center on the 28th -- and again,
2 you may not remember the exact date, were you -- and shortly
3 after the incident, were you aware that they were
4 interviewed at the Durant Center?

5 A They were interviewed at the Durant Center.

6 Q And I believe Robin Grigs (phonetically) conducted
7 those enter is views?

8 A I believe that's correct.

9 Q And have you had a chance -- did you have a chance --
10 did you collect other evidence in this case? Not talking
11 about the crime scene stuff, but did you collect other
12 evidence and information in this case?

13 A I did.

14 Q And part of what you collected, would that have been
15 the interviews, the video interviews of Donald Quick, Jr.,
16 Carmella Quick, and Zara Smith?

17 A Correct, the three children.

18 Q Now, let me move on to -- I'm going to go back a little
19 bit to the -- I believe that's the 27th of October. And,
20 again, without getting into what was said, did you have an
21 opportunity to interview Marques Tyson?

22 A I did.

23 Q And again, without getting into what was said, was
24 Marques Tyson, did he give you an interview? Did he speak
25 with you?

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1 A He did.

2 Q And was he able to give you information that either
3 aided you in the investigation or allowed you to seek other
4 information?

5 A He did.

6 Q Now, was he also arrested in this case?

7 A Yes, he was.

8 Q Okay. And do you recall what he was charged with?

9 A I believe he was charged with two counts of attempted
10 murder, and I believe it was possession of a weapon during a
11 violent crime.

12 Q Okay. And are those charges still pending?

13 A Yes, sir.

14 Q Okay. Now, let's move forward. Well, actually I'm
15 going to jump and then I'm going to move back again. I have
16 a habit of doing that, I apologize. Let me show you what
17 has been marked as State's 98.

18 MR. REDMOND: If I may approach the witness.

19 THE COURT: Yes.

20 Q Now, what does State's 98 indicate? What is indicated
21 on State's 98?

22 A Jail calls.

23 Q Now, let me ask you about those. At some point did you
24 collect jail calls from the Chesterfield County Detention
25 Center?

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1 A I did.

2 Q And were those jail calls made by the defendant,
3 Rashawn Little?

4 A Yes, sir.

5 Q And again, without getting into them, we'll play them
6 in a little while, but were you able to listen to those jail
7 calls?

8 A Yes, sir.

9 Q Now, of course, all of the jail calls are not on there,
10 but were there a couple of jail calls specifically from the
11 6th of November, 2015, and the 8th of November, 2015, that
12 were of interest? I'll put it that way.

13 A Yes, sir. Once again with the date, it's hard to
14 remember the dates.

15 Q No, that's fine.

16 MR. REDMOND: Your Honor, I would move to introduce
17 State's 98 in evidence at this time.

18 MR. FRICK: Your Honor, we object on a --

19 (A bench conference was held with the judge and
20 Lawyers.)

21 MR. REDMOND: And, Your Honor, if I may just so that
22 the record was clear, one of the stipulations previously
23 that the State and defense had reached is that the
24 authenticity of the jail calls is not at issue, their
25 objection is based on other grounds.

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1 MR. FRICK: That's correct, Your Honor. There is a
2 stipulation on that, about the authenticity. Our objection
3 is based on the memorandum that we previously --

4 THE COURT: Prior arguments and prior memorandum that
5 was submitted to me which I ruled upon.

6 MR. FRICK: Yes, sir.

7 THE COURT: The objection is noted as to that, over the
8 objection I'll allow it pursuant to further stipulation.

9 MR. REDMOND: Thank you, Your Honor.

10 (State's 98 was received.)

11 Q And again, I'm not asking you what was on those jail
12 calls, but you did have the opportunity to listen to those
13 jail calls?

14 A Yes, sir.

15 MR. REDMOND: Now, if I may approach the witness again
16 with State's 97.

17 A Yes, sir.

18 Q States 97, if you will take a look at that and let me
19 know when you're ready to answer a couple of questions.

20 MR. FRICK: Your Honor, just note this would be subject
21 to our previous objection on the Denno hearing.

22 THE COURT: Okay. So noted.

23 Q And I was going to ask you, what is State's Exhibit 97?

24 A It's a Miranda form for Chesterfield Detention Center
25 dated -- excuse me -- dated 10/28/2015 at 1:55. It's a

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1 Miranda form for Rashawn Little.

2 Q Okay. And were you present at the time that that
3 document was signed?

4 A Yes, sir.

5 Q And, in fact, did you -- were you actually present
6 during the questioning of Rashawn Little at that time?

7 A Yes, sir.

8 Q No, who else was present at that time?

9 A Lieutenant Johnny Abraham, my supervisor.

10 Q Okay. And did he subsequently become Captain Abraham?

11 A He did.

12 Q And unfortunately is he able to be here?

13 A No, sir. He passed away.

14 Q But Captain Abraham -- well, Lieutenant Abraham at the
15 time was there with you at the time of this interview?

16 A Yes, sir.

17 Q Now, when you interviewed him -- before we get into
18 what was said -- can you tell us the circumstances that
19 caused you to go out to the detention center to interview
20 him?

21 A Yes, sir. I was told that Mr. Little requested to
22 speak with agents and that was how I got involved.

23 Q Now, just to be clear, when you got to the detention
24 center to interview him, did you confirm the fact that he
25 initiated contact for y'all to talk to him?

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1 A Yes, sir.

2 Q And did he, in fact, affirm his desire to talk to you?

3 A Yes, sir. That's what the Miranda form was for.

4 Q And did he actually -- did he actually talk with you?

5 A He did.

6 MR. REDMOND: Your Honor, at this time I would like to
7 move State's 97, I believe it is, into evidence.

8 A Same objection.

9 THE COURT: Objection so noted, the Court's ruling
10 remains the same. So admitted.

11 (State's 97 was received.)

12 MR. REDMOND: Thank you, Your Honor.

13 Q So he signed the Miranda waiver form and he's ready to
14 talk with you at that point.

15 A Yes, sir.

16 Q Did he, in fact, talk with you?

17 A He did.

18 Q Agent Follin, would you tell the ladies and gentlemen
19 of the jury what the defendant told you in that interview?

20 A Once we got there and the Miranda warning waiver was
21 signed, he told us that a couple of days prior that there
22 had been a shooting in the trailer park. That at some point
23 a family member, whose name he didn't provide, told him that
24 basically somebody was out to get him. And then he goes in
25 to the day of the incident and he states that he picks up

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1 his cousin, Marques Tyson, I believe he said it was some
2 time between 2:00 and 4:00 p.m., and that they had smoked
3 weed/marijuana most of the day and they returned to his
4 residence, which would have been 1902. While at the
5 residence he indicated that the people there were Rashawn,
6 himself, Marques Tyson, Shannon Little, and three children.
7 At some point he indicated that he was there when Bam was
8 shot but that he didn't shoot. He talked about being there
9 during the incident, and then after the shooting that he
10 went and I believe he said he hid in the woods. Then we
11 discussed towards the end, I basically asked him if he knew
12 what happened to his wife and he stated no. And then he
13 stated the coroner is who told him that she was deceased or
14 dead. And then I looked at him and asked him who shot his
15 wife, and at that point he just said he didn't want to talk
16 anymore and that he would contact us back if he wanted to
17 talk. We were beginning to end the interview, he also said
18 that he wanted to talk to the feds, and at that point the
19 interview was concluded and we left.

20 Q Did he -- did you ever speak with him again after that
21 point?

22 A No, sir.

23 Q Did anybody in law enforcement ever interview him again
24 to your knowledge at this point -- after this point?

25 A Not that I'm aware of, no, sir.

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1 Q Now, let's go back and kind of sift through it a little
2 bit. So did he ever mention anything to you about Bam
3 borrowing money? Do you recall whether he mentioned
4 anything about that to you?

5 A I don't know if there was money owed or money he needed
6 to get, there was a mention of some money.

7 Q So let's go back. He mentioned it to -- did he -- when
8 he mentioned a shooting in the trailer park two days before,
9 did he give you any context whatsoever to that what was
10 about?

11 A No, sir. He just basically said a couple days prior
12 there was a shooting in the trailer park. And then he did
13 go on to say on the day of the incident that weird things
14 were happening. So we're not talking about two days prior,
15 we're talking the day of the incident. He mentioned
16 something about weird things were happening but he never
17 indicated what those were.

18 Q And to go back, did he also mention that he was told by
19 an unknown -- an unnamed family member that someone was
20 trying to "set him up?"

21 A Yes, sir, he did. That was the unknown family member
22 that I mentioned earlier.

23 Q Okay. Now, do you recall about what time he said he
24 picked Marques up that day?

25 A I thought he said it was between 2:00 and 4:00, that

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1 they rode around.

2 Q And, of course, when they got back to -- he said that
3 they were at the house and I think -- did you testify that
4 he said he talked about them smoking weed?

5 A Correct.

6 Q Okay. And when you took that, did you take that to
7 mean him and Marques Tyson?

8 A I took it as both of them, yes, sir.

9 Q Now, let's go to when the shooting started. He said
10 that -- did he say he was at the house when the shooting
11 occurred?

12 A He indicated that he was there during the incidents and
13 he left afterwards.

14 Q Okay. Did he fill in any blanks or anything, or is
15 that all that he pretty much said?

16 A He said he was there when Chambers was shot but he
17 didn't shoot him, and that was kind of it.

18 Q Did he tell you who did if he didn't shoot him?

19 A No, sir.

20 Q But does he acknowledge and place himself being there
21 at the time that Chambers was shot?

22 A He did he placed himself, Marques Tyson, Shannon Little
23 and the three children in the residence.

24 Q And let me ask you some things he doesn't mention.

25 Does he ever mention at anytime being shot at or having to

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1 defend himself?

2 A No, sir.

3 Q Okay. Do you recall if he says -- I guess -- did he
4 ever indicate who actually opened the door at the time that
5 Bam was shot? Did he give you any more detail?

6 A He was -- if I can recall he was not sure if Marques
7 Tyson opened the door or if Bam opened the door, Luther
8 Chambers.

9 Q Now, did he ever refer -- how did he refer to Bam in
10 the interview? Did you ever refer to Bam in the interview?
11 Did he ever refer to Bam in a certain way, Luther Chambers,
12 as it relates to -- well, I'll just ask you it like this.
13 Did he ever -- how did he categorize Luther Chambers? I'll
14 ask it like that.

15 A If I can recall I'm not sure if he called him the
16 police or if he worked for the police. I think he said he
17 was the police.

18 Q And so, of course, your -- in the course of the
19 interview of which you took notes at the interview, and did
20 you and Lieutenant Abraham do a memorandum of interview as
21 it relates to what y'all discussed?

22 A Yes, sir.

23 Q And I'll get into that in just a little while. And
24 then tell me -- you mentioned something about when he
25 said -- as far as what had happened to Shannon, he -- and

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1 then let me make sure I understand that. So when you ask
2 him specifically about Shannon, could you tell the ladies
3 and gentlemen of the jury, again, how that exchange went?

4 A Yes, sir. It was towards the end of after he had kind
5 of given us evidently his information, the question I had
6 for him was basically do you know what happened to your
7 wife, and he stated that he did not. And then he stated
8 that the coroner had told him, I don't know if he said dead
9 or deceased. And then I asked the question who shot his
10 wife, and at that point he just stated he didn't want to
11 talk anymore.

12 Q Now, about the memorandum of interview. Again, when
13 you actually went and -- who actually did the memorandum of
14 interview?

15 A The memorandum of interview was actually compiled from
16 both of us, but it was actually typed by Lieutenant Abraham.

17 Q Okay. But did you have a chance to review it?

18 A Yes, sir, I did.

19 Q And was it accurate as it relates to what transpired in
20 that interview?

21 A Yes, sir.

22 Q And is that what you testified to today?

23 A Yes, sir.

24 Q And I'll ask you this -- and let me ask you just to be
25 clear, the person in the courtroom that you have referred to

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1 as Rashawn Little, is that person in the courtroom?

2 A Yes, sir. He's sitting right there at the table.

3 MR. REDMOND: Let the record reflect that he has
4 pointed out the defendant.

5 THE COURT: So noted for the record.

6 Q And at the conclusion of this interview with him, did
7 he ever -- or was he ever able to tell you who actually shot
8 anybody?

9 A No, sir.

10 Q Okay. Even though -- did he tell you that he was there
11 at the time this occurred?

12 A Yes, sir, he did.

13 MR. REDMOND: Your Honor, if the Court would indulge
14 me, I would at this time like to publish I think it's
15 State's 98, that being the jail calls.

16 THE COURT: All right.

17 (At this time the jail calls were played.)

18 MR. REDMOND: May it please the Court, Your Honor?

19 Q Agent Follin, I'll just ask you this, was there very
20 much conversation about Shannon at all in these jail calls?

21 A No, sir.

22 Q Okay. And when asked about Shannon specifically about
23 whether or not he would do harm to her, was there a long
24 drawn out exchange regarding anything?

25 A Just no comment kind of is the way I interpret that.

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1 MR. REDMOND: Thank you. Please answer any questions
2 as to the defense.

3 THE COURT: Mr. Frick?

4 MR. FRICK: Thank you, Your Honor.

5 CROSS EXAMINATION

6 BY MR. FRICK:

7 Q Agent Follin, when did you get up to Chesterfield that
8 evening?

9 A I don't know an exact time, I just know it was dark.
10 It was evening hours.

11 Q Okay. I mean, it was before midnight?

12 A Yes, sir.

13 Q And y'all began working the scene and interviewing
14 witnesses?

15 A That's correct.

16 Q Your role is more interviewing witnesses?

17 A Correct. As the lead investigator I would begin to
18 interview witnesses and then collect the information and
19 compile the report.

20 Q Okay. And so you began basically as soon as you got
21 briefed and kind of knew what the lay of the land was.

22 A Yes, sir, we began interviewing.

23 Q Okay. All right. And when you got there, would you
24 describe the scene as still hectic? Obviously there are
25 gunshots going off, but --

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1 A I wouldn't say hectic. I would just say that there
2 were a lot of people still out there and a lot of cars that
3 responded.

4 Q The general demeanor of the folks in the trailer park
5 is kind of what I'm getting at. I mean, did they seem
6 stressed? Were they calm?

7 A I wouldn't say that they were -- they probably were
8 excited, some of them.

9 Q So excited? Okay. I'm going to show you this if you
10 don't mind. Do you recognize that, just the front page?

11 A The front page? Yes, sir.

12 Q What is that?

13 A That is the Miranda rights form for Luther Chambers.

14 Q Okay. And did you indicate on there where you talked
15 to him? The place that you had talked to -- where you
16 had to go.

17 A CMC Main.

18 Q That's the hospital up in Charlotte?

19 A Yes, sir.

20 Q And you put the date?

21 A Yes, sir.

22 Q What's the date on there?

23 A 10/26/15.

24 Q What's the time on there?

25 A 6:59 a.m.

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- 1 Q 6:59 a.m.?
- 2 A Yes, sir.
- 3 Q So when you interviewed him and you got the statement
- 4 that the solicitor talked to you about that was then
- 5 admitted (inaudible) correct?
- 6 A Yes, sir.
- 7 Q Okay. Do you remember talking to a Latoya McCaskill at
- 8 the scene?
- 9 A I would have to probably see some paperwork. But I'm
- 10 not sure, there were several people.
- 11 MR. REDMOND: Beg the Court's indulgence.
- 12 (Break in proceedings.)
- 13 Q Agent Follin, I'm going to hand you this. Does that --
- 14 A Yes, sir. It has my signature as a witness at the
- 15 bottom.
- 16 Q Okay. And what is that? Is that a -- what is that?
- 17 A It's a voluntary statement form.
- 18 Q Okay. From whom?
- 19 A Latoya McCaskill.
- 20 Q And can you tell me what time you took that statement?
- 21 I think there's two numbers on there actually at the top,
- 22 but there's a signature at the bottom.
- 23 A Okay. Date and time of interview would have been
- 24 10/25/15 at 11:30 p.m.
- 25 Q Okay.

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1 A And then the date at the bottom is 10/26/15 at
2 1:10 a.m.

3 Q Okay. All right. So she was interviewed -- which is
4 the more correct time? Do you have any idea? Because I
5 know the time says it's 10/25 at 11:30 p.m., but it's signed
6 at 1:00 in the morning.

7 A Yes, sir. What we try and do is we have an initial
8 time. In other words, when I sit down with you or I meet
9 you the time is and we'll put it at the top, and then we do
10 the interview, and at the conclusion of the interview we'll
11 put at the bottom the date and time that it ends.

12 Q So when you would have met with her to begin the
13 interview would have been 11:00 the evening of the event.

14 A Yes, sir, 11:30 p.m.

15 Q And this is still at the scene, correct?

16 A Yes, sir, I believe the incident location.

17 Q Okay. Which you described as people were still
18 excited, correct?

19 A I would say that.

20 Q Do you remember specifically Ms. McCaskill -- I know
21 you needed this to refresh your recollection, but the folks
22 you talked to, were they still excited?

23 MR. REDMOND: Your Honor, if I may briefly, and I know
24 where this is going. The only issue I have is the fact that
25 they're using that document to refresh recollection. My

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1 concern is for the purposes of the record if that's being
2 used to refresh it hasn't been marked as a defense exhibit
3 and I may have some issues with the manner in which this is
4 proceeding. I understand the foundation is laid, there's
5 just some procedure issues that I have at this point, Your
6 Honor.

7 MR. FRICK: I'm not seeking to introduce the statement
8 at this time. I can have it marked for identification
9 purposes, but --

10 THE COURT: Will y'all approach a minute, please?

11 (A bench conference was held with the judge and
12 Lawyers.)

13 THE COURT: Mr. Frick, you may continue, sir.

14 Q Agent Follin, have you had an opportunity -- have you
15 had an opportunity to go through that statement?

16 A I haven't read it, no, sir. I'm just glancing at it.

17 Q I'm going to point to you -- this may be -- there's a
18 little highlighted part there.

19 A Yes, sir.

20 Q Just look -- can you read through that? Not out loud,
21 just to yourself at first.

22 (Break in proceedings.)

23 Q After reading that, do you recall getting a statement
24 from Ms. McCaskill?

25 A I don't recall her personally, but I definitely took

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- 1 the statement with my signature on it.
- 2 Q Okay. All right. Can you tell us the part that I was
- 3 asking you are there?
- 4 A Yes, sir. Do you want me to read it?
- 5 Q Yes, sir.
- 6 A It says, I saw a black male with long hair, light
- 7 dreads or braids come out of the woods, get in, and
- 8 something scribbled out, and then it says: A gray or light
- 9 gray car and speed out the Evans -- it look Evans Mill
- 10 trailer, something scribbled out, park. Doing (sic) that
- 11 time I heard about four or five more shots.
- 12 Q Okay. So what she's telling you is that she saw a
- 13 black male with dreadlocks coming out of the woods.
- 14 A Correct. Getting in a car and speeding out.
- 15 Q Not out of a trailer, of the woods.
- 16 A Correct.
- 17 Q Okay. And then getting in the car and leaving.
- 18 A Yes, sir.
- 19 Q And then, of course, there were extra shots, too. Now,
- 20 the solicitor asked you about talking to a Mr. Tyson,
- 21 Marques Tyson.
- 22 A Yes, sir.
- 23 Q And you recall interviewing him, correct?
- 24 A Yes, sir.
- 25 Q Okay. Based on his conversation with you, did y'all

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1 take any action?

2 A Yes, sir.

3 Q What did y'all do?

4 A As far as taking his statement and he was shortly
5 thereafter arrested. But he also provided information for
6 us to go to another location.

7 Q Right. What location did y'all go to?

8 A I believe it was to the side or it was 1902, and then
9 the wooded area if I can recall correctly.

10 Q Okay. At some point did you call DNR?

11 A Yes, sir, we did.

12 Q Why did you call DNR?

13 A There was a pond that he indicated that may have
14 something in it, so we used DNR to search that area.

15 Q Okay. Well, I mean, what specifically were y'all
16 looking for? Y'all were looking for a gun, weren't you?

17 A I believe that's exactly what he said.

18 Q Okay. Did he tell you he did something with his
19 clothes?

20 A Yes, sir, he did.

21 MR. REDMOND: Your Honor, I would object to hearsay at
22 this point.

23 THE COURT: Sustained.

24 Q But based on his statement y'all did go get DNR to come
25 and go look at the pond, correct?

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1 A Yes, sir.

2 MR. FRICK: Beg the Court's indulgence one second.

3 (Break in proceedings.)

4 Q Were you also directed to look in the woods for a gun?

5 Let me rephrase that. Did you locate a gun in the pond?

6 A No, sir. Not that I can recall.

7 Q The pond that you were directed to you didn't locate a
8 gun.

9 A Correct. I don't believe we did.

10 Q Okay.

11 MR. FRICK: Thank you, sir. That's all of the
12 questions I have.

13 THE COURT: Any redirect?

14 MR. REDMOND: Just briefly, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. REDMOND:

17 Q Based on the question you were asked on cross, I think
18 you were asked about based on your discussion with Marques
19 Tyson did you all take any other action. First thing you
20 mentioned was going to the trailer and where the shells
21 were. Let me ask you this, after talking with Marques
22 Tyson, did you all then call Todd Schenk, I guess, crime
23 scene back out and there was a discovery of more evidence?

24 A Yes, sir.

25 MR. REDMOND: That would be all of the questions I

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1 have. Thank you.

2 MR. FRICK: No, sir.

3 THE COURT: Sir, you may step down, thank you.

4 THE WITNESS: Yes, sir.

5 MR. REDMOND: May it please the Court, Your Honor?

6 THE COURT: Can y'all approach a minute?

7 MR. REDMOND: Yes, sir.

8 (A bench conference was held with the judge and
9 Lawyers.)

10 THE COURT: Ladies and gentlemen, I wanted to kind of
11 get a gage on how long the next witness is going to be,
12 we've been going about an hour and 20 minutes, we'll give
13 you a short break at this point. Step to the jury room.
14 Madam forelady, if you'll let me know when you're ready to
15 come back we'll get you back out here as quickly as
16 possible. Do not discuss the case at all, we'll get you
17 back in here shortly and we'll continue.

18 (The jury left the courtroom.)

19 (A break was taken.)

20 THE COURT: Anything from the State before I bring the
21 jury out?

22 MR. REDMOND: Nothing from the State, Your Honor.

23 THE COURT: Defense counsel?

24 MR. YOUNG: No, Your Honor.

25 THE COURT: If you would, please, ma'am, bring me the

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1 jury.

2 (The jury returned to the courtroom.)

3 THE COURT: I hope you all had a nice break and ready
4 to continue. At this time I will recognize the State to
5 continue in calling its next witness, please.

6 MR. REDMOND: Thank you, Your Honor. May it please The
7 Court? We would next call Jeremy Lowery.

8 The witness, JEREMY LOWERY, was first duly sworn and
9 Testified as follows:

10 DIRECT EXAMINATION

11 BY MR. REDMOND:

12 Q Would you please state your name for the record?

13 A Jeremy Lamar Lowery.

14 MR. REDMOND: May it please the Court?

15 THE COURT: Yes.

16 Q Mr. Lowery, how are you doing today?

17 A Fine.

18 Q Okay. Let me just ask you this, do you reside in the
19 Pageland area of Chesterfield County?

20 A Yes, sir.

21 Q Okay. Did you reside in the Pageland area of
22 Chesterfield County on the 25th of October, 2015?

23 A Yes, sir.

24 Q Okay. Let me just ask you some quick background
25 questions. Are you employed at this time?

JEREMY LOWERY - DIRECT

- 1 A Sir?
- 2 Q Are you employed at this time?
- 3 A Yes, sir.
- 4 Q And where are you employed?
- 5 A Pilgrim's Pride.
- 6 Q Okay. Now, let me direct your attention to the 25th of
- 7 October of 2015. Were you at the trailer park on Evans Mill
- 8 Road?
- 9 A Yes, sir.
- 10 Q All right. And tell us, who were you visiting at that
- 11 time?
- 12 A I lived there at that time.
- 13 Q I said visited, I'm sorry. Where did you live at that
- 14 time? I'm sorry.
- 15 A I think in like the second or third trailer.
- 16 Q Okay. You don't live out there anymore, do you?
- 17 A No.
- 18 Q Okay. And so now, you did not live at 1894 Evans Mill
- 19 Road, did you? You did not live in the same trailer as
- 20 Tyvon Threatt.
- 21 A No.
- 22 Q Okay. You did not live in the same trailer as the
- 23 defendant, Rashawn Little.
- 24 A No.
- 25 Q Okay. Now, the reason we've got you here is did you

JEREMY LOWERY - DIRECT

1 place a 911 call on that evening?

2 A Yes, sir.

3 Q Okay. And let's talk about what you saw. Tell us what
4 you were doing leading up to the time that you felt the need
5 to call 911.

6 A I was with Bam and he was bleeding bad, so --

7 Q Now, when did you see Bam? Is Bam Luther Chambers? Is
8 Bam Luther Chambers?

9 A Yes, sir.

10 Q Okay. And when did you first -- tell me how you first
11 came upon Bam. What were you doing at the time you ran into
12 Bam?

13 A I was outside on the phone and we heard a gunshot and I
14 had seen him running, and he had ran up to me and he just
15 told me to run.

16 Q So did you run with him?

17 A Yes.

18 Q Okay. Where did y'all end up?

19 A At a field.

20 Q Okay. And had he been shot?

21 A Yes, sir.

22 Q Do you remember where he was shot?

23 A I think like around the elbow area somewhere.

24 Q Okay. In his arm?

25 A Yeah.

JEREMY LOWERY - DIRECT

1 Q All right. Now, what did Bam -- did he say anything at
2 the time he was running?

3 A No.

4 MR. FRICK: Objection, hearsay, Your Honor.

5 Q Well, let me ask you like this, was this right after
6 you heard the gunshots?

7 A Something like that.

8 Q Not too long after you heard the gunshots.

9 A Yeah.

10 Q Let me ask you this to their point, did he ever tell
11 you who shot him while you were with him?

12 A No.

13 Q Okay. Now, you gave a statement to law enforcement,
14 didn't you? Did you give a written statement to SLED?

15 A I didn't write it, he wrote it.

16 Q Okay. But he wrote it at your request. And did you
17 have a chance to view it and sign it?

18 A Yes.

19 Q Okay. And even in that statement you don't say -- in
20 other words, he never told you who actually shot him, did
21 he?

22 A No.

23 Q But you were the first -- were you the first person
24 that he came upon after being shot?

25 A Yeah, I think so.

JEREMY LOWERY - DIRECT

1 Q Okay. And were you, in fact, the person that we heard
2 the 911 call previously? Were you the person that called
3 911?

4 A Yes, sir.

5 Q All right. And did you -- tell us -- okay. So after
6 you get with Bam and whatnot, tell us what happened while
7 you were with Bam.

8 A I called 911. He was bleeding bad and they told me to
9 tie a belt around his arm to top the bleeding so bad.

10 Q Like a tourniquet.

11 A Yeah.

12 Q And did other people arrive at the scene to assist law
13 enforcement? EMS personnel?

14 A Yeah, they eventually got there.

15 Q Okay. Now, were you with him the entire time?

16 A Once the ambulance guy had left I had walked off.

17 Q Okay. And did you have anymore involvement in this
18 case other than writing your statement about your encounter
19 with Bam?

20 A No.

21 Q All right. Did you see who was shooting?

22 A No, sir.

23 Q Let me ask you this, I didn't ask you this, did you
24 hear anymore gunshots after Bam got shot?

25 A I don't really remember.

JEREMY LOWERY - DIRECT

1 Q Okay. Where did you go -- let me ask you like this,
2 where did you go after Bam -- after you left where Bam was
3 tell us where you went.

4 A I was trying to get to the house with my mama and them
5 was at.

6 Q Okay. And why were you trying to get there?

7 A Because I heard multiple shots.

8 Q That's what I was asking you earlier. So there were
9 multiple shots after you got with Bam.

10 A Yeah.

11 Q Did you ever see who was doing any shooting?

12 A I just seen the police shooting at the time.

13 Q Okay. So when you were there you saw where there was
14 an exchange of gunfire?

15 A Uh-huh.

16 Q And was that taking place around 1902, I guess it's
17 Rashawn Little's -- was that around Rashawn Little's --

18 A I wasn't down that far.

19 Q Okay. But were you able to see down that far as far as
20 the law enforcement shooter?

21 A No.

22 Q Well, let me ask you this, when you say that you --
23 when you say that there was shooting taking place, were you
24 actually able to see who was doing the shooting?

25 A Yes. I seen the law enforcement shooting.

JEREMY LOWERY - DIRECT

1 Q And where did you see them shooting at?

2 A They were shooting like towards their residence.

3 Q Okay. That's what I was asking you. So they were
4 shooting towards his residence.

5 A Yeah.

6 Q Did you ever see who was -- did you see anything other
7 than that?

8 A No. They just told me to lay down and I was laying
9 down. Like you can hear the guns going off because they
10 were right beside me.

11 Q So, in other words, you couldn't see what was taking
12 place inside of the defendant's residence, could you?

13 A No.

14 Q Okay.

15 MR. REDMOND: Beg the Court's indulgence.

16 (Break in proceedings.)

17 MR. REDMOND: That would be all of the questions I
18 have, please answer any questions --

19 THE COURT: Cross examination.

20 MR. FRICK: Thank you, Your Honor.

21 CROSS EXAMINATION

22 BY MR. FRICK:

23 Q Mr. Lowery, do you remember telling law enforcement
24 where you saw the shot or muzzle flash from when Bam got
25 shot?

JEREMY LOWERY - CROSS

1 A Yeah. I think I seen it from like around the trash can
2 area or something. It wasn't -- when Bam got shot we was
3 running so, you know what I'm saying, everything happening,
4 you don't know really what you see, you know what I'm
5 saying.

6 Q Yeah. But you said that was around -- the shooting was
7 happening around the trash can area?

8 A No. I don't know where the shooting happened at, I
9 just seen Bam when he ran up.

10 Q Okay. That's where you saw him.

11 A Yeah.

12 Q And then as the solicitor asked you, the people that
13 you saw shooting was the police, right?

14 A Yes.

15 Q Okay. You didn't see anybody else.

16 A No, sir.

17 MR. FRICK: Beg the Court's indulgence.

18 THE COURT: Yes, sir.

19 (Break in proceedings.)

20 MR. FRICK: Thank you. That's all the questions I
21 have.

22 THE COURT: Any redirect?

23 MR. REDMOND: Briefly.

24 REDIRECT EXAMINATION

25 BY MR. REDMOND:

JEREMY LOWERY - REDIRECT

1 Q Just to be clear, the person that you saw after Bam had
2 been shot and you said -- because you answered and said that
3 he was already running and you saw a muzzle flash. So he'd
4 already been shot when you saw another muzzle flash?

5 A Well, yeah. He had ran to me and we started running
6 together.

7 Q And then you saw a muzzle flash.

8 A Yeah.

9 MR. REDMOND: That would be all of the questions I
10 have. Thank you.

11 THE COURT: Mr. Frick, anything else?

12 MR. FRICK: No, sir.

13 THE COURT: Sir, you may step down. Thank you.

14 MR. REDMOND: And we would ask that Mr. Lowery be
15 excused from his subpoena so he can go back to work.

16 MR. FRICK: No objection.

17 THE COURT: Without objection, sir, you're excused, no
18 further responsibility here. Have a nice day.

19 THE WITNESS: Thank you.

20 MR. REDMOND: May it please the Court? The State would
21 next call Kimberly Eason, also known as Kimberly Eason
22 Dunlap at the time of this incident.

23 The witness, KIMBERLY EASON, was first duly sworn and
24 Testified as follows:

25 MR. REDMOND: May it please the Court, Your Honor?

KIMBERLY EASON - DIRECT

1 THE COURT: Yes, sir.

2 DIRECT EXAMINATION

3 BY MR. REDMOND:

4 Q Could you please state your name for the record?

5 A Kimberly Ann Eason.

6 Q And Ms. Eason, are you employed at this time?

7 A Yes, sir.

8 Q Where were you employed?

9 A Conbraco in Pageland.

10 Q And do you live in the Pageland area?

11 A Yes, sir.

12 Q All right. Did you live in the Pageland area back in
13 2015, October to be specific?

14 A Yes, sir.

15 Q All right. And do you know Luther Chambers?

16 A Yes, sir.

17 Q And at the time of the incident what was he to you?

18 A He was my boyfriend.

19 Q Okay. Now, have y'all since split up?

20 A Yes, sir.

21 Q And at this time do you know where his whereabouts is?

22 A No, sir, I do not.

23 Q Now, let's go to -- let me direct your attention to
24 October 25th, 2015. Did you -- tell us what was taking
25 place that day without saying what Bam said, but just what

KIMBERLY EASON - DIRECT

1 was taking place that day.

2 A I remember he had called Rashawn to go over there to
3 borrow some money from him so he could get to work the next
4 day.

5 Q And did he -- where were y'all at at the time he made
6 this call?

7 A We was at home but we was leaving on Cone
8 (phonetically) Creek.

9 Q So when you say he called Rashawn, do you know the
10 defendant? Did you know the defendant?

11 A Yes, sir.

12 Q Okay. So he calls. Did -- what did Bam -- was Bam his
13 nickname? Do people call --

14 A Yes, sir.

15 Q What did he do next? After he makes the call what
16 happened?

17 A He went to sleep for awhile and I woke him up and asked
18 him was he still going over there.

19 Q And did he, in fact, go over there that evening?

20 A Yes, sir.

21 Q All right. And what did he drive to get over there
22 that evening?

23 A He drove my Honda.

24 Q Okay. And did you have a white Dodge Caravan?

25 A It was white.

KIMBERLY EASON - DIRECT

1 Q Okay. And we'll get to that in a minute. So he takes
2 your car, he goes over to the defendant's residence. Then
3 tell us what happened -- were you still -- did you go with
4 him at that time?

5 A No, sir.

6 Q All right. So you were still at your residence?

7 A Yes, sir.

8 Q Did you subsequently get a call from Mr. Chambers?

9 A Yes, I did.

10 Q Tell us about that.

11 A He called me, he said Bay, I got shot. And I was like,
12 quit playing.

13 MR. FRICK: Objection, Your Honor, hearsay.

14 MR. REDMOND: Your Honor, let me lay a foundation.

15 THE COURT: All right.

16 Q At the time when he called you was he in distress?

17 A Yes, sir.

18 Q Was he excited and in distress when he called you?

19 A More like in shock.

20 Q Okay.

21 MR. REDMOND: So, Your Honor, I would ask that I be
22 allowed to ask that question again.

23 THE COURT: All right.

24 MR. FRICK: Same objection, Your Honor.

25 THE COURT: Objection overruled.

KIMBERLY EASON - DIRECT

1 Q And what did he say?

2 A He said Bay, I've been shot.

3 Q And so what did you do -- after -- when he told you
4 that what took place next?

5 A Me, my mother, my kids got into the van and we went to
6 Rashawn's house.

7 Q Okay. And did you actually end up going in the house?

8 A No, sir.

9 Q Okay. Did you go to the house?

10 A Yes, sir.

11 Q Tell us about that.

12 A I knocked on the door, the door come open but it was
13 dark and I said Rashawn, is Bam here? I said Shawn, is Bam
14 here? He said no. I said, he called and said he'd been
15 shot, my car is in the yard. And that's all.

16 Q Okay. Did he ever answer or say anything about what
17 had happened with Bam?

18 A No, sir.

19 Q Okay. So then what happened?

20 A And then I seen the law. I heard the police coming so
21 I started running towards where the police was and I asked
22 Mr. Ricky would he let my kids come into his house.

23 Q Now, Mr. Ricky. Let's stop there. Mr. Ricky. Who was
24 Mr. Ricky?

25 A He lived in the apartments at the trailer park.

KIMBERLY EASON - DIRECT

1 Q And was this one of the apartments, I think, behind or
2 beside -- near 1902 where the defendant stayed?

3 A Yes, sir.

4 Q So then tell me what happened then.

5 A And then we heard more gunshots and the police told us
6 to get down on the ground, told me to get down on the
7 ground. And then I heard Megan hollering that he had --
8 Tyvon had got shot. So I crawled on the ground to where she
9 was at and I was telling her to talk to him, you know, to
10 keep her calm, to keep him awake. And then I went to the
11 road to meet Bam's father and we went to Monroe Hospital.

12 Q Okay. Now, when you got to Monroe Hospital -- so let
13 me ask you this, so you actually saw Tyvon Threatt that
14 night.

15 A Yes, sir.

16 Q Okay. And Megan McManus was with him?

17 A Yes, sir.

18 Q And I guess there were some other people -- were there
19 some other people there?

20 A Yes, sir.

21 Q And were they trying to aide him?

22 A Yes, sir, they were.

23 Q And did you -- at least for awhile did you try to help
24 as well?

25 A Yes, sir.

KIMBERLY EASON - DIRECT

1 Q Okay. And then, of course, did you then go looking for
2 Bam trying to find him?

3 A Yes, sir.

4 Q And had his father arrived in the area at some point?

5 A Yes, sir, at the top of the road.

6 Q Okay. And so when you -- were you able to -- did you
7 actually end up running in to his father?

8 A Yes, sir. I got in the car with him and we went to
9 Monroe Hospital.

10 Q Okay. Now, when you got to Monroe Hospital -- now, was
11 he subsequently moved to Charlotte?

12 A Yes, sir.

13 Q Did you talk to him at Monroe Hospital?

14 A Yes, sir.

15 Q All right. So when you got to the hospital, what
16 condition was Bam in when you saw him?

17 A He was like still in shock from the gun wound.

18 Q Did you have an opportunity to talk with Bam?

19 A Yes, sir, I did.

20 Q And could you tell us what he told you based on --
21 well, just tell us what he told you when you talked to him
22 at CMC Union. I think that's CMC union in Monroe.

23 A He told me that Shawn shot him.

24 MR. FRICK: Objection --

25 THE COURT: Objection overruled, so noted for the

KIMBERLY EASON - DIRECT

1 record.

2 Q Please continue, Ms. Eason.

3 A He told me that Shawn shot him.

4 Q And did he -- as he was explaining this, did he give
5 you any context to -- I mean -- let me just ask you, let me
6 back up and ask you like this. When he said Shawn shot him,
7 was there any doubt in your mind who he was referring to?

8 A No, sir. I knew exactly who he was referring to.

9 Q Okay. And is there any doubt in your mind that he was
10 referring to -- well, as to whether he was referring to the
11 defendant?

12 A I know he was referring to the defendant.

13 Q Okay.

14 MR. REDMOND: With the Court's permission, may I
15 approach the witness?

16 THE COURT: Yes, sir.

17 Q Let me show you State's 14.

18 MR. REDMOND: And, Your Honor, I'm not going to put it
19 up on the overhead, I think we've shown enough pictures.

20 Q But I'll just ask you based on State's 14, what is
21 State's 14?

22 A It is my car and the van.

23 Q What kind of car was it?

24 A It was a Honda Accord.

25 Q And what kind of van?

KIMBERLY EASON - CROSS

1 A A Caravan.

2 Q Okay. A Dodge Caravan?

3 A Yes.

4 Q Now, thank you. Now, was there a 45 caliber weapon in
5 that?

6 A Yes, sir, it was.

7 Q And explain the context behind that.

8 A I had bought it back in February because Bam was
9 traveling a lot, he would go back and forth to Atlanta, to
10 Salisbury and I wanted -- the area that we was living in, I
11 got it to keep me and my kids safe. And when he called that
12 night I left it in -- I kept it in the van because I didn't
13 have a lock and key for it yet and my kids was in there and
14 it was small, but he called that night. I forgot that it
15 was in there because I was, you know, I wasn't thinking
16 about a gun, I was trying to get to him.

17 Q Okay. But to be clear, the gun, the 45 that was found,
18 was that in the Caravan that you drove --

19 A Yes, sir, it was.

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

21 (Break in proceedings.)

22 Q And State's 14, just to be clear, that Honda that was
23 yours, is that the car that Bam drove over there?

24 A Yes, sir, it was.

25 Q Okay. So that's the car that he drove over to the

KIMBERLY EASON - CROSS

1 defendant's residence.

2 A Yes, sir.

3 Q Thank you.

4 MR. REDMOND: That would be all of the questions I
5 have. Please answer any questions that the defense may.

6 MR. FRICK: Just briefly.

7 CROSS EXAMINATION

8 BY MR. FRICK:

9 Q You weren't over there when any shooting occurred,
10 correct?

11 A Only when the shots was fired when Tyvon was hit, but I
12 didn't see it happen.

13 Q Okay. You didn't see that and you weren't over there
14 when Bam got shot.

15 A No, sir, I was not.

16 MR. FRICK: Thank you, ma'am. No further questions.

17 THE COURT: Any redirect?

18 MR. REDMOND: No redirect.

19 THE COURT: Ma'am, you may step down. Thank you.

20 MR. REDMOND: And I would ask that Ms. Eason be excused
21 from her subpoena.

22 THE COURT: Any objection.

23 MR. FRICK: No objection.

24 THE COURT: Ma'am, you're excused from your subpoena,
25 you're free to go. Have a nice day.

MEGAN MCMANUS - DIRECT

1 MR. REDMOND: The State would next call Megan McManus.
2 The witness, MEGAN MCMANUS, was first duly sworn and
3 Testified as follows:

4 DIRECT EXAMINATION

5 BY MR. REDMOND:

6 Q Ms. McManus, how are you doing today?

7 A I'm fine.

8 Q Can I get you to state your full name for the record?

9 A Megan Ashonda (phonetically) McManus.

10 Q Are you employed at this time?

11 A No, sir.

12 Q Okay. Do you still live in the Pageland area?

13 A No, sir.

14 Q Did you live in the Pageland area back in 2015?

15 A Yes, sir.

16 Q In October of 2015 to be specific.

17 A Yes, sir.

18 Q Now, did you know the defendant?

19 A Yes, sir.

20 Q Did you all live in the same trailer park?

21 A Yes, sir.

22 Q All right. And was your trailer 1894 Evans Mill Road
23 at that time?

24 A Yes, sir.

25 Q Okay. And did Tyvon Threatt stay with you?

MEGAN MCMANUS - DIRECT

- 1 A Yes, sir.
- 2 Q Okay. Now, what relation were you to Tyvon Threatt?
- 3 A His girlfriend.
- 4 Q Okay. Now, were you present for the events on the 25th
- 5 of October, 2015?
- 6 A Yes, sir.
- 7 Q Now, let me back up. Because in looking at your
- 8 statement there was a nickname I guess y'all called the
- 9 defendant.
- 10 A Yes, sir.
- 11 Q What was that nickname?
- 12 A Keshawn.
- 13 Q Do you refer to him as Keshawn in your statement?
- 14 A Yes, sir.
- 15 Q Now, do you remember -- let me -- just from a
- 16 background standpoint, did you know the defendant?
- 17 A Yeah.
- 18 Q Okay. And were you aware, of course, that that was his
- 19 nickname? Was that a nickname that y'all had used for him?
- 20 A Yes, sir, all through school.
- 21 Q Okay. So you knew him for quite awhile.
- 22 A Yes, sir.
- 23 Q So let's go back to the 25th of October, 2015. Were
- 24 you at the residence when events unfolded?
- 25 A Yes, sir.

MEGAN MCMANUS - DIRECT

1 Q Okay. I think -- had you returned from somewhere
2 when -- at the beginning of everything?

3 A Yes, sir.

4 Q Tell us about that. When you first -- where were y'all
5 coming from and tell us what happened once you got back home
6 to the trailer park.

7 A My baby cousin that resides with us, it was her
8 birthday and she wanted Chinese food, and me and Tyvon
9 Threatt, we took her to go get Chinese, and we went the long
10 way home. So we came up the way that -- where the field is
11 at where Jeremy was, we passed Jeremy but we thought he was
12 just walking so we kept going, pulled in the yard. My
13 cousin said that she thought that someone was behind the
14 house hunting at first, but she said she kept hearing the
15 shots, for us to get in the house. So me and him and her
16 child, we all go into the house in the residence. And he
17 said that he wanted to go back and check on Keshawn because
18 it was his friend and he was worried about him. So he just
19 went out the door, but something just told me to go behind
20 him, and in the midst of me coming out like gunshots was
21 still going off, but when I came around the curve I noticed
22 that the flash -- because it was getting kind of dark but it
23 wasn't dark, I just noticed like the gunfire basically
24 coming from behind a dumpster and his car was running at
25 that time. And I could see him, you know, because I came up

MEGAN MCMANUS - DIRECT

1 with him, you know, so I seen him. And Tyvon was just
2 telling me to go back and he was like, I'm shot, he fell.
3 I'm sorry.

4 Q Take your time.

5 MR. REDMOND: Permission to approach the witness, Your
6 Honor?

7 THE COURT: Yes.

8 A He fell. When he fell I heard the defendant tell
9 him --

10 MR. FRICK: Objection, Your Honor, hearsay.

11 THE COURT: Objection overruled.

12 Q You heard the defendant being -- just to be clear,
13 you're referring to Rashawn.

14 A Yes, sir.

15 Q What did you hear?

16 A He was telling Tyson to shoot, I guess to keep
17 shooting, but I didn't see Tyson, I just heard the shots
18 still going off. He was telling him to keep shooting. But
19 I could hear the bullets hitting like the house and I could
20 see them hit the ground because I'm dragging Tyvon at this
21 point. So I get him to the porch. We was trying to stop
22 him from bleeding, you know, because he was bleeding real
23 bad. At this time they had already called the ambulance for
24 Bam, which we didn't know was shot at this time. So they
25 were pulling in and we thought that they were coming for

MEGAN MCMANUS - DIRECT

1 Tyvon but they didn't know that he was shot at this time.
2 So when they got out they ran to the porch and asked me
3 where was the active shooter, I was like I didn't know. All
4 I know is that he ran after he seen me grabbing him,
5 dragging him, all I knew is that he ran. And he was like
6 how many and I said two. Because I knew at one point his
7 gun stopped but the shots were still going off, you know.
8 And we took him in the house and tried to stop the bleeding.
9 And we was on the phone with the ambulance lady, she
10 was telling -- I mean, the paramedic people, she was just
11 telling us how to stop it.

12 Q Now, when -- I guess when they were telling you how to
13 try to stop it, subsequently someone -- I guess EMS, law
14 enforcement, did anybody come and offer assistance?

15 A Yes, sir.

16 Q Okay. Tell me about that.

17 A The paramedics came in and he was still talking, he
18 still was stable, he was just losing a lot of blood so he
19 was -- like his voice was trembling a little but he was
20 still conscious. They were asking him did he know who shot
21 him, which I already knew, I just wanted to hear him say it
22 for verification.

23 Q And did he say it?

24 A Yes.

25 MR. FRICK: Objection, hearsay, Your Honor.

MEGAN MCMANUS - DIRECT

- 1 THE COURT: Objection overruled.
- 2 Q Did Tyvon say who shot him?
- 3 A Yes, sir.
- 4 Q And who did he say shot him?
- 5 A The defendant.
- 6 Q Did he say it just one time?
- 7 A No, he said it multiple times.
- 8 Q Okay. And did he say it times where other people heard
- 9 what he said?
- 10 A Yes, sir.
- 11 Q Okay. And so did he repeat that the defendant was the
- 12 person that shot him?
- 13 A Yes, sir. He just kept saying he don't know why he
- 14 shot him, he was going to check on him.
- 15 Q Okay. Let me go back a little bit because based on
- 16 what you just said. So Tyvon after hearing about the shots
- 17 initially --
- 18 A Yes, sir.
- 19 Q -- why is it that Tyvon went over to the trailer?
- 20 A That was his friend at the time.
- 21 Q And he went over to --
- 22 A Check on him. He left the home while the gunshots --
- 23 after she told us the shots were going off he still left the
- 24 home to go check on him. He went to go check on him.
- 25 Q So Tyvon went to go check on his friend, the defendant.

MEGAN MCMANUS - DIRECT

1 A Yes, sir.

2 Q Did Tyvon survive?

3 A No, sir.

4 Q So he went to go check on his friend, the defendant,
5 and ended up dead.

6 A Yes, sir.

7 Q Did you give a statement to law enforcement that night?

8 A Yes, sir.

9 Q Okay. Now, obviously, were you still shaken by the
10 events that had transpired?

11 A Yes, sir.

12 Q Okay. And understandably so. Is there any doubt in
13 your mind -- you are under oath, is there any doubt in your
14 mind as to what you saw and what you heard that night when
15 your boyfriend got shot and killed?

16 A There ain't no doubt.

17 Q And who, again, did your boyfriend on multiple
18 occasions say shot him and ultimately kill him?

19 A Shawn.

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

21 (Break in proceedings.)

22 MR. REDMOND: That would be all of the questions I
23 have, Your Honor. Please answer any defense questions.

24 THE COURT: Cross examination.

25 CROSS EXAMINATION

MEGAN MCMANUS - CROSS

1 BY MR. FRICK:

2 Q Ms. McManus, you did later give a written statement to
3 law enforcement, correct?

4 A Yes, sir.

5 Q Do you remember when you gave that statement?

6 A I don't know if it was the day of or -- I think it was
7 the day of or the next day.

8 Q Okay. It was a little ways later possibly? Can you
9 tell me what that date is? Well, first of all, is that your
10 statement?

11 A Yes, sir.

12 Q Can you tell me the date and time?

13 A The 28th.

14 Q The 28?

15 A Of October of '15.

16 Q So it was a couple days afterwards.

17 A Yes, sir.

18 Q And you did talk to law enforcement while they were on
19 the scene of the incident, correct?

20 A Yes, sir.

21 Q Do you recall what you told them at that time?

22 A They just asked me where was the active shooters. Well
23 they thought it was just one shooter and I told him it was
24 two, and he said where were they and I said I didn't know.
25 Because at that time I was dragging him on the porch and I

MEGAN MCMANUS - CROSS

1 just seen everybody scattering. There were kids outside
2 also. Everybody was scattering and I lost where he went,
3 you know. And we made it on the porch and they just asked
4 me just basically the same thing, did I see who it was and
5 where was I at at the time. That was it.

6 Q And do you recall what you told them?

7 A Yeah. I just said that he told -- I said, yeah, I seen
8 Keshawn fire the shots and I basically tell them what I
9 said. Tyvon came back running and I drug him to the porch
10 and he verified what I saw.

11 Q But you're certain that you told them on the scene that
12 night that it was Keshawn that did the shooting?

13 A It wasn't that night, it was -- they interviewed on the
14 28th, so we was in the yard. It was after.

15 Q Right. But what I'm getting at is that very night when
16 you talked to --

17 A Oh no, not that very night.

18 Q Did you tell them who shot? Did you know who shot?

19 A Yeah, I know who shot.

20 Q But that night.

21 A You mean did I tell them that night?

22 Q Are you aware that Officer Cruz was wearing a body cam?

23 A Oh, I know they were wearing body cams, yes, sir.

24 Q So you're aware that your conversation with him was
25 recorded.

GARTH RIVERS - DIRECT

- 1 A Yes, sir.
- 2 Q Okay. Have you seen that recording since?
- 3 A No, sir.
- 4 Q If I showed you that would that refresh your memory?
- 5 A It will.
- 6 Q Okay.
- 7 (The body cam video was played.)
- 8 Q Was that you that was on the steps?
- 9 A Yes, sir.
- 10 Q Okay. And you said at that point you don't know.
- 11 A No. He said were you -- they was saying a lot of
- 12 questions at the time, they were asking where was he and who
- 13 was it. The only thing I heard was where were they, and I
- 14 said I don't know. All I know is there were shots coming
- 15 from the woods also.
- 16 Q Okay. And you said it was coming from the woods.
- 17 A Yes, sir.
- 18 Q Okay. All right.
- 19 MR. FRICK: Thank you, ma'am. That's all of the
- 20 questions I have.
- 21 THE COURT: Any redirect?
- 22 MR. REDMOND: No redirect.
- 23 THE COURT: Thank you, ma'am, you may step down. Thank
- 24 you.
- 25 MR. REDMOND: And we would ask that Ms. McManus be

GARTH RIVERS - DIRECT

1 relieved of her subpoena.

2 MR. FRICK: No objection.

3 THE COURT: All right. Ma'am, you're released from
4 your subpoena, you're free to go. Have a nice day.

5 MS. MUNNERLYN: The State next calls Garth Rivers.

6 The witness, GARTH RIVERS, was first duly sworn and

7 Testified as follows:

8 DIRECT EXAMINATION

9 BY MS. MUNNERLYN:

10 Q State your full name for the record.

11 A Garth William Rivers.

12 Q And where are you employed, Mr. Rivers? Where are you
13 employed?

14 A Currently?

15 Q Well, currently, yes.

16 A Currently with Rivers Lawn and Landscaping.

17 Q Okay. And back in 2015 where were you employed?

18 A First Health EMS, Chesterfield County.

19 Q Okay. And in what capacity were you employed with EMS?

20 A I was a basic emergency medical technician.

21 Q Okay. And as a medical technician, do you respond to
22 calls with EMS?

23 A Yes.

24 Q Okay. And do you recall responding to a call on Evans
25 Mill Road on the night of October 25th of 2015?

GARTH RIVERS - DIRECT

1 A Yes.

2 Q Okay. And when you arrived, do you remember -- tell us
3 when you first arrived what you observed.

4 A There was a lot of police activity on scene. We were
5 kind of sent in a little early before the scene was cleared.
6 But we were directed to the -- to one of the trailers where
7 our victim was, saw a lot of blood on the porch walking into
8 the trailer, a lot of blood in the trailer.

9 Q Okay. And so where was the victim that you had come to
10 treat? Where was he actually located?

11 A The victim was inside that trailer lying in the floor
12 at that point.

13 Q Okay. All right. And you said there was blood on the
14 steps and in the trailer on the floor?

15 A Yes.

16 Q And you would describe it as a lot of blood?

17 A A lot of blood.

18 Q Okay. And were there other people there with the
19 victim?

20 A Yeah. There was some bystanders around, there was some
21 rescue squad personnel in there that was starting to treat
22 the patient.

23 Q Okay. So they had already started to treat him.

24 A Yes.

25 Q Okay. And how was the patient at that point?

GARTH RIVERS - DIRECT

- 1 A He was conscious, semi-responsive. He was pretty
2 agitated at that point.
- 3 Q And where was his -- do you recall where his wound was?
- 4 A It was in the high groin area.
- 5 Q Okay. And so was there any conversation with the
6 patient -- who was -- the patient was Tyvon Threatt,
7 correct?
- 8 A Yes.
- 9 Q Okay. And did y'all have some conversation with him?
- 10 A Yes.
- 11 Q About how he got this particular wound?
- 12 A Yes.
- 13 Q Okay. And so was the question asked of him -- or first
14 of all you said he was semi-responsive. Was he able to talk
15 and communicate with y'all?
- 16 A Yes.
- 17 Q Okay. Did he appear to be in shock --
- 18 A Yes.
- 19 Q -- as a result of the injury?
- 20 A Yes.
- 21 Q And needed to be treated and removed to the hospital
22 immediately, correct?
- 23 A Yes.
- 24 Q And so was he asked who shot you?
- 25 A Yes.

GARTH RIVERS - DIRECT

1 Q Okay. Do you recall who asked him this?

2 A I don't recall.

3 Q Okay. But you were present. How many other people
4 were present in the room when you were talking with him?

5 A At least five.

6 Q Okay. And when he was asked that question, what was
7 Tyvon Threatt's response?

8 MR. FRICK: Objection, hearsay, Your Honor.

9 THE COURT: Objection overruled.

10 MR. FRICK: Your Honor, I would just also note he was
11 not the one who asked the question or the answer was
12 elicited to, so that's part of my objection as well.

13 THE COURT: Still allow him to answer the question. So
14 noted for the record.

15 MS. MUNNERLYN: Thank you, Your Honor.

16 THE COURT: Go ahead.

17 Q So what was Mr. Threatt's response to the question of
18 who shot you?

19 A Said Shawn shot me.

20 Q Shawn shot me? Okay. And then were there further
21 questions asked of him with regards to who Shawn was?

22 A Yeah. We asked him Shawn who?

23 Q And what was his response to that?

24 A He said Shawn Little shot me.

25 Q Okay. All right. And then he was removed and

GARTH RIVERS - DIRECT

1 transported to the hospital?

2 A Yes.

3 Q Do you remember telling if there were officers present
4 when that was said?

5 A There weren't inside, but there was an officer on the
6 porch and we asked him to come in to hear that from him.

7 Q Okay. And so did he make that statement more than one
8 time?

9 A Yes.

10 Q So he had identified the defendant as the person who
11 shot him more than once.

12 A He identified Shawn Little.

13 Q Okay. And do you know how many times he repeated that?

14 A At least three in my presence.

15 Q Okay. All right.

16 MS. MUNNERLYN: Please answer any questions the defense
17 has.

18 THE COURT: Cross examination.

19 CROSS EXAMINATION

20 BY MR. FRICK:

21 Q Mr. Rivers, as you heard my objection, you're not the
22 one who asked the question, right?

23 A No, sir.

24 Q Okay.

25 A Not to my recollection.

GARTH RIVERS - CROSS

1 Q And he wasn't responding to you on that, he was talking
2 to somebody else, correct?

3 A He was talking to everybody in the room.

4 Q Right. Right. Okay. And EMS -- you weren't wearing
5 any body cameras at the time, correct?

6 A No, sir.

7 Q You said you had an officer come into the trailer?

8 A Yes, sir. We asked him to step inside.

9 Q Okay. To get this statement again?

10 A Yes, sir.

11 Q Okay. Do you remember which officer came in?

12 A I do not recall.

13 MR. FRICK: Thank you, sir. That's all of the
14 questions I have.

15 THE COURT: Any redirect?

16 MS. MUNNERLYN: No, Your Honor.

17 THE COURT: Sir, you may step down.

18 MS. MUNNERLYN: Your Honor, may this witness be
19 released?

20 THE COURT: Any objection?

21 MR. FRICK: No, sir.

22 THE COURT: Sir, you're released from your subpoena,
23 you're free to go. Have a nice day.

24 MR. REDMOND: Your Honor, beg the Court's indulgence.

25 THE COURT: All right. Yes, sir.

DOUGLAS THREATT - DIRECT

1 (Break in proceedings.)

2 MR. REDMOND: Your Honor, the State would next call
3 Douglas Threatt.

4 The witness, DOUGLAS THREATT, was first duly sworn and
5 Testified as follows:

6 DIRECT EXAMINATION

7 BY MR. REDMOND:

8 Q Mr. Threatt, could you state your full name for the
9 record?

10 A Douglas Threatt.

11 Q And are you employed at this time, sir?

12 A Yes, sir.

13 Q Okay. Let me ask you this, could you do two things,
14 because we're having trouble hearing you, could you pull it
15 down some and sit a little closer to the microphone?

16 A (Witness complies.)

17 Q And Doug, I'll ask you again, are you employed at this
18 time?

19 A Yes, sir.

20 Q Where are you employed?

21 A Conbracos in Pageland.

22 Q Okay. And Tyvon Threatt, what relation was he to you?

23 A He was my son.

24 Q Okay. How many children do you have?

25 A Just that one. I have a stepson.

DOUGLAS THREATT - DIRECT

1 Q So was Tyvon your only child?

2 A Yes, sir.

3 Q Now, on October 25, 2015, did you receive a call that
4 caused you to go to the trailer park on Evans Mill Road
5 outside of Pageland?

6 A Yes, sir.

7 Q Tell us about that, please.

8 A We had just left for Florence, because my mother-in-law
9 was in the hospital, and when we got home we got a phone
10 call from Megan saying that Tyvon had been shot.

11 Q Megan McManus?

12 A Yes, sir.

13 Q Okay. And so when you got that call, about how far
14 from -- how long did it take you to get from your residence
15 to Evans Mill Road?

16 A Probably five to six minutes.

17 Q When you got there, what did you find?

18 A When we got to the trailer park there were officers
19 everywhere, and we went into the trailer and Tyvon was
20 already in the inside laying on the floor. He had been
21 shot.

22 Q And so, were you able to get to your son?

23 A Yes. We walked up to him and talked with him, and we
24 also applied pressure to the wound. And we held his hand,
25 me and my wife, his mother, we prayed with him.

DOUGLAS THREATT - CROSS

1 Q Now, was he able to respond to you?

2 A Yes, sir.

3 Q Was he asked -- did you ask or was he asked who shot
4 him?

5 A Yes, sir.

6 Q And were you present at the time that he answered?

7 A Yes, sir.

8 Q And what did he say?

9 A Shawn shot him.

10 MR. FRICK: Objection, Your Honor.

11 THE COURT: Objection overruled.

12 A Rashawn shot him. And we asked him again to say it
13 again and he told us again that Rashawn Little shot him.

14 Q And let me just ask you this, was he subsequently taken
15 away from the residence by ambulance?

16 A Yes, sir.

17 Q And like you said, there were several people around.
18 EMS personnel --

19 A Yeah.

20 Q Law enforcement personnel and y'all. So again, were
21 there multiple people that heard this comment?

22 A Yes, sir.

23 MR. REDMOND: Beg the Court's indulgence.

24 (Break in proceedings.)

25 MR. REDMOND: Please answer any questions that the

1 defense may have, Mr. Threatt. I am so sorry for your loss.

2 THE WITNESS: Thank you.

3 THE COURT: Mr. Frick?

4 CROSS EXAMINATION

5 BY MR. FRICK:

6 Q Mr. Threatt, I know this is difficult but I've got a
7 job to do and you understand that.

8 A Yeah.

9 Q You said that Tyshawn (sic) said that Rashad shot him
10 is that --

11 A Yes. Tyvon said that Rashawn shot him.

12 Q Rashawn.

13 A Rashawn, the defendant.

14 Q But he called him Rashad.

15 A Well, that's what I said, because I don't really know
16 his name. I never met him.

17 Q Okay. But that's what you heard Tyvon say.

18 A Yeah.

19 MR. FRICK: Thank you, sir, no further questions.

20 MR. REDMOND: No redirect, Your Honor.

21 THE COURT: Sir, you may step down. Thank you.

22 MR. REDMOND: And we would -- he's obviously going to
23 be here throughout the trial so I won't ask that he be
24 excused, I don't think he wants to be. Your Honor, at this
25 point we are prepared to introduce State's Exhibit I think

1 that's -- State's 99. And it they contains the three
2 redacted videos statements that the defense and the State
3 have agreed and have been redacted pursuant to the Rules of
4 Evidence to take out any inadmissible content. And that is
5 State's 99 at this time. I would move it into evidence and
6 wish to publish.

7 MR. YOUNG: Pursuant to our stipulation it's in
8 evidence. May we approach real quick?

9 THE COURT: Yes.

10 (A bench conference was held with the judge and
11 Lawyers.)

12 THE COURT: All right. Ladies and gentlemen of the
13 jury, what we're going to do at this point is I'm going to
14 let you go home for the day. I've been advised that the
15 playing of these next videos is about an hour and a half,
16 and rather than push on past 5:30 or thereabouts today I'm
17 going to let you go home for the balance of the day and we
18 will resume first thing in the morning. Okay? I'm going to
19 ask that you be back here at 9:00 in the morning. Do not
20 discuss the case, do not discuss the case at all with
21 anyone. As I've said from the outset you are to decide this
22 case based solely upon the evidence and testimony presented
23 in this courtroom. Do not do any independent investigation.
24 Okay? You all have a nice evening and I'll see you tomorrow
25 morning at 9:00.

1 (The jury left the courtroom.)

2 THE COURT: All right. Anything from the State before
3 we break for the day?

4 MR. REDMOND: Nothing from the State, Your Honor.

5 THE COURT: Defense counsel?

6 MR. YOUNG: No, Your Honor.

7 THE COURT: All right. 9:00 in the morning.

8 (Court recessed for the day and resumed on
9 Thursday, November 18, 2021, at 9:00 a.m.)

10 THE COURT: Good morning, ladies and gentlemen. I hope
11 you all had a nice evening. Yesterday when we broke
12 yesterday we were -- the State was going to play some videos
13 and Mr. Young here has transcripts of those videos. Is that
14 right, Mr. Young?

15 MR. YOUNG: Yes, sir.

16 THE COURT: That he is going to -- there's three
17 separate videos that are going to be played this morning, he
18 is going to give you all a transcript of each starting with
19 the first one first, give it to you each time or before each
20 video is played so that you do not have any questions about
21 which one is being played.

22 MR. REDMOND: And, Your Honor, just so the record will
23 reflect, first is D.J. Quick's interview. These are all
24 State's exhibits, by the way, the transcripts. State's
25 Exhibit 108 is the transcript of D.J. Quick. I'll go ahead

1 and ask that State's 109, the transcript of Carmella Quick,
2 and 110, the transcript of Zara Smith, be placed into
3 evidence at this time.

4 MR. YOUNG: Without objection.

5 (State's 108-110 were received.)

6 THE COURT: All right.

7 MR. REDMOND: And, Your Honor, as a housekeeping matter
8 just briefly there are a couple of stipulations that we
9 wanted to put on the record in the front of the jury if I
10 may, if it please the Court?

11 THE COURT: All right.

12 MR. REDMOND: First, Your Honor, the defense and State
13 have stipulated that the defendant, Rashawn Little, was not
14 shot. That's important because there were issues, and you
15 will hear some issues regarding that with the videos, but we
16 stipulate that he was not shot at all during this incident.
17 Also, we stipulate that he did not have his shirt on when
18 Brian Truex encountered him in the woods, or coming out of
19 woods on Rollings Road. So we do stipulate, the parties
20 have agreed that he did not have on a shirt when he was
21 apprehended. And finally, as it relates to the tox report,
22 and that would be State's Exhibits 100 and 101. 100 is the
23 tox report of Shannon Little, 101 is of Tyvon Threatt. Your
24 Honor, the results of those tox screens -- and they are in
25 evidence, we've already stipulated they are in evidence.

1 101, Tyvon Little (sic) he did have trace amounts of THC,
2 which is a metabolite of marijuana. And on 100, Shannon
3 Little, she actually did -- she had a clean tox screen. So
4 the parties have stipulated to those, and we've stipulated
5 to going ahead and publishing the results of those tox
6 screens.

7 MR. YOUNG: That's correct, Your Honor.

8 THE COURT: All right. Very well.

9 MR. REDMOND: I'm sorry, Tyvon Threatt. I said Tyvon
10 Little, I meant to say Tyvon Threatt.

11 THE COURT: You did. I was fixing to address that.
12 Thank you.all right. Is the State now prepared to move
13 forward with the playing of the --

14 MR. REDMOND: Yes, sir, Your Honor. Starting with the
15 interview of D.J. Quick, Your Honor.

16 (At this time the interviews were played.)

17 MR. REDMOND: Your Honor, that would conclude the
18 presentation.

19 THE COURT: All right. Ladies and gentlemen of the
20 jury, pursuant to the conclusion of the video presentation
21 at this point we'll take a short break. I'm going to ask
22 you to step to the jury room, do not discuss the case, I'll
23 get you back out here in just a few minutes.

24 (The jury left the courtroom.)

25 (A break was taken.)

TYLER STURKIE - DIRECT

1 THE COURT: Anything from the State before I bring the
2 jury back out?

3 MR. REDMOND: No, sir.

4 THE COURT: Defense counsel?

5 MR. YOUNG: No, Your Honor.

6 THE COURT: All right. Bring me the jury, please.

7 (The jury returned to the courtroom.)

8 THE COURT: All right. We have all of the jurors back.
9 I hope you all had a good break and are ready to proceed. I
10 will recognize the State call your next witness, please.

11 MR. REDMOND: Thank you, Your Honor. May it please the
12 Court? The State next calls Tyler Sturkie with SLED.

13 The witness, TYLER STURKIE, was first duly sworn and

14 Testified as follows:

15 DIRECT EXAMINATION

16 BY MR. REDMOND:

17 Q Please state your full name for the record.

18 A Tyler Sturkie.

19 Q And by whom are you employed?

20 A I'm employed by the South Carolina Law Enforcement
21 Division in their Forensic Services Laboratory.

22 Q And how long have you been so employed?

23 A Seven years.

24 Q And during that time, has that been as a Forensic
25 Scientist in the Trace Evidence Department?

TYLER STURKIE - DIRECT

1 A Yes, sir. I've been a Forensic Scientist in the Trace
2 Evidence Department.

3 Q Now, let's go through some background information.
4 Could you give us your educational background?

5 A Sure. I received a Bachelor of Science Degree in
6 Chemistry from Newberry College. And when I was hired by
7 SLED I began a year long training program in the analysis of
8 gunshot residue. This training consisted of written and
9 practical examinations on the practice and theory of gunshot
10 residue. I have also completed courses at the Hooke College
11 of Applied Sciences titled gunshot residue identification,
12 Scanning Electron Macroscopy, and advanced x-ray
13 microanalysis.

14 Q And are all of those tools utilized in what you do in
15 trace analysis?

16 A Yes, sir.

17 Q Now, as it relates to training, and you've touched on
18 it, but give us any training and certifications that you've
19 completed.

20 A Yes, sir. We also complete a proficiency test yearly
21 in order to remain competent within our trained discipline.
22 And each year we also whatever other disciplines we are
23 capable of analyzing tests in for the Trace Evidence
24 Department. We also analyze paint fibers, fire debris,
25 explosives and general unknowns.

TYLER STURKIE - DIRECT

1 Q Now, how many times have you been qualified as an
2 expert in any court at all, state or federal court?

3 A Twenty-eight.

4 MR. REDMOND: At this time, Your Honor, I would move to
5 have Mr. Sturkie qualified as an expert in the field of
6 Trace Evidence Analysis.

7 MR. YOUNG: No objection, Your Honor.

8 THE COURT: All right. Ladies and gentlemen, I
9 previously gave you a charge as it relates to expert
10 witnesses. This individual has been qualified as an expert
11 in the area of trace evidence analysis, to give opinion
12 testimony in that particular area. As I told you before,
13 that does not mean that you must accept the opinion, but it
14 is evidence for you to use in any way that you see fit and
15 give it the weight and credibility that you believe is
16 appropriate. You may continue.

17 MR. REDMOND: Thank you, Your Honor. May it please the
18 Court?

19 Q Now, Mr. Sturkie, tell us -- before we get into this
20 particular analysis let's, I guess, get a rudimentary
21 understanding, if we can, of trace evidence and GSR. First
22 of all, would you describe your duties in this regard in
23 this context?

24 A Yes, sir. So I am a forensic scientist in the Trace
25 Evidence Department where we analyze evidence pertaining

TYLER STURKIE - DIRECT

1 particularly for this case gunshot residue. And SLED
2 services the entire state, so any law enforcement agency
3 will deliver and bring evidence to our forensics laboratory
4 in order to test it. My specific duty is to analyze the
5 gunshot residue kits that have been submitted for any type
6 of case, analyze it and generate reports testifying in court
7 if needed.

8 Q And let's talk about gunshot residue, or what we may
9 call GSR. Could you explain that, please?

10 A Yes, sir. Gunshot residue, or GSR for short, is the
11 composed and unburned particles from the primer, the
12 propellant and the projectile of a firearm that has been
13 recently discharged. These particles are usually round or
14 molten in shape and they contain the elements of lead,
15 barium and antimony.

16 Q Now, how does someone get GSR, gunshot residue?

17 A When a weapon is fired gunshot residue will be expelled
18 from any opening of that gun, this includes the muzzle, the
19 ejection port of a semiautomatic or the cylinder gaps of a
20 revolver. Any opening within a weapon once it has been
21 fired, gunshot residue will be expelled, and it will create
22 like a plume or a cloud of smoke, if you will. It's very
23 microscopic, you cannot see it with the naked eye. We
24 utilize Scanning Electric Macroscopy in order to view and
25 characterize this particular evidence. But once a gun is

TYLER STURKIE - DIRECT

1 fired and that GSR is expelled it can land on the shooter's
2 hands, the clothing and any object or person within that
3 general vicinity of that discharged firearm.

4 Q And let me stop you there just to make sure we clarify.
5 So with GSR if only the shooter -- is the shooter the only
6 person that can get gunshot residue on them?

7 A No, sir. Gunshot residue, like I said, it's very
8 fragile and it's -- as that cloud of smoke, or of GSR is
9 formed from that discharged firearm, any object within the
10 vicinity can receive gunshot residue.

11 Q Any object or person within the vicinity.

12 A That's correct.

13 Q Okay. Now, how long does GSR remain on, I guess, a
14 living person, an inanimate object or possibly even a
15 deceased person, if it can, how long does GSR last?

16 A We have a protocol stating within six hours of a living
17 individual will we test, from the time of shooting to the
18 time of collection the six hours. And the reason we have
19 this time frame is because as gunshot residue over time is
20 on an individual's hands it will continuously be removed, or
21 has the potential to be removed. Living individuals are
22 constantly moving. They may be wiping their hands or
23 sweating. There could be potentially environmental factors
24 such as wind and rain or blood, sweat, all of these factors
25 can remove any potential GSR that could have been there to

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1 begin with. So we have a window of six hours in which we
2 will analyze this evidence. For a deceased individual or
3 inanimate objects we do not have this timeframe simply
4 because for the deceased individual all bodily functions
5 have ceased. So unless outside factors would remove any GSR
6 present we have no timeframe for those.

7 Q Now, how are samples collected of GSR, gunshot residue?

8 A Gunshot residue is typically by a gunshot residue kit.
9 These are administered throughout the State to local law
10 enforcement agencies, and the investigator or officer on
11 scene will use this kit to collect from the areas of the
12 hands, specifically for individuals and any other objects
13 that they deem necessary. These kits usually contain what
14 we call particle lifts, and these particle lifts are
15 composed of a carbon sticky tab that will dab on the hands
16 of the suspect, victim, object, and each one of these
17 particle lifts are labeled. They can be labeled the right
18 hand or the left hand. The officer will use these particle
19 lists, collect those areas and submit that to the lab for
20 analysis.

21 Q And what are in the kits?

22 A They're called -- we call them particle lifts. It's
23 a -- if you can imagine a roofing nail, it has a larger head
24 and a smaller stem, that head has a carbon sticky tape, and
25 it's carbon for the purpose of our Scanning Electron

TYLER STURKIE - DIRECT

1 Macroscopy. Because it's a sticky tab what they will do is
2 they will dab the hands to the front and back of each
3 individual, because those are the areas that will be closest
4 to a discharged firearm.

5 Q Now, did the lab receive GSR to examine in this
6 particular case?

7 A Yes, sir. We received several GSR kits for this case.

8 Q Okay. And was one of those kits on the defendant --
9 I'm sorry -- yes, on the, Rashawn Little?

10 A Yes, sir.

11 Q And was there a test performed?

12 A In this case there was no testing performed on this.

13 Q And could you please explain why?

14 A Yes, sir. May I read from my report?

15 Q Absolutely. Actually -- well, go ahead and read it in,
16 yes, absolutely.

17 A So as evidence gets brought into the SLED laboratory it
18 gets generated, a SLED lab number, which may differ from the
19 department that submitted the agency's number, or case
20 number. For this particular case I believe there were two
21 SLED lab numbers submitted, and for Mr. Little's GSR kit it
22 was submitted under L1514256. It was item one described as
23 one GSR kit from Rashawn Montez Little, and the results were
24 no gunshot primer residue analysis performed. Supplemental
25 information indicated that the amount of time between the

TYLER STURKIE - DIRECT

1 shooting incident and the sampling for this item was beyond
2 six hour. It should be noted that the optimal window of
3 opportunity for sampling the hands of a living individual
4 lasts for up to four to six hours after the shooting
5 incident.

6 Q Okay. And so, in other words, per protocol from SLED
7 there was no testing done.

8 A That's correct.

9 Q Based on information as it relates to the amount of
10 time that passed before he was actually able to be given
11 that test.

12 A Yes, sir. With those GSR kits, I did not mention
13 earlier, is a GSR kit information form. And this form is
14 filled out by the officer that indicates who or where the
15 subject is of the test or of the kit, and the time from the
16 shooting and the time of collection. That information form
17 is where we would have noted it was beyond six hours and
18 therefore did not analyze this kit.

19 Q I'm going to direct your attention to lab number
20 L151-14257, and Item 9 in particular, that being a GSR kit
21 from Shannon Little. Is that an item that was received at
22 SLED?

23 A Yes, sir, it is.

24 Q And I'm going to show you what's been marked as State's
25 Exhibit 1.

TYLER STURKIE - DIRECT

1 MR. REDMOND: If I may approach the witness, Your
2 Honor?

3 THE COURT: Yes, sir.

4 Q Is that a report that you generated in this particular
5 case regarding Shannon Little?

6 A It appears so.

7 Q Yes. Is that an accurate true copy of the report that
8 you generated?

9 A It appears to be so.

10 MR. REDMOND: At this time I would move State's number
11 104 into evidence at this time.

12 THE COURT: Any objection?

13 MR. YOUNG: No objection, Your Honor.

14 THE COURT: Without objection so admitted.

15 (State's 104 was received.)

16 Q Now, on this particular exhibit you can refer to -- I
17 think you have a copy of your report right there.

18 A Yes, sir, I do.

19 Q If you can refer to a copy of State's 104. What
20 testing was performed in this particular case?

21 A A gunshot residue primer, or gunshot primer residue
22 analysis, was performed. This is utilizing the Scanning
23 Electron Microscope that's paired with an Energy Dispersive
24 X-ray Detector.

25 Q And in that -- and I know you've touched on it already

TYLER STURKIE - DIRECT

1 but specifically as it relates to this examination, what
2 were you looking for?

3 A I was looking for the presence or absence of gunshot
4 residue. The particle lifts I mentioned earlier will be
5 placed within the Scanning Electron Microscope, and an
6 analysis will be performed first automated by the computer
7 system itself and it will detect any particles, not
8 necessarily just gunshot residue, it will detect any
9 particles on that particle lift. And these particles will
10 have a quick image taken of them and an x-ray spectra
11 basically saying what elements are composed of those
12 particles. It is then my job to determine whether or not
13 that these particles are, in fact, their true shape, and if
14 they indeed have the elemental characteristics that the
15 automated analysis said.

16 Q And in this particular case, State's 104, could you
17 please state what your result -- what the results of your
18 testing were?

19 A Yes, sir. Item nine is one GSR kit from Shannon
20 Little. The results were particles characteristic of
21 gunshot primer residue were found. Particles characteristic
22 of gunshot primer residue are microscopic molten particles
23 that contain the elements lead, barium and antimony.
24 Gunshot primer residue can come from being in the vicinity
25 to the discharge of the firearm to include sustaining a

TYLER STURKIE - DIRECT

1 gunshot wound, discharging a firearm, or coming into contact
2 with a surface that has gunshot primer residue on it. No
3 information can be provided as to the likelihood of any of
4 these scenarios.

5 Q And again, let me go back and -- well, let me just ask
6 you this, particularly when you read that including
7 sustaining a gunshot wound. So a person sustaining a
8 gunshot wound could also have GSR.

9 A Yes, sir. We typically expect to find gunshot residue
10 on the victim of a gunshot wound simply because it is known
11 knowledge that that person has indeed received a gunshot
12 wound and therefore would have been in a general vicinity to
13 the discharge of a firearm.

14 Q And the last thing I -- well, not the last thing but
15 the last thing specifically to the report, is that the last
16 sentence, no information can be provided as to the
17 likelihood of any other scenario? What does that mean?

18 A That means basically when we find the presence of
19 gunshot residue I can tell you one of three things: That
20 individual did fire the weapon, that individual was in the
21 vicinity when that weapon was fired, or that individual
22 touched an object that had gunshot residue on it.
23 Unfortunately I cannot identify which one of these
24 specifically, just that the individual happened to be or
25 touched something that had gunshot residue.

TYLER STURKIE - CROSS

1 Q And so -- and I think you've already touched on it, but
2 in general in closing, what do these results mean?

3 A My results simply state the presence or absence of
4 gunshot residue.

5 Q And were they present on Shannon Little?

6 A Yes, sir, they were.

7 MR. REDMOND: Beg the Court's indulgence.

8 (Break in proceedings.)

9 MR. REDMOND: Please answer any questions that the
10 defense may have.

11 THE COURT: Cross examination.

12 MR. YOUNG: Thank you, Your Honor.

13 CROSS EXAMINATION

14 BY MR. YOUNG:

15 Q Good morning.

16 A Good morning.

17 Q These particles, the lead, barium, antimony that you
18 talked about, they don't break down, right?

19 A Correct, they do not.

20 Q So gunshot residue, unless it's wiped off or cleaned
21 off, it's going to stay there.

22 A More than likely, yes, sir.

23 Q I mean, you could -- if I was firing a gun in this suit
24 and then just hung this suit up, you could come back and
25 test that a month later and it would have gunshot residue if

TYLER STURKIE - CROSS

1 I just left it hanging in the closet.

2 A Yes, sir. We could -- the only thing with that
3 particular scenario is we if we did find gunshot residue we
4 could not tie it to a specific incident.

5 Q Sure. Unless somebody like saw me wearing this suit
6 shooting and then got the suit and knew that it had been
7 stored, right?

8 A Yes, sir.

9 Q Now, you didn't test any clothes in this case.

10 A That is correct, I did not.

11 Q And the only two kits you had were for Shannon Little
12 and Rashawn Little.

13 A I also had a third gunshot residue kit.

14 Q You had one for Tyvon Martin (sic)?

15 A My Item 49 is submitted as one GSR kit from Tyvon
16 Threatt.

17 Q And that one was negative.

18 A Yes, sir, it was.

19 Q And you didn't have one for Marques.

20 A No, sir, I do not believe so.

21 Q That was not collected or you don't know.

22 A I'm not sure.

23 Q All right.

24 MR. YOUNG: Thank you very much.

25 MR. REDMOND: Beg the Court's indulgence.

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1 (Break in proceedings.)

2 MR. REDMOND: No redirect, Your Honor.

3 THE COURT: All right. Sir, you may step down. Thank
4 you.

5 THE WITNESS: Thank you.

6 MR. REDMOND: Mr. Sturkie is needed in Lexington, can
7 he be excused so he can go to court in Lexington?

8 THE COURT: Absolutely. Sir, you're excused, you're
9 free to go. Have a nice day. Call your next witness,
10 please.

11 MR. REDMOND: Your Honor, the State calls Mr. Stephen
12 Curtis.

13 The witness, STEPHEN CURTIS, was first duly sworn and
14 Testified as follows:

15 DIRECT EXAMINATION

16 BY MS. JOHNSON-LEE:

17 Q Please state your name for the record, and spell your
18 first name.

19 A Stephen, S-t-e-p-h-e-n, Curtis.

20 Q Are you employed at the current time?

21 A No, ma'am, I'm not.

22 Q Why is that?

23 A I retired about three weeks ago.

24 Q Where were you before you retired?

25 A I was a latent print examiner with the South Carolina

STEPHEN CURTIS - DIRECT

1 State Law Enforcement Division in Forensic Services in
2 Columbia.

3 Q Does that mean you were a Forensic Scientist?

4 A Yes, ma'am.

5 Q And how long were you in latent prints?

6 A Seven years.

7 Q Now, do you have prior experience at SLED?

8 A Yes, ma'am. I started working at SLED in the Crime
9 Scene Unit back in 1998 and retired the first time in 2008.
10 I spent eight years in the Crime Scene Unit, and then
11 another two as Lieutenant in charge of the Internal Affairs
12 Unit and then retired. I had the opportunity to go and
13 teach criminal justice classes full time down at Horry
14 Georgetown Technical College. And then I was invited back
15 to SLED in 2014 to work in the Latent Print Department.

16 Q And have you also been adjunct professor at other
17 colleges?

18 A Yes, ma'am. I taught, it was a part-time basis, at
19 Coker College and Midlands Tech. during the time I worked at
20 SLED. And prior to that I was a detective with the Richland
21 County Sheriff's Office, and I taught part-time at Midlands
22 Tech. back then as well.

23 Q You said you were a detective at Richland County?

24 A Yes, ma'am. I worked at Richland County for a little
25 over ten years in various positions. I was a patrol deputy,

STEPHEN CURTIS - DIRECT

1 crime scene investigator, and then was promoted to Sergeant
2 over the Robbery/Homicide Unit there the last couple of
3 years that I worked at Richland County, and that was right
4 before I went to work over at SLED.

5 Q So how many years again were you at Richland?

6 A Ten.

7 Q Now, do you have any specialized training in order to
8 do latent prints?

9 A Yes, ma'am. Just off the top of my head, I've got in
10 excess of 300 hours of various training through different
11 agencies in regards to the processing of crime scenes,
12 processing of items for latent prints for crime scene, and
13 then the comparison of latent prints for identification
14 purposes.

15 Q Have you ever been declared an expert in latent prints?

16 A Yes, ma'am, I have.

17 Q How many times?

18 A Probably about 35 roughly.

19 MS. JOHNSON-LEE: Your Honor, at this time the State
20 would offer Stephen Curtis as an expert in latent prints.

21 MR. YOUNG: No objection, Your Honor.

22 THE COURT: All right. Ladies and gentlemen, this
23 individual is being qualified as an expert in the area of
24 latent prints. The same charge that I've given you before
25 on experts is applicable here. Okay? You may continue.

STEPHEN CURTIS - DIRECT

1 MS. JOHNSON-LEE: Thank you, Your Honor.

2 Q You've been an expert in court in other areas as well;
3 is that correct?

4 A Yes, ma'am.

5 Q And what areas are those?

6 A I've been an expert 20 or 25 times in the processing of
7 a crime scenes, death investigations. And I think five
8 times I was deemed expert in bloodstain pattern analysis.

9 Q Now, please explain what latents prints are.

10 A The term latents prints refers to unknown fingerprint
11 generally from crime scenes or off of evidence, pieces of
12 evidence from crime scenes. And basically the term latent
13 mean hidden or unknown. So if you're able to develop a
14 useable latent print then you're able to possibly use that
15 and figure out who left that print within the crime scene or
16 on that piece of evidence.

17 Q So would that include fingerprints or palm prints?

18 A As well as footprints. The type of skin on your hands,
19 fingers and the soles of your feet is called friction ridge
20 skin, kind of like corduroy fabric. The ridges in friction
21 ridge skin is broken up into smaller pieces. The ridge may
22 break off or fork off into two different ridges, sometimes
23 they stop. Those kind of characteristics are called minutia
24 in the fingerprint lingo comparisons.

25 Q Now, how do you process items for latent prints?

STEPHEN CURTIS - DIRECT

1 A Well, it depends on the actual item. There are two
2 areas, porous and non-porous, which simply means pieces of
3 paper, untreated wood, some substance or surface that would
4 absorb the latent print material. And then nonporous, which
5 would be hard objects like glass, soda cans, bottles, the
6 hood of a car. And that basically means that the
7 fingerprint residue is left on the top surface of whatever
8 item that is and stays there if you're able to develop a
9 print on those items.

10 Q Now, as a forensic scientist in latent prints, do you
11 also swab for anything?

12 A Well, now or with the last since I've been back in
13 latent prints, one of the things we do is we look at the
14 evidence and areas that may be better suited to swab for
15 touch DNA versus areas that may render usable latents prints
16 if they are on the object once they're processed chemically.

17 Q Now, in this particular case did you process both for
18 latent prints as well as do swabs?

19 A Yes, ma'am.

20 Q Okay. Now, on the items that you swab, what did you do
21 with those swabs?

22 A They were shell casings. I ended up swabbing what we
23 call the head stamp, the back end of the shell casings, and
24 those were placed -- they were actually allowed to air dry
25 and then placed into small envelopes which were sealed and

STEPHEN CURTIS - DIRECT

1 then put into a package, and they were sent to the DNA
2 department at SLED for them to analyze.

3 Q And what items did you process for latent prints in
4 this case?

5 A Do you want me to -- I've got eight shell casings or
6 cartridge casings, bullets where the projectile has been
7 discharged from the gun being fired, I have eight of those.
8 And then I have one handgun, a Ruger Security Six handgun,
9 and it had six cartridges in the cylinder. So I processed
10 the gun and the cartridges from the cylinder.

11 Q Now, as a result of what you did, did you prepare a
12 report?

13 A Yes, ma'am.

14 MS. JOHNSON-LEE: Permission to approach the witness.

15 THE COURT: Yes, ma'am.

16 Q I'm going to show you what's marked for identification
17 as State's Exhibit 102. Is that your report?

18 A Yes, ma'am.

19 Q And that consists of five pages?

20 A Yes, ma'am.

21 MS. JOHNSON-LEE: At this time I would move to have
22 Mr. Curtis' report into evidence.

23 MR. YOUNG: No objection, Your Honor.

24 THE COURT: So admitted without with objection. What
25 number is that again?

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1 MS. JOHNSON-LEE: 102.

2 THE COURT: All right. So admitted.

3 (State's 102 was received.)

4 Q Now, in looking at your report you analyzed a cartridge
5 case head stamped RP380 Auto.

6 A Yes, ma'am.

7 Q Were you able to find anything on that?

8 A There were a total of four of those. And after
9 swabbing the head stamp area I did process them with
10 Cyanoacrylate, or super glue, and then used MBD which is a
11 dye stain that will make the super glue residue fluoresce if
12 there's any present on the item. And so I processed four of
13 the RP 380 Auto shell casings or cartridge casings, and I
14 was not able to develop any fingerprint evidence of any of
15 those casings.

16 Q Is that unusual?

17 A No, ma'am. And mostly based upon my experience I have
18 read a little articles about this. But unlike on TV, the
19 chances of developing usable latent fingerprints on items,
20 particularly firearms, is not very likely just due to the
21 way that that item may be handled, and the fact that when a
22 firearm is discharged the process that the gun goes through
23 makes a likelihood very small. I'm not going to say it's
24 impossible because I have developed fingerprints on guns
25 before and I have developed partial fingerprints on shell

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1 casings that have either been ejected from a semiautomatic
2 handgun or the cylinder of a revolver. But just if you
3 think about it guns, they're usually hidden in waistbands or
4 they're in a holster or they're in somebody's pocket, that's
5 more likely going to wipe off any fingerprints that are
6 present. And again, just generally, fingerprints, just
7 because you touch an object does not mean that you
8 necessarily are going to leave a fingerprint. Two of the
9 elements that are involved in that are the condition of your
10 hands and the condition of the item touched. So if your
11 hands are rough or if the weather is cold and you're not
12 really sweating very much you may not leave a fingerprint.
13 Or if you've got a handgun for example and you put it in
14 your back pocket or something you may be wiping that off.
15 In terms of shell casings, if you think about the way that a
16 semiautomatic ejects it, when the trigger is pulled it's
17 basically an explosion inside the gun so you see fire and
18 smoke and everything coming out. And in a semiautomatic the
19 shell casing is kicked out of the ejection port, flies
20 through the air and then lands wherever it lands. So you've
21 got not only the heat and fire of the projectile coming out
22 of the end of the barrel, but you've also got friction as it
23 flies through the air, and when it strikes the ground or
24 whatever it hits it's coming in contact with stuff. So is
25 that wiping off some of the fingerprint residue? More than

STEPHEN CURTIS - DIRECT

1 likely. I have never had much success getting usable latent
2 prints off of cartridge casings in particular. And in terms
3 of guns that's hit or miss. But that's why, you know, the
4 attitude that we have at SLED in the latent print department
5 is that we will go ahead and try, because there is the
6 possibility that you could be successful with that.

7 Q When you are successful is that a shock to you?

8 A Not so much on the guns, but the cartridge casings --
9 and I've been doing this roughly 30 something years and I've
10 never developed a usable fingerprint on a cartridge casing
11 that's been ejected out of a semiautomatic handgun. Now,
12 I'm sure somebody somewhere has but I've not been that
13 fortunate.

14 Q Did you also examine cartridge casings head stamped WIN
15 40 S and W?

16 A Yes, ma'am. I had four of those as well and ended up
17 with the same results. I did not develop any fingerprint
18 residue or ridge structure on any of those four items.

19 Q Now, are those cartridge casings ejected or not
20 ejected?

21 A Well, the 380's are and the 40 Smith and Wessons are as
22 well. Those are from semiautomatic handguns.

23 Q And so those would not have necessarily -- it would not
24 be unusual not to have a print on those for the same reasons
25 that you explained with the 380?

STEPHEN CURTIS - DIRECT

1 A Yes, ma'am.

2 Q Okay. Now, did you also examine a Ruger Security Six
3 revolver with six cartridge cases?

4 A Yes, ma'am, I did.

5 Q Okay. Now, is that commonly called a 357?

6 A That I don't know.

7 Q If I show you what's marked as State's Exhibit 40.

8 MS. JOHNSON-LEE: Permission to approach?

9 THE COURT: Yes, ma'am.

10 Q Is that the item you examined that was labeled Ruger
11 Security Six Revolver with six cartridge cases?

12 A Yes, ma'am.

13 Q Okay. Now, did you find anything on those cartridge
14 cases first of all?

15 A On the actual cartridge casings themselves I did not
16 develop any ridge detail.

17 Q Now, on these type of cartridge cases they're not
18 necessarily ejected, or they're not ejected; is that
19 correct?

20 A No, ma'am. Those stay in the cylinder, the round
21 portion of the gun.

22 Q But you say you were not able to find any prints on
23 those?

24 A No, ma'am, I did not.

25 Q Do you have any scientific explanation for why that

STEPHEN CURTIS - DIRECT

1 would not be out of the ordinary?

2 A Well, I guess scientifically you're looking at again
3 the discharging of a firearm, so the cartridge casings
4 themselves get incredibly hot. And fingerprint residue is
5 basically water and some amino acids and a little bit of
6 oil. So if the cartridge casing gets hot enough I would
7 think it would evaporate, but also you've got fire coming
8 out and it just -- it's just a situation where the
9 fingerprint residue is incredibly fragile and just doesn't
10 survive going through that kind of heat and fire generally.

11 Q So again for cartridge cases that are not ejected it
12 still would be unusual to find a print?

13 A I would say that it's not quite as unusual but it's
14 still not very likely, and that's based upon my experience.
15 I've never researched any studies where people have
16 conducted experiments with that. But I really don't expect
17 anything off a semiautomatic, and I would probably be a
18 little bit shocked if I got anything off of cartridge
19 casings out of the cylinder of a revolver.

20 Q Now, did you also process the gun itself?

21 A Yes, ma'am.

22 Q Did you find anything?

23 A I had some insufficient ridge detail, which simply
24 means there's not enough of the fingerprint, or the quality
25 of the ridge detail there is insufficient for me to take it

STEPHEN CURTIS - DIRECT

1 and use it to compare to an inked print from a known person.
2 So there was a little bit of fragmentary ridge detail on the
3 frame itself but it was of no use in terms of comparing it
4 to somebody.

5 Q And again, what things would affect the ability to
6 find -- and I know you're repeating yourself a little bit,
7 but what things affect the ability to find a print on a gun?

8 A Well, I mean, basically the two big factors are the
9 condition of the person's hands and the condition of the
10 item touched. So if the person has rough hands, say they
11 work like a brick mason or carpenter they would have rough
12 callused hands, probably wouldn't leave a print at all.
13 With somebody that doesn't really work with their hands
14 there's a better chance of that, but that's also affected by
15 the weather. If it's hot and humid you tend to sweat more
16 so you're probably going to have a little more sweat and
17 oils on the friction ridge skin on your palms and fingers.
18 But also the way that the gun is handled. Is it pushed in
19 the waistband? Is it pushed in a holster or a pocket?
20 Also, you know, looking at -- this item is in pretty good
21 shape, but like the wooden handle of this item would not be
22 conducive for developing good fingerprints to do a
23 comparison with.

24 Q What would not be?

25 A The grip. The wood portion of the grip is not going to

STEPHEN CURTIS - DIRECT

1 be really a good surface to keep a print, the metal part
2 would be so that's why we did attempt to process it for
3 prints. But again, you know, with guns they're generally
4 trying to hide guns and put away, like I said, in holsters
5 or pockets or something like that, so it's not like a
6 drinking glass say where you would touch it, pick it up,
7 drink and then set it back down on the table and leave it
8 alone. So, I mean, I don't know how the gun was handled
9 prior to it coming to me to process. But it's generally
10 most of the time you're not getting usable prints at crime
11 scenes or items from crime scenes.

12 Q And if the gun was located in an area where it was wet
13 on the ground, the grass or any type of foliage, would that
14 affect the ability to find a print also?

15 A I mean, it could. If the grass was wet or if it was
16 pushed down in the grass some it could have wiped some of
17 the fingerprint residue off. I don't know how the gun was
18 found or how it was handled prior to being packaged and sent
19 to us. So there's a lot of factors that really work against
20 finding usable identifiable fingerprints on items of
21 evidence or in crime scenes.

22 Q And which items did you swab to send those swabs to the
23 DNA lab?

24 A Out of the gun here I swabbed the head stamps of the
25 cartridge casings. I mean, they were inside the cylinder so

STEPHEN CURTIS - DIRECT

1 they were probably protected as well as they could be. So
2 looking at it the chances of getting potentially touch DNA
3 that seemed like the most likely location to me.

4 Q Did you also swab the cartridge casings for the 380 and
5 the 40?

6 A Yes, ma'am.

7 Q And those were also sent to the DNA lab?

8 A Yes, ma'am. They were all individually packaged in an
9 envelope after they air-dried and sealed with tape and then
10 sent to DNA for them to do the analysis for that.

11 MS. JOHNSON-LEE: Beg the Court's indulgence.

12 (Break in proceedings.)

13 MS. JOHNSON-LEE: Thank you. Please answer any
14 questions that Mr. Young has.

15 THE COURT: Cross examination.

16 MR. YOUNG: Thank you, Your Honor.

17 CROSS EXAMINATION

18 BY MR. YOUNG:

19 Q This is the 357 Magnum that you're talking about,
20 right?

21 A Yes, sir.

22 Q And metal is a pretty good surface for prints, right?

23 A Yes, sir.

24 Q Like plexiglass (inaudible) as far as it keeps them on
25 the surface, right?

STEPHEN CURTIS - CROSS

1 A That's a decent surface, yes, sir.

2 Q And you don't have any information about this gun
3 actually being used in any crime, you just know it was found
4 near a crime scene.

5 A I know they submitted it and wanted it processed in
6 association with a crime. But as far as like was it
7 actually used or where they got it, that kind of thing, I
8 didn't get that information when I first got the gun.

9 Q And nobody told you like how long -- I mean, if I take
10 a gun and it's in the woods for a month it's going to make
11 it hard to get prints off of it.

12 A More than likely. If there's moisture on a metal
13 surface like that or fingerprint residue it may oxidize or
14 rust on it. But then, too, if it's laying out in the open,
15 again, fingerprint residue is very fragile, so if it was hot
16 and the sun was beating down on it I would expect the
17 residue maybe to evaporate. If it's windy or rainy that may
18 interfere with that. So if something was left particularly
19 outside in the conditions that whatever the weather
20 conditions were it could affect the fact that prints were
21 not found on it.

22 Q And this gun has rust on it.

23 A Yeah. I think there's a little bit, yes, sir.

24 Q And I can't remember if it was you or another analyst
25 that removed some of the rust off of it.

STEPHEN CURTIS - REDIRECT

1 A That was not me.

2 MR. YOUNG: All right. Thank you very much. That's
3 all of the questions I have.

4 THE COURT: Any redirect?

5 MS. JOHNSON-LEE: Beg the Court's indulgence.

6 (Break in proceedings.)

7 REDIRECT EXAMINATION

8 BY MS. JOHNSON-LEE:

9 Q The longer the gun was outside laying on the ground in
10 grass, the longer it was there, would that reduce the
11 likelihood of a print being found?

12 A Again, it depends on the environment. I mean, prints
13 that are left like on a piece of -- like in a book I have
14 read, I haven't been around long enough, but they have found
15 prints that are over 100 years old that were in a book. But
16 you've got to think about if you touched the page, and
17 that's a porous surface, fingerprint residue sinks into the
18 paper, and the book is put back on the library shelf and
19 nobody ever checks it out that's pretty much a protected
20 environment. So finding that is probably not as great a
21 shock as if a gun had been left out say for several weeks or
22 whatever and it was rainy, hot or cold, the wind blowing, if
23 it, like you had mentioned earlier, like maybe being in the
24 grass, if the grass could wipe some of it off. I would say
25 the longer it's out there the more likely you're not going

STEPHEN CURTIS - REDIRECT

1 to have any prints if there was some to begin with because
2 there may not have been. It depends on, again, the
3 condition of the hand and the condition of the surface of
4 the item when it was touched. You know, I can touch this
5 desktop, you can come right now with fingerprint powder, you
6 may get my print or you may not. I'm sweating a little bit
7 because I am a little bit nervous up here on the stand, but,
8 you know, this also is a pretty clean surface, so it's worth
9 trying but there's no guarantee either way.

10 Q And with this particular gun, though, you said you did
11 find some ridge detail located on it, just not enough to
12 make a comparison?

13 A Yes, ma'am. It was just not enough there, and the
14 quality that was there was not enough for me to use to
15 actually look at somebody's print and make a determination
16 if it was theirs or not.

17 Q But there was some there that had not all dissipated or
18 gone away.

19 A Right. There was a little bit there, yes, ma'am.

20 MS. JOHNSON-LEE: Thank you. No further questions.

21 MR. YOUNG: Nothing further.

22 THE COURT: Sir, you may step down. Thank you.

23 MS. JOHNSON-LEE: May Mr. Curtis be excused, Your
24 Honor?

25 THE COURT: Any objection?

DONNA MONEY - DIRECT

1 MR. YOUNG: No, Your Honor. I would just propose that
2 everyone, unless after they've testified, unless the parties
3 said they need to keep them, that they just automatically be
4 released.

5 MR. REDMOND: And the State would go along with that,
6 Your Honor.

7 THE COURT: Sir, you're released from your subpoena,
8 you are free to go. Have a nice day.

9 THE WITNESS: Thank you, sir.

10 THE COURT: Call your next witness, please.

11 MS. MUNNERLYN: Thank you, Your Honor. The State would
12 call Donna Money.

13 The witness, DONNA MONEY, was first duly sworn and

14 Testified as follows:

15 DIRECT EXAMINATION

16 BY MS. MUNNERLYN:

17 Q State your full name for the record.

18 A Donna Money.

19 Q Okay. And where are you employed?

20 A I am currently employed at the South Carolina Law
21 Enforcement Division Forensic Services Laboratory.

22 Q Okay. And how long have you been employed there?

23 A Nine years.

24 Q And in what capacity are you currently employed?

25 A I am a Forensic DNA Analyst in the DNA Casework

DONNA MONEY - DIRECT

1 Department.

2 Q And have you the entire time been at SLED those nine
3 years, is that where you have been?

4 A Yes.

5 Q And prior to that did you have any experience regarding
6 DNA?

7 A Prior to my employment at SLED I was a college student
8 at the Pennsylvania State University getting my Bachelor's
9 Degree in Forensic Science.

10 Q Okay. Well, go ahead and tell us about your education
11 in this particular area.

12 A I received a Bachelor's of Science Degree in Forensic
13 Science from the Pennsylvania State University, graduated in
14 2011, and I was hired by SLED in 2012.

15 Q Okay. And have you had any specific training with
16 regard to DNA analysis?

17 A Yes. When I started in 2012 I participated in a year
18 and a half long training program under a qualified DNA
19 analyst. This training program included but was not limited
20 to written and practical components, training samples,
21 practice samples, a competency test. I also performed
22 written exams, a mock court, report writing exams and an
23 oral exam. After completing the training program I
24 participated in a supervised casework period, and then was
25 signed off for independent casework.

DONNA MONEY - DIRECT

1 Q Okay. And you have been performing independent
2 casework since that time with SLED.

3 A Yes.

4 Q Continuously.

5 A Yes.

6 Q And have you been qualified as an expert in court in
7 DNA analysis before today?

8 A Yes.

9 Q Do you know about how many times?

10 A Forty.

11 Q Okay.

12 MS. MUNNERLYN: Your Honor, I will move at this time
13 that Agent Money be qualified as an expert in DNA analysis.

14 MR. YOUNG: No objection.

15 THE COURT: Without objection. Ladies and gentlemen,
16 this witness is being qualified as an expert in DNA
17 analysis. The same instruction that I gave you previously
18 regarding expert testimony is applicable. You may continue.

19 MS. MUNNERLYN: Thank you, Your Honor.

20 Q Agent Money, could you please explain to the jury what
21 DNA is in general terms?

22 A DNA is a chemical found throughout the human body and
23 is essentially a person's genetic blue print. An individual
24 gets half of their DNA from their biological mother and half
25 of their DNA from their biological father.

DONNA MONEY - DIRECT

1 Q Okay. And so is an individual's DNA, is that specific
2 to that person?

3 A It is specific to that person, however, identical twins
4 would have the same DNA.

5 Q Okay. All right. And there has been some discussion
6 about touch DNA with a previous witness. Tell us, what is
7 touch DNA?

8 A Touch DNA is from skin cells left behind by an
9 individual when they touch an object. It may not
10 necessarily be left behind but that is the term that we
11 refer to.

12 Q Okay. And what tests do you perform to determine DNA,
13 or if DNA exists in a known object?

14 A We perform a four part analysis on evidence samples and
15 known standards that are submitted.

16 Q And if you can explain that a little bit to the jury,
17 what you're seeing and what you are looking for.

18 A The focus of the analysis is to get to the DNA found in
19 whatever cells may be present in a sample, and as I
20 mentioned before, it's a four step process. The first step
21 is to extract any DNA that may be present. After that, we
22 get to see exactly how much DNA is present in that sample.
23 Third step is to amplify or make copies of the DNA to have
24 more to work with. And then that sample is run through an
25 instrument that will separate the DNA based on size, and

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1 that information gets translated into what is referred to as
2 a DNA profile.

3 Q And once you have a DNA profile then what can you do
4 with that?

5 A A DNA profile, there's a few things that as an analyst
6 I can tell. I can tell a gender. If it's a profile from a
7 single individual or if it's a profile from multiple
8 individuals we refer to as mixtures. And beyond that if we
9 have known standards from individuals we can compare those
10 to the evidence profiles and determine whether or not that
11 individual is the source of the DNA.

12 Q Okay. So if you have evidence submitted to you and you
13 develop a DNA profile then you then can compare it to a
14 known profile and determine whether or not it matches that.

15 A Yes.

16 Q Okay. All right. And did you receive evidence to
17 analyze in this particular case?

18 A Yes.

19 Q Okay.

20 MS. MUNNERLYN: May I approach the witness, Your Honor?

21 THE COURT: Yes, ma'am.

22 Q I'm going to show you what's been marked as State's
23 Exhibit 103 and see if you recognize that?

24 A I recognize this as a copy of the DNA report that I
25 issued in this case.

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1 Q Okay. And it's a fair and accurate copy of the report
2 that you issued?

3 A Yes.

4 Q Okay.

5 MS. MUNNERLYN: Your Honor, I will move to admit
6 State's Exhibit 103 at this time.

7 MR. YOUNG: No objection, Your Honor.

8 THE COURT: Without objection so admitted.

9 MS. MUNNERLYN: Thank you, Your Honor.

10 (State's 103 is received.)

11 Q Okay. So tell us first of all, what evidence did you
12 receive for analysis in this particular case?

13 A There were several items of evidence and also several
14 known standards submitted in this case.

15 Q Okay. What were the known standards submitted?

16 A There was a blood standard from Shannon Little, this
17 was SLED item seven. A portion of this was preserved as a
18 dried blood standard, that became SLED Item 7.1, dried blood
19 standard from Shannon Little. SLED Item 52 was a blood
20 standard from Tyvon Threatt, and a portion of this was
21 preserved as SLED Item 52.1 known as dried blood standard
22 from Tyvon Threatt. SLED Item 57 was buccal swabs from
23 Luther Chambers. And then SLED Item 58 was buccal swabs
24 from Marques Tyson.

25 Q Okay. Now, when we refer to a known standard, can you

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1 explain to the jury what exactly that is?

2 A A known standard is when either blood or a cheek swab
3 is taken directly from an individual, and since it's being
4 taken directly from that person we know the profile being
5 developed is from that person.

6 Q Okay. And so when you receive a known standard, do you
7 go ahead and develop the DNA profile from those?

8 A Yes.

9 Q Okay. All right. And did you receive any evidence to
10 analyze in regards to those known standards?

11 A Yes.

12 Q Okay. And what did that include?

13 A Would you like me to just start from the beginning and
14 read down?

15 Q Yes.

16 A Items of evidence that were submitted for DNA analysis
17 were SLED Item 19.1, swabs collected from head stamp of item
18 19 head stamped RP 380 auto cartridge case. SLED Item 20,
19 swabs collected from Marker 19. SLED Item 21, swabs
20 collected from Marker 20. SLED Item 22, swabs collected
21 from Marker 33. SLED Item 23, swabs collected from Marker
22 38. SLED Item 24, swabs collected from Marker 42. SLED
23 Item 25, swabs collected from Marker 44. SLED Item 26,
24 swabs collected from Marker 46. SLED Item 27, swabs
25 collected from Marker 48. SLED Item 28, swabs collected

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1 from Marker 50. SLED Item 29, swabs collected from steps of
2 building 1842. SLED Item 33.1, swabs collected from head
3 stamp of item 33 head stamped RP 380 auto cartridge case.
4 SLED Item 34.1, swabs collected from head stamp of Item 34,
5 head stamped RP 380 auto cartridge case. SLED Item 34.2,
6 swabs collected from side of Item 34, cartridge case head
7 stamped RP 380 Auto. SLED item 42, swabs from driver's side
8 quarter panel marker CADC of Cadillac. SLED Item 43, swabs
9 from marker F of Cadillac. SLED Item 44, swabs from Marker
10 G of Cadillac. SLED Item 45, swabs from Marker H of
11 Cadillac. SLED Item 59.1, swabs collected from head stamp
12 of Item 59 head stamped Win 40 S and W cartridge case. SLED
13 Item 60.1, swabs collected from head stamp of Item 60, head
14 stamp Win 40 S and W cartridge case. SLED Item 61.1, swabs
15 collected from head stamp of Item 59, head stamped Win 40 S
16 and W cartridge case. SLED Item 62.1, swabs collected from
17 head stamp of 62, head stamp Win 40 S and W cartridge case.
18 And SLED Item 63.1, swabs collected from head stamp of Item
19 63 head stamp RP 380 Auto cartridge case. And finally, SLED
20 Item 64.1, swabs collected from head stamps of six 357
21 cartridge cases from Ruger Security Six revolver, serial
22 number 151-60843. One cartridge case head stamp WW Super
23 357 Magnum. Two head stamped federal 357 Magnum. One head
24 stamped RP 357 Magnum. One head stamped PMC 357 Mag. And
25 one head stamped Winchester 357 Mag.

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1 Q All right. So you received a lot of evidence in this
2 case, did you not?

3 A Yes.

4 Q Okay. And -- but did you analyze all of the evidence
5 that was submitted?

6 A No.

7 Q Okay. And why did you not do that?

8 A A request from the solicitor's office was received by
9 the DNA Casework Department back in 2017. This request had
10 specific items that they wished to be analyzed, and that any
11 items not on the list may be returned to the agency without
12 analysis.

13 Q Okay. And is it typical for items in large cases to be
14 narrowed down to specific things to be tested?

15 A Yes. The goal is to focus on the most probative items,
16 and then if additional items need to be worked they can be
17 but not necessarily on the front end.

18 Q Okay. All right. And so for many of these items you
19 have indicated on your report no analysis performed, or
20 simply that the items being returned to the submitting
21 agency without analysis; is that correct?

22 A Yes.

23 Q Okay. But there were items that you did perform
24 analysis on, correct?

25 A Yes.

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1 Q Okay. Tell us about those.

2 A There were several items that were collected from
3 various markers that were collected by individuals at the
4 scene, and those were the swabs that were analyzed by
5 myself.

6 Q Let's start with Number 42 and work down from there.

7 A SLED Item 42 was swabs from driver's side quarter panel
8 marker CADC of Cadillac. Presumptive testing for blood was
9 positive. The DNA profile matches the DNA profile of Luther
10 Chambers, and the probability of randomly selecting an
11 unrelated individual having a DNA profile matching this item
12 is approximately one and 630 nonillion.

13 Q 630 nonillion.

14 A Yes.

15 Q So that is a pretty high chance, is it?

16 A That number has 30 zeros just to give a sense of size.

17 Q Okay. So that match is to Luther Chambers; is that
18 correct?

19 A Yes.

20 Q And that was -- again, this is from the driver's side
21 quarter panel of marker CADC of the Cadillac?

22 A Yes.

23 Q Okay. And move along to Number 43. Tell us about that
24 swab.

25 A Swabs from Marker F of Cadillac, presumptive testing

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1 for blood was positive. The DNA profile matches the DNA
2 profile of Luther Chambers. The probability of randomly
3 selecting an unrelated individual having a DNA profile
4 matching this item is approximately one in 630 nonillion.

5 Q Again. The same result with this particular swab, and
6 it did match Luther Chambers with that particular
7 calculation.

8 A Yes.

9 Q Okay. Now, I just want to ask you, you're saying
10 presumptive testing for blood. So this was blood that you
11 were actually analyzing?

12 A Presumptive testing is a preliminary test, a
13 confirmatory test was not conducted.

14 Q Okay. But the presumptive test was positive with
15 blood.

16 A Yes.

17 Q Okay. All right. And then, again, looking at item 44,
18 tell us what your results were.

19 A SLED Item 44 was swabs from Marker G of Cadillac.
20 Presumptive testing for blood was positive. The DNA profile
21 matches the DNA profile of Luther Chambers. The probability
22 of randomly selecting an unrelated individual having a DNA
23 profile matching this item is approximately one in 630
24 nonillion.

25 Q All right. And then also Item 45.

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1 A SLED Item 45 was swabs from Marker H of Cadillac.
2 Presumptive testing for blood was positive. The DNA profile
3 matches the DNA profile of Luther Chambers. The probability
4 of randomly selecting an unrelated individual having a DNA
5 profile matching this item is approximately one in 630
6 nonillion.

7 Q All right. So the same result was achieved on all of
8 those swabs, that will be 42 through 45, correct?

9 A Yes.

10 Q And those were all swabs from the Cadillac.

11 A Yes.

12 Q All right. And all of those were matched to the Luther
13 Chambers' known standard.

14 A Yes.

15 Q All right. Let's go back then and look at the other
16 two that you did do a test on, which was items 20 and 21 I
17 believe.

18 A SLED Item 20, swabs collected from Marker 19.
19 Presumptive testing for blood was positive. The DNA profile
20 matches the DNA profile of Luther Chambers. The probability
21 of randomly selecting an unrelated individual having a DNA
22 profile matching this item is approximately one and 630
23 nonillion.

24 Q Okay. All right. So this was a swab which was
25 actually collected from the crime scene, correct?

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1 A Yes, from Marker 19.

2 Q From the Marker 19, which would have been one of those
3 yellow tents that the -- Todd Schenk when he went out and
4 put out at the crime scene, correct?

5 A Whatever they use for a marker, yes.

6 Q Okay. All right. And again, you had the same result
7 on this particular swab?

8 A Yes.

9 Q Okay. Again, it was a match to Luther Chambers.

10 A Yes.

11 Q All right. And finally as to Item 21?

12 A SLED Item 21, swabs collected from Marker 20.

13 Presumptive testing for blood was positive. The DNA profile
14 matches the DNA profile of Luther Chambers. The probability
15 of randomly selecting an unrelated individual having a DNA
16 profile matching this item is approximately one in 630
17 nonillion.

18 Q Okay. All right. So same result again for Luther
19 Chambers, that known standard.

20 A Yes.

21 Q So Markers 19 and 20 from the crime scene have Luther
22 Chambers' DNA on it.

23 A Yes.

24 Q Okay. Those, I believe, according to your report, were
25 all of the results that you were able to obtain; is that

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1 correct?

2 A Those were the items that I analyzed, yes.

3 Q Okay. And for all of the items you analyzed you did
4 actually find a match.

5 A Yes.

6 Q Okay.

7 MS. MUNNERLYN: Court's indulgence just one moment.

8 (Break in proceedings.)

9 MS. MUNNERLYN: Please answer any questions that the
10 defense has for you.

11 THE COURT: Mr. Young?

12 CROSS EXAMINATION

13 BY MR. YOUNG:

14 Q Good afternoon. Are you doing okay?

15 A Yes.

16 Q DNA is a science, right? I mean DNA analysis is a
17 science.

18 A Yes.

19 Q I mean, it's not something subjective, you don't form
20 your own opinion, right?

21 A No. We go -- we develop profiles from the items of
22 evidence, develop profiles from known individuals and then
23 compare them.

24 Q This is not something where you just look at it under a
25 microscope and is like I think these things match.

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1 A No.

2 Q It's a process of extraction and analysis to determine
3 what specific allele are present at different sites on a DNA
4 strand.

5 A Yes.

6 Q And when you have all of those alleles that's what
7 called you develop a full profile.

8 A Yes.

9 Q And the statistical number on the existence of that
10 profile, that's not going to change, right? That profile
11 has a statistical probability based on the population.

12 A Yes.

13 Q Forever, right?

14 A Yes.

15 Q That's why the number is the same. It's not about the
16 amount of DNA and any specific spot, right?

17 A That's correct. The profile itself doesn't change, the
18 statistic won't change.

19 Q As long as you have enough DNA to develop a full
20 profile that number is always going to be the same.

21 A Yes.

22 Q And once you do the analysis you get a graph so that
23 you can see each allele and where they are on this specific
24 sites of DNA.

25 A Yes.

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1 Q And basically you take the known profile and look at it
2 compared to the suspected profile, and it's pretty clear
3 whether or not they match or don't match.

4 A Yes. Starting with the first location all the way to
5 the last.

6 Q Correct. And you got alleles at all the sites, right?

7 A For these specific items, yes.

8 Q And it wasn't a question like did an allele drop out or
9 a bad batch run or anything like that.

10 A No.

11 Q Because sometimes there are errors in the collection
12 and stuff like that, but generally other than that DNA is a
13 science.

14 A Yes.

15 Q It doesn't involve your opinion.

16 A No.

17 Q You had the technical skill to get it through the
18 process and then you get the results.

19 A Yes.

20 MR. YOUNG: Thank you very much. That's all the
21 questions I have, Your Honor.

22 THE COURT: Any redirect?

23 MS. MUNNERLYN: No, Your Honor.

24 THE COURT: Ma'am, you may step down. Thank you. And
25 you're released from your subpoena, you're free to go. Have

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1 a nice day. As she's stepping down, will the lawyers
2 approach, please?

3 (A bench conference was held with the judge and
4 Lawyers.)

5 THE COURT: All right. Madam Forelady, ladies and
6 gentlemen of the jury, what I'm going to do at this point,
7 I'm going to let you go ahead and go to lunch. There's some
8 matters that we need to take up outside of your presence, so
9 I'm going to let you go to lunch and I'm going to ask you
10 all be back at 2:00, be back at 2:00 and we'll resume the
11 trial of this case at that time. As I've said from the
12 outset, do not discuss the case. Do not do any independent
13 investigation on your own. You are to decide this case
14 based solely upon the evidence and testimony presented in
15 this courtroom. Y'all have a nice lunch, I'll see you back
16 at 2:00.

17 (The jury left the courtroom.)

18 THE COURT: Is the jury clear? All right. Is the door
19 closed? All right. Mr. Redmond, it's my understanding, and
20 Mr. Young, that the next witness relates to firearms
21 testimony.

22 MR. REDMOND: That is correct, Your Honor.

23 THE COURT: And I believe Mr. Young had some objections
24 and we could possible proffer some testimony?

25 MR. YOUNG: Your Honor, under Jones and Council, the

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1 South Carolina state cases concerning scientific reliability
2 and opinion testimony, the defense takes the position that
3 toolmark matching or firearms matching opinion testimony
4 does not meet with the requirements of scientific
5 reliability to be admitted as match testimony in South
6 Carolina courts. This is an opinion testimony. We'll do
7 the proffer, but the specific objection is to the language
8 that this bullet was fired by this particular firearm to the
9 exclusion of all other firearms in the world.

10 THE COURT: All right. Well, let's hear the testimony
11 and then I'll hear from Mr. Young and Mr. Redmond again.

12 MR. REDMOND: And I apologize for interrupting, Your
13 Honor. The State would call for the purposes of the proffer
14 Agent Cromer from SLED.

15 The witness, SUZANNE CROMER, was first duly sworn and
16 Testified as follows:

17 MR. REDMOND: May it please the Court, Your Honor?

18 THE COURT: Yes.

19 DIRECT EXAMINATION

20 BY MR. REDMOND:

21 Q Ms. Cromer, could you state your name for the record?

22 A My name is Suzanne Cromer.

23 Q Okay. And where are you employed?

24 A I'm employed by the South Carolina Law Enforcement
25 Division commonly referred to as SLED in the Forensic

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1 Services Laboratory as a firearm examiner.

2 Q How long have you worked as a firearms examiner?

3 A I've been in the Firearms Department, next month it
4 will be 23 years. I started the SLED in-house training
5 program in February of 2000.

6 Q Let's go back to your educational background. Tell his
7 honor your educational background.

8 A I have a Bachelor's Degree from Clemson University. I
9 did some graduate work at the University of South Carolina
10 in Criminal Justice. During that time I did an internship
11 at the SLED Firearms Department.

12 Q Okay. And could you give -- you've already given your
13 employment background so I'll ask you about your
14 certifications, any classes, and trainings that are
15 pertinent to your testimony as an expert in this field.

16 A I completed SLED's in-house training program, which is
17 a multiyear training program where I studied under six court
18 qualified firearms examiners. In our training manual we
19 have different modules. We've take written tests, oral
20 tests, practical exercises, and when we get to a certain
21 point in our training we prepare cases for other examiners.
22 Upon completion of all modules of the training manual we are
23 given a comprehensive final exam that includes times, mock
24 case work, and that is graded upon by your training officer
25 and your lieutenant before you are allowed to accept case

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1 work on your own. I have taken classes with the Association
2 of Firearm and Toolmark Examiners, which we call AFTE. It's
3 an international organization for our profession. Up to
4 last year they've met every year for a weeklong training
5 seminar to discuss relevant issues in our field. I've been
6 fortunate enough to attend several of those training
7 seminars and take extra workshops such as machine gun
8 conversion, barrel making, tool manufactures of firearms.
9 Also ethics, Highpoint Firearm familiarization from the
10 owner of Highpoint Firearms and founder of Highpoint
11 Firearms. I've also taken classes with the Bureau of
12 Alcohol, Tobacco, Firearms and Explosives, commonly referred
13 to as the ATF, on serial number restoration, and the
14 National Integrated Ballistics Information Network, we call
15 that NIBIN. NIBIN is a digital database for images of
16 cartridge cases that you can seemingly relate to unrelated
17 case through that database. I'm also the NIBIN coordinator
18 an program administrator for SLED. I have also attended
19 several users congress meetings representing North and South
20 Carolina. I have taken Glock Armor certification classes.
21 I have toured Smith and Wesson, Ruger, Para USA, Daniel
22 Defense, just to name a few of firearms manufacturers. I
23 have also toured tool manufacturers such as Mayhew Tools,
24 Kabar, Cutco. Crescent Tools just to name a few.

25 Q And how many times have you been qualified as an expert

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1 in state or federal court, in any state or federal court as
2 an expert in the field of firearms analysis?

3 A Approximately 122 or 123, I lost count.

4 Q And I think you and I, this is our third trial within
5 the last year if I recall correctly.

6 A That's correct.

7 MR. REDMOND: At this time for purposes of this proffer
8 I would offer Ms. Cromer as an expert in the field of
9 firearms analysis.

10 THE COURT: Anything?

11 MR. YOUNG: Nothing in addition to the objection.

12 THE COURT: Are you contesting that she's an expert or
13 no?

14 MR. YOUNG: I'm not contesting her qualifications, I'm
15 contesting the reliability of the science.

16 THE COURT: Okay. Well, for purposes of this hearing
17 I'm going to find that she is qualified as an expert in
18 firearms analysis. Now, what you're questioning is that
19 which is beyond her qualifications.

20 MR. YOUNG: Yes, sir.

21 THE COURT: All right. Very well.

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

24 Q Ms. Cromer for purposes of hearing I'm going to ask you
25 about the science involved in what you do, so first let me

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1 carry through, how is it that you do what you do? What do
2 you use? What processes? I will just turn it over to you
3 and let you explain to the Court how that works.

4 A Okay. What we do is called firearms identification.
5 We look at ammunition components such as bullets, cartridge
6 cases, shotgun shells, to determine whether they are fired
7 by or ejected from a specific firearm. If we do not have a
8 firearm we can look at those ammunition components from a
9 scene and give investigators an idea of how many firearms
10 were fired at that scene, and potentially with the bullets
11 we can give investigators a list of potential manufacturers
12 that could have fired those bullets. It's two different
13 ways. When I work a case I start with my ammunition
14 components. What I do is I pull them out, I photograph
15 them, I document how I receive them. Then I'm going to look
16 at five different areas on a cartridge case. A cartridge
17 case can be marked by a firearm by the breach face of the
18 gun, the firing pin impression, the ejector, the extractor
19 and the chamber marks. So we're going to look at all of
20 those potential markings on those cartridge cases. A bullet
21 is a little different because it's marked by a different
22 part of the firearm, that bullet is marked by the rifling in
23 the gun barrel. Now, rifling is put in the gun barrel by
24 the manufacturer to give that bullet a rotary motion. Very
25 similar to a quarterback throwing a football, he wants it to

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1 go into a tight spiral. So rifling is made up of different
2 lands and grooves, raised and depressed areas that will
3 engage that bullet and start to make that bullet spin, and
4 it can spin to the left or to the right. And there's two
5 different types of rifling, there's conventional rifling and
6 polygonal rifling, so we're going to look at all of that.
7 First I call it climbing the ladder to my microscope. When
8 you do a bullet exam, first you want to look at the
9 potential caliber of that bullet if you have the whole
10 bullet and you can determine the caliber, and that's done by
11 measuring and weighing that projectile. Once we do that
12 we'll then look microscopically at the rifling. If I'm
13 going to compare that bullet to say a firearm or other
14 potential fired projectiles from the scene I'm going to
15 first go, is this potentially the same caliber? If it is I
16 can take the next step. What type of rifling does it have?
17 Does it have conventional or polygonal rifling?
18 Conventional rifling is more cut at right angles into the
19 gun barrel. Polygonal rifling is more smooth or scalloped
20 or rounded edges. So if I have a polygonal rifled bullet I
21 know that that did not come from a conventional rifled
22 firearm. So if I have the same type of rifling I can take
23 the next step. Then I'm going to look at the number of
24 lands and grooves. Different manufacturers use different
25 numbers. You can have three lands and grooves, meaning

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1 three raised and depressed areas, six lands and grooves,
2 five, seven, nine, all different kinds. So as long as it's
3 the same number, if I have a bullet with five lands and
4 grooves I know it wasn't fired by a firearm with six because
5 that's not possible. So as long as it has the same number
6 of lands and grooves I can take that next step. Then I'm
7 going to actually look at the direction of twists, which way
8 that barrel is making that bullet spin. Is it going to spin
9 to the left or is it going to spin to the right? So if I
10 meet all of those criteria then I get to my microscope. If
11 at one point those criteria don't match: If I have
12 different lands and grooves, if I have different type of
13 rifling, if I have different direction of twists I know they
14 weren't fired by the same firearm. So once I get to my
15 comparison scope then I can actually look at the markings
16 that were left by that barrel in the firearm, and how we do
17 this is on a comparison microscope. The comparison
18 microscope has always been the main tool in our field. Now,
19 it has come a long way, kind of like you think about your
20 television, the first television you ever got. I remember
21 my grandparent's TV was big and bulky and on the ground, now
22 TV's are huge and they're skinny and they're everywhere. So
23 the comparison microscope has gone through some changes and
24 it has gotten a lot better over the years. And firearms
25 identification has been around since the beginning of the

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1 1900's. Probably the main case that put it on the map was
2 in 1920's with the Saint Valentine's Day Massacre where
3 there was a gangster dressed up like police officers
4 cornered a whole bunch of other rivaled bootleggers, fired
5 upon them, and then the FBI actually took those projectiles
6 back and studied them. So -- I'm sorry, I need some water.

7 Q Go ahead, please. I was going to actually ask you a
8 question, because when you talk about how long the science
9 has been there that is an important consideration for the
10 Court. So to your last point, this is -- is this a recent
11 occurrence or has this analysis been -- I mean, we're into
12 2020 so we're talking almost a century.

13 A Actually it kind of dates back to the civil war when
14 Colonel Stonewall Jackson was shot. They could pull that
15 bullet projectile out of him and kind of determined that it
16 was most consistent with the ammunition from his own men.
17 So it kind of dates back that far.

18 Q And so now in getting to the science of it, so with
19 the -- and you were talking about your microscope. What
20 equipment is used? I think to Mr. Young's issue, what
21 equipment is used and how scientifically reliable based on
22 all of your training, all of your education is -- how
23 scientifically sound is this particular field of firearms
24 analysis?

25 A It is the accepted field for our -- I'm sorry, it's

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1 accepted among our peers. It has been peer reviewed. It
2 has been -- there have been published articles in journals
3 about firearms identification, including the America Medical
4 Association Journal. What we do, we use calibers, which
5 allow us to measure, so that's scientific. We use balances
6 to get weight, which that's scientific. We also have -- we
7 do proficiency tests. Every year I have to take a
8 proficiency test to deem that I am reliable and still
9 accurate in my job. Those proficiency testing agencies put
10 out an air rate for our field. The last known one, and I
11 might be a little off, the collaborative testing service
12 issued error rate of approximately it was one percent, I
13 believe, for a false positive, and under one percent for a
14 false negative. But the problem with those is collaborative
15 testing services allows anyone who pays for the test to take
16 it. So you could have a trainee submit the test and that
17 could skew your result, it's not all court qualified
18 firearms examiners taking those tests, so we have a standard
19 error rate. We are accepted in our field. We have been
20 published and peer reviewed. Every time I render a
21 conclusion that has to be agreed upon by another examiner,
22 and that's part our accreditation process. Accreditation is
23 when an outside agency -- and during this time we are
24 accredited by the American Society of Crime Lab Directors
25 under international standards. So that means that we have a

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1 set of rules that comply with how we do our job, why we do
2 our job, and that we're doing it the same way as all of
3 these other international organizations and crime labs.

4 Q And I'll actually conclude with this because you
5 beautifully explained all of that. So as I understand it,
6 this is not just something that is accepted here in South
7 Carolina, this is actually nationally, internationally
8 accepted. Are there also, as you testified to, national and
9 international boards and standards that are complied with?

10 A That's correct.

11 Q Now, you've been doing this 23 years. Has this science
12 been utilized in courtrooms literally all over the world?

13 A That's correct.

14 Q Okay.

15 MR. REDMOND: Beg the Court's indulgence.

16 (Break in proceedings.)

17 MR. REDMOND: Please answer any questions that Mr.
18 Young may have.

19 CROSS EXAMINATION

20 BY MR. YOUNG:

21 Q Good afternoon. I'm going to be brief. Okay?

22 A Okay.

23 Q So are there standardized requirements of how many
24 points of identification you need to make in order for you
25 to call something a match or not?

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1 A Not in our area. What we do is everything -- like I
2 said, we have to have the right measurements to call the
3 right caliber. And the only type of subjective conclusion
4 we make is one of our -- rendering of our conclusion. But
5 we render one of four conclusions, only one of four.
6 Positive. Yes, it was fired by this gun, or yes it was
7 fired by the same firearm. Negative. No, it wasn't.
8 Unsuitable. Meaning it's too damaged for us to render a
9 conclusion about it at all. And then we have inconclusive.
10 If we're not comfortable with a positive or we're not
11 comfortable with a negative, this is my career, if I'm not
12 comfortable calling something positive I can always say
13 inconclusive, that I just could not render a conclusion on
14 that. And that is an accepted field in our -- accepted
15 conclusions in our field.

16 Q And I understand the process, and there are
17 characteristics of the bullet that you look at first to make
18 sure that they're consistent with the rifling, the lands,
19 the grooves. And I'm specifically talking about bullets
20 right now, I'm not getting into shell casings or breach face
21 matches or anything like that. Is that correct?

22 A That's correct.

23 Q Okay. And once you have those characteristic
24 confirmation, right, that's when you get into the subjected
25 portion where you look at it and say this microscopic line

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1 here matches up with this test fired projectile.

2 A That's the only subjective part of our job. And how we
3 make sure that we are being accurate with it is we have --
4 and this is part of our accreditation process, another
5 firearms examiner comes in and looks at that evidence as
6 well on a comparison microscope and comes to his own or her
7 own conclusion, and then as long as we agree we can issue
8 our report. But if we don't agree then we have to get other
9 examiners involved. So at least two examiners came to the
10 same conclusion when they did their microscopic exam.

11 Q And the second examiner whose looking at what you did,
12 they're aware of your results at the time --

13 A No, they're not. We're not allowed to tell them our
14 results.

15 Q Oh, okay. Are you just given a gun and bullets and say
16 do these match or do you get more information than that?

17 A No, we usually don't. And we do that to protect
18 ourselves from cognitive bias. I don't want to know where
19 my evidence came from, or, you know, how it got to me, or
20 where it was at the scene. I leave that in the report for
21 investigators. But I don't know where these markers are. I
22 don't know where any of this is relative, and I do that for
23 a reason. I don't want to have an idea in my head saying
24 oh, well you already knew that this was coming from that
25 gun, or you already knew these were all fired by one gun. I

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1 don't want to know that. I want to go into working my case
2 completely blind.

3 Q Okay. I want you to do that, too. Is that how it
4 happened in this case?

5 A Yes, it is.

6 Q Did you have any other additional information?

7 A No, I don't.

8 Q Okay. SLED analysts do not participate in blind
9 testing, right?

10 A We do proficiency tests every year. I don't know what
11 type of blind testing you're talking about.

12 Q Well, blind testing would be like giving a proficiency
13 test that you didn't know was a test.

14 A No, we don't do that. Because when do proficiency --
15 when we work a regular case we have that peer review that
16 micro verification. When we work a proficiency test we're
17 not allowed to use other examiners, so it is truly our own
18 independent, nobody verified it behind us type of thing. So
19 not that I know of, I haven't been issued a blind test that
20 I know of.

21 Q Well, and it's one of the pits -- you know, when SLED
22 gets its score from the accreditation entity, right, and
23 they deduct points for things that they think should be
24 there that aren't, right, and SLED doesn't get 100, right?

25 A I don't know what our score was quite honestly.

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1 Q Most recently.

2 A But I do know that we've passed accreditation every
3 time.

4 Q Sure. Absolutely.

5 MR. YOUNG: That's all of questions I have, Your Honor.

6 THE COURT: All right.

7 MR. REDMOND: No redirect, Your Honor.

8 THE COURT: You may step down at this time. Thank you.

9 MR. REDMOND: That would conclude the State's proffer
10 on this issue.

11 THE COURT: All right. Any further argument, Mr.
12 Young?

13 MR. YOUNG: No, Your Honor.

14 THE COURT: All right. As you all are well aware of
15 Rule 702 concerning testimony by experts, that rule reads
16 that scientific, technical or other specialized knowledge
17 will assist the trier of fact to understand evidence which
18 will determine a fact at issue, a witness qualified as an
19 expert by knowledge, skill, experience, training or
20 education may testify thereto in the form of an opinion.
21 Furthermore defense counsel has objected to Agent Sturkie
22 (sic) testifying pursuant to State v. Council, 335 S.C. 1,
23 and State v. Jones, 343 S.C. 562; is that right, Mr. Young?

24 MR. YOUNG: Yes, Your Honor.

25 THE COURT: Based upon the testimony -- and let me just

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1 hit on these factors real quick. Those cases stand for the
2 proposition that expert testimony is allowed if they will
3 assist the trier of fact if the expert is qualified, the
4 underlying science is reliable and the probative value
5 outweighs the prejudicial effect. In taking in the
6 reliability factors for admission of such, the Court has
7 taking into consideration publications and peer review
8 technique, prior application of the method to the type of
9 evidence involved in the case. The quality control
10 procedures used to ensure reliability. The consistency of
11 the method with recognized scientific laws and procedures.
12 The Court believes based upon Agent Sturkie's (sic)
13 testimony that her testimony will certainly assist the trier
14 of fact. The qualifications of an expert were not objected
15 to by defense counsel. What defense counsel objected to, in
16 essence, was the reliability of such, the reliability of
17 such. In taking and listening to this witness' testimony
18 and in considering the reliability factors, this witness
19 testified certainly as to publications and peer review of
20 the technique. In fact, she testified that once she comes
21 to a conclusion in her analysis, a second analyst does
22 their, his or her own study or analysis without knowledge of
23 what Agent Sturkie's (sic) conclusions were. Furthermore
24 she testified that if the second person reviewing the
25 firearm does not come to the same conclusion as her and then

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1 a report is not issued, in fact, the other experts or
2 analysts would have to get involved at that point in this
3 particular case. It was testified by Agent Sturkie (sic)
4 that she and the second analyst came to the same conclusion
5 in this case.

6 MR. REDMOND: Your Honor, just for the record, that's
7 Agent Cromer.

8 THE COURT: Agent Cromer, I'm sorry, thank you.
9 Furthermore the testimony concerning the quality control of
10 the procedure. The quality control testimony, if I was able
11 to write as fast as she was talking, was at first it was
12 looked at, the caliber of the bullet measuring and weighing
13 such, that if the caliber of the bullet is not the same as
14 to the comparable bullet then the process it stops there.
15 If the caliber is the same and they move to the next step,
16 and it's a total of, I think, five steps that she goes
17 through, if any of those are not consistent with the other
18 then the process stops there. In this particular case
19 caliber of the bullets matched, it was then looked at
20 whether it was conventional or polygonal rifling; whether or
21 not it had the same lands and grooves; whether or not it was
22 the same direction or twist of the bullet coming out; and
23 markings left by the barrel, which are compared
24 microscopically. Furthermore she testified that this
25 particular analysis has been around since she first said the

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1 1900's, and then said the 1920's. It really put it on the
2 map, so to speak, the Valentine Day Massacre. But then went
3 on to say that this particular type of analysis goes back at
4 least as far as the civil war. That it is the accepted
5 field of analysis, that this particular type of analysis is
6 not only used in the United States but throughout the world.
7 Therefore based upon that testimony and what I have stated
8 on the record, this Court believes that the reliability
9 factors have been satisfied and therefore the Court will
10 allow such testimony. But your objection, Mr. Young, is so
11 noted for the record.

12 MR. YOUNG: Thank you, Your Honor. Our specific
13 request is that she be allowed to testify but not be able to
14 renew the ultimate opinion that this bullet was fired from
15 this particular firearm.

16 THE COURT: Well, pursuant to Rule 703 -- excuse me,
17 704, testimony in the form of an opinion or inference
18 otherwise admissible is not objectionable because it
19 embraces an ultimate issue to be decided by the trier of
20 fact. Again, I'm going to allow it but your objection is so
21 noted for the record.

22 MR. YOUNG: Thank you very much.

23 THE COURT: All right. Anything further before we
24 break?

25 MR. REDMOND: Briefly, Your Honor. The stipulation we

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1 referred to, just to go ahead and put it on the record, then
2 once the jury returns would ask that we be allowed to
3 publish it. But during of I believe that was Mr. Sturkie,
4 the issue was brought up as it relates to clothing and
5 testing of the clothing. Based on that question, Your
6 Honor, we've entered into a stipulation. Sheila Gillespie
7 is actually the jail administrator and on our witness list,
8 and I would have recalled her to address the issue of the
9 defendant's clothing. However, we've entered into this
10 stipulation which states as follows: On October 30th, 2015,
11 Rashawn Little's mother requested and was given his clothes
12 from the Chesterfield County Detention Center. This
13 resulted in the State not being able to get his clothes when
14 sought by Agent Follin.

15 THE COURT: All right. Is that correct, Mr. Young?

16 MR. YOUNG: That's correct, Your Honor.

17 THE COURT: All right.

18 MR. YOUNG: I had it sitting here, I don't think we
19 need to address it until later but I will go ahead and pass
20 up to Your Honor a copy of the curative instruction that I
21 wrote about the --

22 MR. REDMOND: The gun charge.

23 THE COURT: The gun charge?

24 MR. REDMOND: And I have reviewed it and have no
25 objections to it, Your Honor.

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1 MR. YOUNG: I think it would be appropriate at the
2 conclusion of the State's case.

3 THE COURT: All right. What I'll do is I will hold on
4 to this up here and I'll mark it a Court's Exhibit as well,
5 and we'll do that at the conclusion of the State's case.

6 MR. REDMOND: Thank you, Your Honor.

7 THE COURT: All right. Anything else at this time?

8 MR. REDMOND: Nothing from the State, Your Honor.

9 THE COURT: All right. 2:00.

10 (A lunch break was taken.)

11 THE COURT: All right. Anything from the State before
12 you bring the jury out?

13 MR. REDMOND: Nothing from the State, Your Honor.

14 THE COURT: Defense counsel?

15 MR. YOUNG: No, Your Honor.

16 THE COURT: All right. Bring me the jury, please,
17 ma'am.

18 (The jury returned to the courtroom.)

19 THE COURT: All of the jurors are present. I hope you
20 all had a nice lunch and are ready to proceed this
21 afternoon. At this time I will recognize the State.

22 MR. REDMOND: Thank you, Your Honor. May it please the
23 Court? The State would next call Suzanne Cromer. Actually
24 before I do that, Your Honor, I forgot about the stipulation
25 that we have discussed, if I could go ahead and publish that

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1 at this time.

2 THE COURT: All right. Go ahead, sir.

3 MR. REDMOND: Yes. By stipulation, Your Honor, may it
4 please the Court? The State and defense have entered this
5 stipulation of fact. That on October 30th of 2015, Rashawn
6 Little's mother requested and was given his clothes from the
7 Chesterfield County Detention Center. This resulted in the
8 State not being able to get his clothes when agent John
9 Follin from SLED sought to retrieve them. And that's the
10 extent our stipulation, Your Honor.

11 THE COURT: Is that correct, Mr. Young?

12 MR. YOUNG: Yes, sir.

13 THE COURT: All right.

14 MR. REDMOND: And now we would call Suzanne Cromer.

15 The witness, SUZANNE CROMER, was first sworn and

16 Testified as follows:

17 DIRECT EXAMINATION

18 BY MR. REDMOND:

19 Q Ms. Cromer, please state your name for the record.

20 A My name is Suzanne Cromer.

21 Q And by whom are you employed?

22 A I'm employed by the South Carolina Law Enforcement
23 Division commonly referred to as SLED in the Forensic
24 Services Laboratory as a firearm examiner.

25 Q And how long have you worked at SLED as a firearm

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1 examiner?

2 A I've been at SLED it will be 23 years this December.

3 All of my time has been in the firearms department, but I

4 didn't move into the firearms examiner position until

5 February of 2000.

6 Q So let's talk about your educational background if we

7 can. Could you give the ladies and gentlemen of the jury

8 your educational background?

9 A Okay. I have a Bachelor's Degree from Clemson

10 University. I did some graduate work at the University of

11 South Carolina, and during that time I did an internship at

12 the SLED Firearms Department.

13 Q And let's talk about any certification training, I

14 guess, continuing with education. Could you give the jury

15 an outline of those things?

16 A Okay. I completed SLED's in-house training program,

17 which is a multiyear program for firearm and toolmark

18 examiners. We take a series of written tests, oral tests,

19 practical exercises, mock case work. We have several

20 modules in our training manual, and then upon completion of

21 that training manual we're given a comprehensive final exam,

22 which includes terms and essays, mock casework. That is

23 graded upon by your lieutenant and your training officer

24 before you are allowed to handle casework on your own.

25 Prior to that you do prepare cases for other firearms

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1 examiners as well. I have taken classes with the
2 Association of Firearm and Toolmark Examiners, which is an
3 international organization for our profession. Except for
4 last year because of covid they meet once a year for week
5 long seminar to discuss issues in our field and offer extra
6 workshops. Some of the extra workshops I've attended while
7 attending these week long seminars is barrel making, machine
8 gun conversion, ethics, Highpoint Firearm familiarization.
9 I have also taken classes with the Bureau of Alcohol,
10 Tobacco and Firearms, commonly referred to as the ATF on
11 serial number restoration, and the National Integrated
12 Ballistics Information Network called NIBIN. What NIBIN is
13 is is a digital database for images of cartridge cases,
14 whether they are known cartridge cases from firearms or
15 whether they are from crime scenes, and we enter them into
16 that database, it gives us a correlation score, and we can
17 look and see if there are any suspected links between
18 unknown cases that we did not know about before.

19 Q Now, when you have -- I guess in your employment, have
20 you been called to testify in court before?

21 A Yes, sir, I have.

22 Q And have you been qualified as an expert specifically
23 in the field of firearms analysis?

24 A Yes, I have.

25 Q And how many times in state or federal court, anywhere

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1 in the country, have you been qualified as an expert?

2 A Approximately 122, 123 times.

3 MR. REDMOND: At this time, Your Honor, we would move
4 to have Ms. Cromer qualified as an expert in the field of
5 firearms analysis.

6 MR. YOUNG: No objection to her qualifications subject
7 to our previous motions.

8 THE COURT: Ladies and gentlemen -- objection is so
9 noted -- this individual is qualified, has been qualified as
10 an expert in the field of firearms analysis. My prior
11 instruction to you with regards to expert testimony remains
12 the same with regards to this witness. Okay? Mr. Redmond,
13 you may continue.

14 MR. REDMOND: Thank you, Your Honor. May it please the
15 Court?

16 THE COURT: Yes.

17 Q Now, let's talk about just in general what you do and
18 how you go about doing it. What is firearms analysis?
19 Let's start there.

20 A What I actually do is called firearms identification.
21 What we do is we look at ammunition components, bullets,
22 cartridge cases, shotgun shells, to determine whether they
23 are fired by or loaded in and out, or loaded and ejected
24 from a specific weapon. If we don't have a specific weapon
25 we can look at those ammunition components at a crime scene

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1 and give an investigator an idea of how many firearms were
2 fired there. And in the case of bullets or projectiles we
3 can tell them -- we can possibly tell them what part of
4 firearm or make of firearm that they are looking for. We
5 also do serial number restoration, restoring serial numbers
6 from guns that they've been obliterated, and we do the NIBIN
7 entry, the database entry.

8 Q Now, as far as how you go about doing your job, just
9 explain a little bit how it is you go about doing what you
10 do to determine whether or not something is a match, whether
11 it's inconclusive, things of that nature.

12 A Usually what we do is I'll -- when I get a case I will
13 look at the ammunition components first before I look at any
14 firearms. And let's start with cartridge cases. I'll look
15 at all of the cartridge cases I will have. I will group
16 them by their -- I take notes. I photograph how they come
17 to me and their packaging and I take a sheet of notes about
18 their manufacturer, their construction. Then I actually
19 start looking at the actual markings on the cartridge case,
20 because a cartridge case can be marked in five different
21 areas by the firearm. They can be marked by the breach face
22 of the gun, which is the part of the firearm that that head
23 of the cartridge case, or a cartridge rests up against
24 during the firing process. Any imperfections left on that
25 breach face can be imprinted in that primer of that

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1 cartridge during the firing process. We also look at the
2 firing pin itself. There are different classes of firing
3 pins. There are different shapes. We have a hemispherical
4 shape. We have a circle shape. We have a rectangular
5 shape. And then we also have the actual firing pin
6 aperture, which is the hole that the firing pin is in, can
7 leave unique markings on that cartridge case, whether that
8 hole is circular or rectangular or even oval. So we'll look
9 at that. Then there is the extractor and ejector. And the
10 extractor is what holds that cartridge into the slide of the
11 firearm during the firing process. And the ejector is
12 exactly what it sounds like, it's -- while the extractor is
13 holding that cartridge case into that slide, while that
14 slide is moving during the firing process that ejector will
15 hit that cartridge and kick it out of the gun, and that can
16 leave unique markings on that. The last part that can be
17 marked by the firearm on a cartridge case is the chamber
18 itself. If there's any imperfections in that chamber, when
19 that cartridge case expands during the firing process those
20 can be imprinted on the body of the cartridge case. So we
21 look at them that way. We first look at it is it the same
22 type of breach face? Is it the same type of firing pin? Is
23 it the same caliber, and then we group them that way, and
24 then we'll go to our comparison microscope and we will
25 actually physically examine through the comparison

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1 microscope the markings that were left on that cartridge
2 case by the firearm. Bullets are pretty much the same way.
3 First we determine the caliber, and if we can't determine
4 the caliber then we'll look at -- we'll go to the next step,
5 but first we'll determine the caliber. And caliber is the
6 size and weight of that bullet. So we'll weigh it, we'll
7 measure it, we'll determine what we think the caliber is and
8 then we move on. The next thing we'll do is we'll look at
9 the type of rifling that has marked that bullet. Was it
10 conventional or polygonal rifling, because there's two types
11 of rifling. I call this climbing the ladder to my
12 microscope, because anywhere along that ladder climb if
13 something doesn't match up I can stop. Because if I have a
14 40 caliber gun and I have a 380 auto bullet, I know that
15 wasn't fired by that gun. So then if I pass the caliber
16 barrier I go to the type of rifling. There's two types of
17 rifling there's conventional and there's polygonal.
18 Conventional is what's put in the gun barrel at right
19 angles. And let me back up. Rifling is what's put in the
20 gun barrel by the manufacturer to put that bullet in a
21 rotary motion. It's going to make it spin, very similar to
22 how a quarterback throws a football, he wants it to go to a
23 tight spiral so it will go more accurately to its receiver.
24 So the rifling is going to make that bullet spin so it's not
25 lobbing end over end in the air. So the rifling is the two

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1 types. If I have a gun that has conventional rifling and I
2 have a bullet that has been marked by polygonal rifling I
3 can stop there. I know it wasn't fired by that firearm.
4 The next is the number of lands and grooves. Lands and
5 grooves is what makes up the rifling, raised and depressed
6 areas. You can have any number. Some manufacturers like
7 three, four, five, six, seven, eight, it goes up. If I have
8 a gun that has five right rifling or five land and groove
9 rifling and my bullet is marked six, I know that didn't come
10 from that bullet, or that gun. So then I can go to the way
11 it's going to spin. Is it going to spin to the left or the
12 right, and we call that the direction of twist. If I have a
13 bullet that's marked with right twists and I have a gun
14 that's left I know I can stop there, they weren't fired by
15 the same gun. So we have all those steps that we have to
16 match before we even get to the microscope and do our
17 microscopic examination. Then when we get to our
18 microscopic examination we're looking at those small
19 imperfections that were left in the manufacturing process
20 that can be imprinted on that bullet by going down the gun
21 barrel. It's like a 360 degree puzzle. So once we do that
22 we render a conclusion. We render one of four conclusions.
23 Positive. Yes, it was fired by that gun. Or positive, yes
24 it was fired by the same gun. Negative. No, it wasn't
25 fired by that gun. Or no, it wasn't fired by the same gun.

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1 Unsuitable. There's not enough markings on this piece of
2 evidence for me to render a conclusion either way. Or
3 inconclusive. If I have a bullet and it meets all of those
4 requirements and I make it to my microscope but there's just
5 not enough agreement in those individual markings, I can go
6 inconclusive in saying that I can't rule this gun in but I
7 can't rule it out. Same with negative. If there's -- if I
8 can get it to my scope and there's just not enough there I
9 can say inconclusive. I can't rule it in or I can't rule it
10 out. So that is our four conclusions; positive, negative,
11 unsuitable and inconclusive.

12 Q Now, did you receive -- and directing your attention to
13 this case, did you receive exhibits from the Chesterfield
14 County Sheriff's Office for examination? Those exhibits
15 including firearms, shell casings, fired bullets and any
16 fragments.

17 A Yes, I did.

18 Q And did you generate a report on that?

19 A Yes, I did.

20 Q And then actually subsequently was there a -- did the
21 State prepare a firearms key and ask you to review it for
22 accuracy?

23 A Yes, you did.

24 MR. REDMOND: If I can approach, Your Honor, with
25 State's Exhibits 106, 105, and 107.

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1 Q I'm going to firsthand you State's 105 and 106. If can
2 you tell us what those are.

3 A Okay. State's Exhibits 105 and 106 are my reports that
4 I issued in these cases.

5 MR. REDMOND: Your Honor, the State would move to
6 introduce State's 105 and 106, I believe it is, into
7 evidence at this time.

8 MR. YOUNG: No objection.

9 THE COURT: Without objection so admitted.

10 (State's 105 and 106 were received.)

11 Q I'm going to show you what's been marked as State's
12 Exhibit 107. And it's an enlargement. So if you can take a
13 minute and see if that comports with what you testified to
14 in regarding the firearms (inaudible.)

15 A Yes, sir, this does.

16 MR. REDMOND: Your Honor, the State would move 107 into
17 evidence at this time.

18 THE COURT: Any objection?

19 MR. YOUNG: No, Your Honor.

20 THE COURT: Without objection 107 is admitted.

21 (State's 107 was received.)

22 Q Now, when it comes to the items that you actually --
23 before I have you step down, when it comes to the items that
24 you actually examined let's just go through not every single
25 one but some of the main ones that we need to address. Was

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1 there a 40 caliber Glock that is indicated to belong to
2 Robinson?

3 A Yes, there was. That was my Item 21.

4 Q Item 22 -- well, I'll just ask you. Item 22. What was
5 Item 22?

6 A Item 22 was another 40 caliber Glock that was labeled
7 Officer Cruz.

8 Q Item 23?

9 A Was a 45 caliber H and K sub-machine gun labeled
10 Officer Burns.

11 Q And then I'm going to get into -- were those all the
12 firearms and were there additional firearms submitted for
13 your analysis?

14 A There were other firearms.

15 Q Let's start with Item 46.

16 A Item 46 was a Phoenix Arms 25 auto caliber firearm.

17 Q And item 47.

18 A Item 47 was a Highpoint brand firearm and 45 auto
19 caliber.

20 Q And on the key, does it indicate Item 46, the 25 auto,
21 being found on the bed?

22 A Yes. Item 46 was labeled found on bed.

23 Q And Item 47, was it labeled auto -- I mean, 45
24 auto/Caravan?

25 A Yes, sir, it was.

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1 Q Now, item -- skip to Item 64. What was Item 64?

2 A Item 64 was a Ruger revolver and 357 Magnum caliber
3 labeled Marker A.

4 Q And finally Item 48.

5 A Excuse me. Item 64 also included six fired cartridge
6 cases.

7 Q Yes, I forgot that. Thank you for correcting me. And
8 now Item 48.

9 A Item 48 was a Smith and Wesson 380 auto M and P Body
10 Guard 380 and it was labeled under Shannon.

11 Q Now -- and I'll get into -- what I'll do is go through
12 the key and if you could actually go ahead and cue up --

13 MR. REDMOND: And if I could with the Court's
14 permission ask Ms. Cromer to stand down.

15 Q Now, what I'm going to do, and I'll just use the
16 pointer up here because these are already in evidence, but
17 let's start with the law enforcement weapons with Item 21.
18 Can you state what your findings were as it relates to Item
19 21 and any shell casings associated with that?

20 A I examined a total of 32 cartridge cases, or shell
21 casings. I found that these items, 11 of the fired 40 S and
22 W caliber cartridge cases were, in my opinion, fired from
23 Item 21, the Glock firearm labeled Robinson.

24 Q And some of the markers, Markers 3 through 16, which --
25 and this is already in evidence but just to illustrate it

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1 would have been in this area reflected on my laser. Let's
2 got to Item 22.

3 A Item 22, the 40 caliber Glock labeled Cruz, I
4 determined in my opinion that these four items, these four
5 fired 40 caliber cartridge cases were, in my opinion, fired
6 from Officer Cruz's Glock. And that was Item 9, 12, 13 and
7 17 from Markers 7, 10, 11 and 15.

8 Q And again, all of those, and this is in evidence, would
9 be in this area from the diagram from the crime scene. Now,
10 let's go to Item 23.

11 A Item 23, the H and K sub-machine gun, I determined, in
12 my opinion, that these three items, marker -- my Item 18, 19
13 and 20 that were labeled from Markers 34, 35 and 36, in my
14 opinion, were fired by this firearm, Item 23, labeled
15 Officer Burns.

16 Q Okay. And that again on the --

17 MR. REDMOND: And Your Honor, for the record, just so
18 I'm clear since I'm using it, for the record that is
19 actually State's Exhibit 87 that I have up on the screen.

20 Q And so again Item 87, 34 and 36 are reflected as by the
21 dumpster on that exhibit. And what I labeled as nine match
22 bullets and cartridge cases, could you please address each
23 one and explain the significance of them?

24 A Okay. So these items, Item 35, 37, 38, 39 and 40, were
25 all consistent with being 40 S and W, or 10 auto caliber

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1 bullets. When I say that you can load a 10 millimeter auto
2 bullet in a 40 caliber bullet in the same cartridge case --
3 it's just different cartridge cases, it's the same type of
4 bullet. So I determined them to be most consistent with a
5 40 caliber or 10 millimeter auto. All of these bullets here
6 had the six right polygonal rifling. Remember when I talked
7 about the ladder. So they're 40 caliber. They had
8 polygonal rifling. They had six lands and grooves, right
9 twist, which was consistent with these two items but I was
10 inconclusive as to whether they were fired by any of those.
11 They were not fired by the 45.

12 Q And let's move to item -- I'm sorry, the unsuitable for
13 identification.

14 A My Item 36, 40 and 50, these items didn't have enough
15 markings on them for me to render a conclusion either way.
16 Some of them were lead fragments. When you talk about
17 jacketed bullets and they usually have a lead core, that
18 lead usually doesn't come in contact with the inside of the
19 gun barrel, so there might not be any markings for us to
20 look at. So I determined that these, whether it be by
21 damage or just a lack of markings, were unsuitable for
22 identification.

23 Q And can we move to day two now? Okay. Now, I'm going
24 non-match to any firearm but 40 caliber same firearm. I'll
25 let you explain that.

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1 A Okay. So when I talked about the different types of
2 class characteristics, when we talk about these two Glock
3 firearms and their cartridge cases, these older model Glocks
4 are a little unique. They have what we call an elliptical
5 shaped firing pin with a rectangular firing pin aperture.
6 So when that elliptical shaped firing pin hits that primer
7 and it's going to hit the primer and that creates a spark
8 that goes through the flash hole of the cartridge case,
9 ignites the gunpowder, that's going to start the pressure
10 building up and push the bullet down the barrel. Well, that
11 rectangular firing pin aperture, the primer can actually
12 blow back into that hole, and so it's going to leave like a
13 rectangular shape, so that was unique. These cartridge
14 cases had a completely different hemispherical firing pin
15 with parallel --

16 Q Wait.

17 MR. REDMOND: I thought I heard something, I wasn't
18 sure.

19 Q I'm sorry, Suzanne, to interrupt you, I just wanted to
20 make sure everybody could hear you. Please continue.

21 A So I determined in my opinion that these four cartridge
22 cases were fired by the same firearm but not any of the
23 firearms that I had here.

24 Q All right. And just, again, this is --

25 MR. REDMOND: I apologize, Your Honor. This is an item

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1 that's now on the screen, item -- I'm sorry, Plaintiff's
2 Exhibit 90 that is on the screen that was showing -- and,
3 again, it's already in evidence and this would be in this
4 area here, that has been testified previously by Todd
5 Schenk.

6 Q Now, let's move on to the non-law enforcement weapons
7 and I'm going to start in order just -- let's talk about the
8 first two first, Items 46 and 47.

9 A Okay. Check my notes real quick. Item 46 was a
10 Phoenix Arms model HP25A 25 auto caliber firearm. And I did
11 not receive any 25 auto caliber evidence.

12 Q And I'm going to skip to Item 64.

13 A Okay. Item 64 was a Ruger Security Six 357 Magnum
14 revolver, and it had the six cartridge cases that were
15 labeled from cylinder. When we receive evidence that was
16 labeled in the firearm we don't examine them. Cartridge
17 cases that are pulled out of the cylinder of a revolver,
18 they expand during the firing process. So it's hard to
19 think that somebody would pull evidence -- or pull cartridge
20 cases out and put fired ones back in that were fired from
21 another firearm because they expand during the process, so
22 you would have to cram them back in. So it's logical to
23 assume that if they're fired and they're inside that gun,
24 that that gun most likely fired them, so we don't examine
25 them.

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1 Q Okay. And let me show you this State's Exhibit 40 that
2 is in evidence, and I'm going to show you that. And I'll
3 hold it -- go ahead. Go right ahead. We've got the lock on
4 it.

5 A What I'm doing is I'm looking for my markings. Every
6 gun I receive I scribe on it my lab number, my item number
7 and my initials, which are right here on the top strap of
8 this revolver.

9 Q Okay. And also inside the box would be?

10 A Yes. These are the six fired 357 Magnum caliber
11 cartridge cases. And I also swabbed debris that was
12 consistent in appearance with rust from this firearm.

13 Q Okay. Now, let's talk about Item 48, which is State's
14 Exhibit 41. I'm going to show you State's Exhibit 41.

15 A This is my Item 41. This is the Smith and Wesson MMP
16 Bodyguard 380, 380 auto caliber semiautomatic pistol that I
17 examined in this case.

18 Q And I'll next show you what's in evidence as State's
19 Exhibit 17. Do you recognize those items?

20 A Yes. State's Exhibit 17 was my Item 8. It's a fired
21 bullet jacket and a part of the lead core, or the lead core
22 of the projectile.

23 Q And I think it is labeled from the autopsy of Shannon
24 Little?

25 A Yes, it was. And, again, on that firearm I noticed my

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1 lab number, my item number, and my initials.

2 Q Now, let's go through -- and I'm going to start with
3 Marker F on this. Did you have any findings, did you
4 examine that weapon and were there any conclusions that you
5 reached in examining the weapon?

6 A Yes. I examined the weapon and I compared it to the
7 four fired 380 auto caliber cartridge cases that I received
8 from the scene and the Item A. I determined that in my
9 opinion these four fired cartridge cases were fired by that
10 firearm.

11 Q Okay. And let me go into them individually if I may.
12 First as it relates to Marker F, that's Item 63. Did you
13 find that that shell casing, cartridge case, was fired by
14 the 380, State's 41?

15 A Yes. My Item 63 -- and I don't know where Marker F is
16 when I examine them, this is actually the first time I've
17 seen it. Marker F, in my opinion, was fired by the 380
18 Smith and Wesson.

19 MR. REDMOND: And, Your Honor, let the record reflect
20 that this is already in evidence, I think that was State's
21 90 that I referred to earlier. It was. And that has
22 already been in evidence as was one of the casings found
23 outside of 1902.

24 THE COURT: So noted.

25 Q Now, let's go to day one on the overhead. And I'm

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1 going to ask you about Marker 18, your Item 19.

2 A Okay. My Item 19 labeled Marker 18, I determined that
3 it was fired -- or in my opinion it was fired from Item 48,
4 the Smith and Wesson. And again -- now I'm referring to
5 State's -- this is actually State's 87 that we're looking
6 at, and Item 18 is actually right in front of right here.
7 And, again, that is already in evidence outside of 1902
8 Evans Mill Road.

9 Q Now, let's talk about the front couch that's labeled
10 front couch, your Item 33.

11 A Okay. My Item 33, again, I did that microscopic
12 comparison, and it was my conclusion that it was fired from
13 my Item 48, the Smith and Wesson pistol.

14 Q And Item 34 that's labeled near Shannon, what were your
15 findings on that?

16 A Again, I did the microscopic examination, and it is my
17 opinion that Item 34 was fired by my Item 48, the Smith and
18 Wesson pistol.

19 Q And last but most importantly, the bullet jacket from
20 the autopsy, Item 8, that would be State's Exhibit 17. What
21 were your findings on that?

22 A My findings on the lead portion was it was unsuitable
23 for identification. My findings on the bullet jacket was
24 that --

25 MR. YOUNG: We would just like to note or previous

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1 objection.

2 THE COURT: So noted. The Court's rulings remain the
3 same. You may continue.

4 A Okay. My findings on the bullet jacket is that it met
5 all of those criteria; caliber, types of rifling, number of
6 lands and grooves, direction of twist. And then we go to
7 the actual microscopic exam, and in my opinion there was
8 enough of those individual identifying markers that matched
9 up for me to say that I believe that this was fired by the
10 Item 48, 380 Smith and Wesson Bodyguard pistol.

11 Q Thank you. And you may take your seat. Thank you.

12 MR. REDMOND: Beg the Court's indulgence.

13 THE COURT: Yes, sir.

14 (Break in proceedings.)

15 MR. REDMOND: That would be all of the questions that I
16 have at this time. Please answer any questions that Mr.
17 Young may have.

18 THE COURT: Mr. Young, cross examination.

19 MR. YOUNG: Thank you, Your Honor.

20 CROSS EXAMINATION

21 BY MR. YOUNG:

22 Q Agent Cromer, I just want to talk to you a little about
23 the microscopic examination of your review on your casings
24 and the (inaudible.)

25 A Yes, sir.

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1 Q (This entire question was inaudible.)

2 A That's correct.

3 Q And you look at it with your eyes.

4 A That is correct.

5 Q And then you make a subjective determination about
6 whether or not -- you test fired (inaudible. Someone seems
7 to be shuffling papers close to the microphone and I cannot
8 hear) and you compare those with the other fired
9 projectiles.

10 A When I test fire -- yes. I test fire the firearm. I
11 microscopically compare those tests to each other to see how
12 they mark up and then I will compare it to my unknown or my
13 evidence, and once I get to that point then I make or render
14 one of those four conclusions that we talked about earlier.

15 Q And that's your opinion.

16 A Yes. That's my opinion based on my training and my
17 knowledge.

18 Q And there's no set number of standards like a set
19 number of points to match or anything like that.

20 A No. We don't have a number of points. When we go
21 through training we look at consecutively made barrels and
22 how they mark. So we get used to, you know, things that
23 aren't fired by the same gun that we know -- they call it no
24 non-matches, so we get used to how much agreement is in a no
25 non-match, so that way when we do see a real match we know

1 that that's what it is.

2 Q And every time a bullet goes down the barrel there are
3 microscopic changes to them.

4 A Yes. It's kind of like -- the best way I can describe
5 it is your signature. The first time you wrote your
6 signature on a legal document you probably took your time
7 and went slow and made it all nice and neat, but by the time
8 you're my age in your late -- mid to late forties and you've
9 signed a bunch of them you can pretty much make out my S and
10 my C and the rest of it is -- but I know it's mine. Anybody
11 that looks at it can say oh yeah, that's Suzanne's
12 signature. So there are microscopic changes over time but
13 we can tell like the major defects are there.

14 Q And so each bullet can be different but the differences
15 don't count in your ultimate conclusion. They have --
16 you're looking for similarities.

17 A We're looking for similarities and the individual
18 matching identifying criteria.

19 MR. YOUNG: All right. Thank you. That's all of the
20 questions I have.

21 THE COURT: Any redirect?

22 MR. REDMOND: No redirect, Your Honor.

23 THE COURT: Ma'am, you may step down. Thank you.

24 Mr. Redmond, will you take this down, please?

25 MR. REDMOND: Oh, absolutely, yes, sir. May it please

1 the Court?

2 THE COURT: Yes, sir.

3 MR. REDMOND: At this time the State respectfully
4 rests?

5 THE COURT: Anything from defense counsel?

6 MR. YOUNG: We have a motion and then --

7 THE COURT: And the curative?

8 MR. YOUNG: Yes, sir.

9 THE COURT: All right. Ladies and gentlemen, the State
10 has rested its case at this time. What I want to read to
11 you very quickly is an instruction. At the beginning of
12 this trial I read to you an indictment charging the
13 defendant, Mr. Rashawn Montez Little, with the offense of
14 unlawful possession of a weapon by a person convicted of a
15 violent offense. I tell you that Mr. Little has not
16 previously been convicted of a violent offense, therefore
17 that indictment, ladies and gentlemen, has been dismissed by
18 the State and should not be considered by you all in any way
19 once this case is given to you all to deliberate. Okay?
20 Any exceptions, objections or anything that I've said to the
21 jury from the State?

22 MR. REDMOND: Not at all, Your Honor.

23 THE COURT: Defense counsel?

24 MR. YOUNG: Your Honor, we would make a motion.

25 THE COURT: Can y'all approach a minute, please?

1 (A bench conference was held with the judge and
2 Lawyers.)

3 THE COURT: All right. Ladies and gentlemen, as I told
4 you before the State has rested its case. At this point
5 there are some matters of law that I need to take up with
6 the lawyers which will be outside of your presence. Okay?
7 What I'm going to do is I'm going to send you home for the
8 balance of today, the balance of today. I'm going to ask
9 you be back here tomorrow morning at 9:00, be back here
10 tomorrow morning at 9:00 and we will resume the trial of
11 this case at that time. I will go ahead and tell you all
12 just for planning purposes for you all, I have asked the
13 clerk to order lunch for you all here tomorrow, so once you
14 get here in the morning lunch will be provided to you so you
15 won't be leaving at lunch tomorrow. Okay? Anything from
16 the State?

17 MR. REDMOND: Nothing from the State, Your Honor.

18 THE COURT: Defense counsel?

19 MR. YOUNG: No, Your Honor.

20 THE COURT: The instructions remain the same, don't
21 discuss the case at all with anyone, don't do any
22 independent investigation. You're to decide this case based
23 solely upon the evidence and testimony presented in this
24 courtroom. Y'all have a nice rest of the day and evening
25 and I'll see you tomorrow morning at 9:00. Thank you.

1 (The jury left the courtroom.)

2 THE COURT: All right. Mr. Young?

3 MR. YOUNG: Your Honor, the defense would argue that
4 the curative instruction Your Honor gave to the jury did not
5 sufficiently cure the taint of the improperly admitted
6 indictment and would move for a mistrial.

7 THE COURT: Anything in response?

8 MR. REDMOND: Your Honor, I think the Court was as
9 direct as it could be. He was not convicted of a violent
10 offense as is stated in that indictment so I think the
11 instruction was spot on and there would be no need for a
12 mistrial.

13 THE COURT: All right. As you all know a mistrial is
14 granted out of a manifest necessity, that's what the law
15 requires, and there must be a show of prejudice. I do not
16 believe in this particular case that there is a manifest
17 necessity, nor do I believe there's any resulting prejudice
18 to the defendant. In fact, the Court believes that by
19 advising them of the charge initially that he was convicted
20 of a violent offense is more prejudicial, although that's
21 the charge which he was initially charged, but telling them
22 at this point that he is not, in fact, he has not, in fact,
23 been convicted of a prior violent offense, a violent
24 offense, and that charge has been dismissed and they will
25 not be considering that charge at all in the future in their

1 deliberations. Okay. Objection, or your motion is so noted
2 and that's the Court's ruling on that.

3 MR. YOUNG: Thank you, Your Honor.

4 THE COURT: All right. Directed verdict motions?

5 MR. FRICK: Yes, sir, Your Honor. At this time the
6 defense would request taking the evidence in the light most
7 favorable to the State that there is not enough evidence to
8 send this to the jury on all charges and that the Court can
9 direct a verdict on the law itself. Judge, more
10 specifically what I'm talking about is, regarding the
11 attempted murder charges in 2016-GS-13-5, 45, 46, 47, 48, 49
12 and 50. Your Honor, as you're aware back maybe a couple of
13 years ago, State versus King, 422 S.C. 47, the South
14 Carolina Supreme Court determined that attempted murder was
15 a specific intent crime which requires there be this
16 specific intent of this individual to kill a specific
17 person. It took away of being a general intent crime as
18 they thought it might have been under the old codified
19 ABWIK, but ABWIK went away when we codified attempted
20 murder. And, Your Honor, in this case I don't think that
21 the State has provided direct or circumstantial evidence --
22 substantial circumstantial evidence. They have certainly
23 circumstantial evidence but that's not enough. It's got to
24 be more merely than circumstantial, it's got to be
25 substantial circumstantial evidence and I don't think they

1 have enough at this time to go forward on the indictments
2 against Mr. Little on those charges. More specifically on
3 454, the victim in that case, Officer Burns, said he didn't
4 know the subject and, in fact, said we don't even put a name
5 on the suspect until they're apprehended, so indicating he
6 didn't know who was shooting at him at the time. In 546,
7 that was Officer Campbell, could not identify the person in
8 the doorway. 547, Officer Cruz, very honestly said he
9 couldn't even see the face of the person, couldn't tell you
10 who was at the doorway. Other officers in 548 and 549,
11 Officer Jordan and Officer Robinson, both indicated that
12 they weren't aware of who it was at the time. It was upon
13 arrest, of course, having subsequent hearings in this matter
14 that they're able to identify Mr. Little as the person in
15 those matters. And, of course, in 50 the victim, Luther Ray
16 Chambers, a.k.a Bam, was not even present to testify. You
17 have the circumstantial evidence of an alleged statement
18 that he made that was allowed in through an excited
19 utterance exception to hearsay. Judge, regarding the murder
20 charge in 551, I would suggest that there is merely
21 circumstantial evidence, and again, not substantial
22 circumstantial evidence that Mr. Little is the person who
23 committed that crime. Additionally in that case where Mr.
24 Threatt is the victim you do have the excited utterances
25 again but they're not consistent. He is referred to as

1 Shawn, he is referred to as Rashawn, and this is all alleged
2 to have occurred out of the same event while he is lying
3 there bleeding and making these statements to family members
4 and EMS. And then regarding 552, Ms. Little. Judge, I
5 don't believe they've provided substantial circumstantial
6 evidence or direct evidence that Mr. Little was the person
7 who committed that offense, therefore I would respectfully
8 request that all of those charges be dismissed. Judge,
9 generally I would say in the alternative I would request a
10 reduction. If you were not going to grant the directed
11 verdict on the attempted murder to grant the reduction in
12 crime, but as I was researching there is a footnote in State
13 versus Perry, that one is so new it doesn't have -- it was
14 filed in April of this year, State versus John Earnest
15 Perry, it's a Court of Appeals case, they said in footnote
16 five that all of the other codified offenses, the ABHAN, A
17 and B first, A and B second, A and B third, are all specific
18 intent as well. So I'm alleging that there is no specific
19 intent in attempted murder so I don't think it even applies
20 to the lesser-included offenses, so I'm not requesting you
21 reduce charges, I'm asking that you just dismiss all
22 charges. And, of course, Mr. Little's other charges are the
23 possession of a firearm during the commission a violent
24 crime, if you grant my motion by rule it would have to go
25 away. That's the defense's motion.

1 THE COURT: Mr. Redmond?

2 MR. REDMOND: Thank you, Your Honor. May it please the
3 Court? The State would obviously oppose the motion on --
4 all of the motions that were made. Briefly I can tell Your
5 Honor, the State has provided more than a scintilla of
6 evidence as it relates to -- and I'll try to go as close to
7 order that Mr. Frick did. But as it relates to the
8 attempted murder charges, again, when you look at the
9 circumstances that were occurring at the time there are
10 obviously inferences that are still allowed even as it
11 relates to specific intent. But I would also direct the
12 Court's attention to the testimony from the interview with,
13 and I think it was Zara Little -- or, excuse me, of Zara
14 Smith, where she talks about the fact that he said everyone
15 is going to die today. And I think Carmella may have said
16 the same thing, too, in her interview that he's talking
17 about everyone is going to die, clearly stating his
18 intention to, I guess, you know, kill anybody that he felt
19 needed to be killing. He was obviously actively shooting at
20 the officers. The officers had testified ad nauseam that he
21 was shooting at them, which required them to take over. We
22 would submit that we have met our burden at this stage as it
23 relates to directed verdict stage on those issues. As it
24 relates to the murder charges, Your Honor, I think, again,
25 the State has presented more than a scintilla of evidence,

1 be it circumstantial and/or direct evidence through the
2 interviews as we've heard through the forensic evidence
3 as -- the scientific -- the forensic evidence that has been
4 proffered, along with, again, the officer's statements. The
5 lay witnesses' statements as it relates to Tyvon who clearly
6 indicated who shot him. As it relates to Luther Chambers.
7 Luther Chambers does not have to be here for us to go
8 forward. And keep in mind, and I'll also again direct the
9 Court's attention to Zara Smith where he specifically
10 indicated a desire to kill Bam, Luther Chambers. And there
11 was another individual that he mentioned wanting to
12 specifically kill. So from that standpoint I would submit
13 that -- and I would submit that the State has more than
14 enough evidence in the record to proceed to a jury verdict
15 on all charges.

16 (Break in proceedings.)

17 THE COURT: All right. As you all know the trial court
18 is to consider the existence or non-existence or evidence,
19 not its weight. If there's any direct or substantial
20 circumstantial evidence reasonably tending to prove the
21 guilt of the accused then the case by law is required to be
22 submitted to the jury. There's been testimony in the record
23 as to Wayne Jordan, Stuart Robinson, Alvin Cruz, Brian
24 Campbell, and Greg Burns all outside of this incident
25 location at the time that the shootings were taking place.

1 There was testimony from more than one of those individuals
2 identifying this defendant as the individual that opened the
3 door shooting at law enforcement. The testimony from those
4 witnesses concerning their observations of the defendant
5 shooting at them is direct evidence. As it relates to the
6 attempted murder charge of Luther Ray Chambers, Jr. Mr.
7 Chambers conveyed to his girlfriend, and I believe it was
8 Agent Follin, that the defendant shot him. As it relates to
9 Tyvon Threatt or Threatt. He stated before expiring that
10 the defendant had shot him. As it relates to the decedent,
11 Shannon Little. Testimony from Dr. Ross testified that the
12 gunshot wounds to Ms. Little's neck was a close range shot
13 as evidenced by the burn marks on her neck. She testified
14 that the barrel of the gun would have been a matter of
15 inches from the victim when she was shot. She further
16 testified that the shot to the neck would have immediately
17 killed the decedent, Ms. Little. Dr. Ross further testified
18 as it relates to Mr. Threatt that the wound that he
19 sustained caused his abdomen to fill with blood resulting in
20 him going into shock resulting in his death. Ms. Cromer
21 testified that the bullet retrieved from Ms. Little was
22 consistent with having been fired from the 380 firearm that
23 was found under her neck. As it relates to the specific
24 intent issue as to the attempted murder charges. Zara Smith
25 stated in her interview that the defendant said on more than

1 one occasion that today is the day. When asked what Zara
2 believed the defendant meant her response was that everyone
3 dies. That which I have addressed and more specifically and
4 fully elaborated through the testimony of each of these
5 witnesses leads this Court to conclude that there is
6 sufficient direct and substantial circumstantial evidence
7 that would reasonably tend to prove the guilt of the
8 accused. What I have not addressed are the firearms
9 charges. The Court further believes that there's
10 substantial direct and substantial circumstantial evidence
11 reasonably tending to prove the guilt of the accused as to
12 each of the firearms charges as well. Therefore, defense
13 counsel's motion for a directed verdict as to each of the
14 charges is respectfully denied, but your motion is so noted
15 for the record. All right.

16 MR. REDMOND: Thank you, Your Honor.

17 THE COURT: All right. Now, at this time -- what I'm
18 going to do at this time pursuant to the State resting of
19 its case I'm going to advise the defendant of his rights.
20 Mr. Little, if you would stand please. If you would raise
21 your right hand, please.

22 (The defendant was sworn.)

23 THE COURT: You can put your hand down, sir. You are
24 Rashawn Montez Little?

25 THE DEFENDANT: That's correct.

1 THE COURT: All right. At this time I'm going to
2 explain to you certain of your rights. If you do not
3 understand anything that I say please let me know. If you
4 want me to explain anything in more detail please let me
5 know as well. Do you understand that, sir?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: We have now reached the stage of the trial
8 where you may present your defense. You have the right to
9 claim the protections given to you by the 5th Amendment to
10 the Constitution of the United States. This amendment
11 states in part that no person, no person, shall be compelled
12 in any criminal case to be a witness against himself. This
13 means that you cannot be required to testify in this case.
14 You have the right to testify on your own behalf, however,
15 no one can make you testify. This is a personal right and
16 no one can waive this right except you. Now, if you decide
17 to testify you will be subject to the same rules that govern
18 other witnesses, and you may be examined and cross examined
19 on any relevant issue in this case. In addition if you have
20 any convictions involving dishonesty or false statement or
21 for crimes punishable by imprisonment for more than a year
22 and this Court determines that the probative value of
23 admitting this evidence outweighs its prejudicial effect to
24 you then the prosecutor will be able to introduce your
25 record to attack your credibility. If you decide to testify

1 this decision on your part must be freely, voluntarily and
2 intelligently made with knowledge of the protections given
3 to you by the 5th Amendment and the consequences of your
4 decision to testify. Now, if you decided not to testify I
5 will instruct the jurors that they cannot, that they cannot
6 give the fact that you did not testify any consideration
7 whatsoever, and that there is to be absolutely no prejudice
8 to you because you did not testify. Now, it is left
9 entirely up to you whether or not you testify. You may talk
10 with your attorney, your family, friends or anyone else, but
11 the final decision will be left entirely up to you. Do you
12 understand what I've explained to you?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you have any questions about what I have
15 explained to you?

16 THE DEFENDANT: No, I sure do not.

17 THE COURT: What I'm going to do at this time -- you
18 may be seated now. What I'm going to do at this time is I'm
19 going to give you the overnight recess to consider whether
20 or not you wish to testify in this case, but when we resume
21 tomorrow morning I will at that time before resuming and
22 bringing the jury back in the courtroom, I will expect an
23 answer from you as to whether or not you intend to testify.
24 Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay. All right. Anything else at this
2 time as it relates to that, Mr. Young?

3 MR. YOUNG: No, Your Honor.

4 THE COURT: All right. Anything at this time from the
5 State?

6 MR. REDMOND: Nothing from the State, Your Honor.

7 THE COURT: All right. What we're going to do at this
8 point, Ross is finishing up proposed jury charges, I haven't
9 looked at it yet. Madam Clerk has agreed to print it out
10 for us, so we're going to email it to her and she will print
11 it out, and if we can stand down while we all look at it a
12 little bit, then we will reconvene and discuss it and what
13 may need to be added or taken out of it. Again, I haven't
14 even looked at it myself yet. Okay?

15 MR. REDMOND: Thank you, Your Honor.

16 (Break in proceedings.)

17 THE COURT: All right. We've been off the record for a
18 little bit. My law clerk emailed the lawyers and Madam
19 Clerk was very nice to print out copies of those, of the
20 jury charge as well, but they've already been emailed and
21 hard copies given to the lawyers. There were some changes
22 that have been made to the charge, more specifically been a
23 change in the circumstantial evidence portion of the charge
24 pursuant to State v. Logan at the request of defense
25 counsel. That's been made. Also as it relates to the

1 attempted murder there's some additional language that was
2 added at the end of that charge of which additional language
3 will be added at the end of the murder charge as well as the
4 possession of a weapon charge. I'm going to share that
5 language with the lawyers up here at side bar, they were in
6 agreement with that. I also struck out the definition of
7 malice under the portion of the charge as it relates to the
8 murder charges and simply put in there that malice is
9 defined under murder in the same way that it is defined in
10 attempted murder. Okay? I think those were the only
11 changes that were made. Did I cover everything on that,
12 Mr. Redmond?

13 MR. REDMOND: Yes, sir, Your Honor.

14 THE COURT: Mr. Young?

15 MR. YOUNG: Yes, sir.

16 THE COURT: Anything either one of you all wish to add?

17 MR. REDMOND: Nothing further, Your Honor.

18 MR. YOUNG: No, Your Honor.

19 THE COURT: All right. I also asked my law clerk once
20 these changes that we've discussed have been made that he's
21 working on right now to email those to you all. It's my
22 understanding that you all also looked at the verdict form
23 and didn't have any objection to that as well. Is that
24 right, Mr. Redmond?

25 MR. REDMOND: That's correct, Your Honor.

1 THE COURT: Mr. Young?

2 MR. YOUNG: That's correct, Your Honor.

3 THE COURT: All right. When we resume in the morning
4 at 9:00 I will first ask Mr. Little what his intention is as
5 to whether or not he intends to testify. If he decides to
6 testify then we'll certainly bring the jury out and proceed
7 accordingly. If he decides not to testify then the order in
8 which we'll go forward is after he advises me of his
9 intention not to testify, I will then bring the jury in,
10 allow defense counsel to rest in their presence, and rather
11 than run the jury right back out will allow defense counsel
12 to state on the record the renewal of all prior motions and
13 objections of which unless something changes the Court will
14 simply place on the record that the rulings remain the same
15 and then we will move right into closing arguments. Well,
16 excuse me, we will move right into my charge on the law to
17 them followed by closing arguments. Of course, if the
18 defendant testifies or defense puts up any evidence the
19 State will open in full followed by defense counsel and the
20 State will get a reply. If defense counsel or defense does
21 not put up any evidence the State will open or give their
22 closing argument followed by defense counsel, and I will
23 give them a few conclusory remarks and the case will be
24 given to them to begin their deliberations.

25 MR. REDMOND: Yes, sir.

1 MR. YOUNG: Yes, sir.

2 THE COURT: All right. 9:00 in the morning. Thank
3 you.

4 MR. YOUNG: Your Honor, while we're on the record I
5 think -- what number was this? I know that I misspoke, when
6 Ms. Cromer's report was offered up and I said no objection I
7 meant nothing in addition to the motion that we argued. I
8 did it -- when she went to testify about it I didn't do it
9 whenever you offered 105 --

10 (A lot of people are talking at the same time.)

11 THE COURT: Well, if you then misspoke -- misspeak then
12 I still view it as the same as your first objection so I
13 want to make that clear on the record. If there's any
14 confusion on that I know what your objection was and I want
15 it to be clear on the record.

16 (Court recessed for the day and resumed at

17 9:00 a.m., on Friday, November 19, 2021.)

18 THE COURT: When we broke I had advised Mr. Little of
19 his right to testify or present a defense in the case. I
20 did not get an answer. I told Mr. Little that I would wait
21 until this morning for his answer after giving him the
22 overnight talk with his attorneys, his family or whoever
23 else he so desired or was able to. At this time, Mr.
24 Little, would you stand, please, sir? Mr. Little, yesterday
25 I explained to you your Constitutional rights as it relates

1 to your right to testify and present a defense. Do you need
2 me to go over those rights with you again today?

3 THE DEFENDANT: No, sir.

4 THE COURT: Have you had a chance to talk with your
5 lawyer as to whether or not you wish to testify in your
6 trial?

7 THE DEFENDANT: Yes, sir, I did.

8 THE COURT: All right. Do you wish to -- do you need
9 anymore time to talk to him?

10 THE DEFENDANT: Probably a couple of seconds.

11 THE COURT: Sir?

12 MR. YOUNG: A couple of seconds, please, Your Honor.

13 THE COURT: Okay.

14 (Break in proceedings.)

15 MR. YOUNG: We are good, Your Honor.

16 THE COURT: Sir?

17 MR. YOUNG: We are ready to proceed.

18 THE COURT: Okay. Do you wish to testify in your
19 trial, Mr. Little?

20 THE DEFENDANT: No, sir.

21 THE COURT: All right. Anything else, Mr. Young?

22 MR. YOUNG: No, Your Honor.

23 THE COURT: All right. You may be seated. Thank you.

24 All right. Anything before I bring the jury out from the
25 State?

1 MR. REDMOND: Nothing from the State.

2 THE COURT: Defense counsel?

3 MR. YOUNG: No, Your Honor.

4 THE COURT: All right. As I said yesterday when I
5 bring the jury out I'll recognize defense counsel. Mr.
6 Young, while your client is not going to testify, do you
7 intend to put up any or evidence?

8 MR. YOUNG: No, Your Honor.

9 THE COURT: All right. Well, like I said yesterday,
10 when the jury comes out and I recognize you, you can rest at
11 that time and simply say that you renew all prior motions
12 and objections.

13 MR. YOUNG: Will do.

14 THE COURT: And then we'll move right into -- I'm going
15 to give the charge first followed by the State and then
16 yourself, and then I'll give them a few conclusory remarks
17 and it will be their case to deliberate on.

18 MR. YOUNG: And I'm guessing the best time for a break
19 in there is going to be probably after your charge and
20 before -- depending on how long it takes, I don't know if
21 there's going to be a break or not.

22 THE COURT: My charge is 27 pages double spaced. We'll
23 see how long it takes me to give this charge. I typically
24 go through it fairly quickly but we'll see.

25 MR. YOUNG: Okay.

JURY CHARGE

1 THE COURT: I don't know how long your closing
2 arguments will be. How about it, Mr. Redmond?

3 MR. REDMOND: Your Honor, I haven't rehearsed
4 obviously, it's going to be somewhat off the cuff with some
5 notes, but I don't see any reason why it should take more
6 than 30 to 40 minutes.

7 THE COURT: Mr. Young?

8 MR. YOUNG: Under ten.

9 THE COURT: Okay. All right. Well, let's see where we
10 are after I give my charge to them and then we'll go from
11 there.

12 MR. YOUNG: Okay.

13 THE COURT: All right. Bring me the jury, please,
14 ma'am.

15 (The jury returned to the courtroom.)

16 THE COURT: Good morning, Madam Forelady, ladies and
17 gentlemen of the jury. I hope you all are doing well with
18 today and are ready to proceed here this Friday morning. At
19 this time -- when we broke yesterday the State had rested
20 its case, the State had rested its case. At this time I'll
21 recognize defense counsel. Mr. Young?

22 MR. YOUNG: The defense rests and we renew all previous
23 motions and objections.

24 THE COURT: Okay. All right. Ladies and gentlemen,
25 the defense has rested as well so you have heard all of the

JURY CHARGE

1 testimony that you're going to hear in this case. As it
2 relates to all prior motions and objections, the Court's
3 ruling as to such remains the same. Okay? Now, what we're
4 going to do now, ladies and gentlemen, I'm going to give you
5 a charge on the law in this case. All right? Once I give
6 my charge on the law in this case then you will hear closing
7 arguments. The State will go first followed by defense
8 counsel. After defense counsel has given their closing
9 arguments then I will have a few conclusory remarks to make
10 to you before giving the case to you all to begin your
11 deliberations. Okay? All right. Ladies and gentlemen, it
12 is now my duty as the trial judge under the Constitution of
13 this state to charge and instruct you on the law applicable
14 to this case. It is your duty as jurors to accept and apply
15 the law as I will now state it to you. Furthermore it is
16 your exclusive duty to decide all of the issues of fact in
17 this case and to determine the effect, value and weight of
18 the evidence. Both the State and the defendant have a right
19 to expect that you will carefully consider and evaluate the
20 evidence and apply the law of this case to it so that in the
21 end both the State of South Carolina and the defendant will
22 receive a fair and impartial trial. I want you to
23 understand that when I use the word defendant I refer to
24 Mr. Rashawn Montez Little. Furthermore, it is important to
25 understand that the State of South Carolina charges the

JURY CHARGE

1 defendant with six counts of attempted murder, two counts of
2 murder, and three counts of possession of a weapon during
3 the commission of a violent crime, and to these charges the
4 defendant has entered a plea of not guilty. This plea of
5 not guilty places the burden of proof on the State to prove
6 the guilt of the defendant to you, the jury, beyond a
7 reasonable doubt. Now, I remind you ladies and gentlemen
8 that the fact that the defendant was arrested, charged and
9 indicted in this case is not evidence in this case and
10 cannot be considered by you as evidence of guilt in this
11 case, nor does it create any presumption or inference of
12 guilt. The indictment, as I told you at the outset, is
13 simply the charging document which brings this case into
14 this court. It is vital, ladies and gentlemen, that you all
15 understand that the defendant is presumed under the law to
16 be innocent of these charges. The defendant has no
17 obligation to prove his innocence. It is a fundamental rule
18 of our law that a defendant irrespective of the seriousness
19 of the charges against him is always presumed innocent of
20 the crimes for which he is charged unless and until his
21 guilt has been proven by evidence that satisfies you, the
22 jury, beyond a reasonable doubt. The presumption of
23 innocence is not a mere legal theory or a legal phrase. The
24 presumption of innocence is very important and you need to
25 understand that this presumption accompanies the defendant

JURY CHARGE

1 from the time of his arrest and appearance in this court and
2 continues with the defendant even after you retire to the
3 jury room to deliberate. In other words, the defendant
4 receives the benefit of the presumption of innocence until
5 the very end of this trial when you, the jury, will
6 deliberate upon the evidence and decide whether the State
7 has proven his guilt beyond a reasonable doubt. Now, as I
8 told you ladies and gentlemen, the indictments in this case
9 allege several different offenses against the defendant. As
10 I previously told you the defendant is charged with six
11 counts of attempted murder, two counts of murder, and three
12 counts of possession of a weapon during the commission of a
13 violent crime. If you find -- ladies and gentlemen, I will
14 tell you that if you find the defendant not guilty of the
15 murder of Tyvon Threatt, the murder of Shannon Little,
16 and/or the attempted murder of Luther Ray Chambers, Jr., you
17 cannot find him guilty of possession of a weapon during the
18 commission of a violent crime as it relates to Tyvon
19 Threatt, Shannon Little, and/or Luther Ray Chambers, Jr.
20 However, if you find the defendant guilty of murder or
21 attempted murder of the aforesaid individuals you may find
22 him not guilty, or guilty of possession of a weapon during
23 the commission of a violent crime as it relates to those
24 individuals. You will be asked, ladies and gentlemen, to
25 write a separate verdict of guilty or not guilty for each

JURY CHARGE

1 individual charge. Now, during this trial, ladies and
2 gentlemen, you and I have had separate duties to perform.
3 As the trial judge it is my responsibility to preside over
4 this trial, and I also have the duty to rule upon the
5 admissibility of the evidence offered during the process of
6 this trial. Now, in that regard, ladies and gentlemen, you
7 are to consider only the competent evidence before you, and
8 you are to disregard from your mind any testimony ordered
9 stricken from the record of this case during the progress of
10 the trial, if there was any, and you are to consider only
11 the testimony which has been presented from this witness
12 stand together with any exhibits admitted into the record of
13 the case, and any stipulations of counsel made into the
14 record, if there were any. Furthermore, I have the
15 additional duty to charge you on the applicable law in this
16 case, and in that regard, ladies and gentlemen, I am the
17 sole judge of the law in this case. It is your duty to
18 accept and apply the law as I state it to you. If you have
19 any preconceived ideas as to what the law is or what the law
20 ought to be and it does not agree with what I tell you the
21 law is, you are obligated under your oath to abandon these
22 preconceptions because you are sworn to accept the law
23 precisely as I state it to you. Now, ladies and gentlemen,
24 in this trial, you, you are the sole and exclusive judge of
25 the facts and I am the judge of the law. Do not infer that

JURY CHARGE

1 I have any opinion about the facts in this case from
2 anything that I have said during the course of this trial in
3 ruling upon the admissibility of evidence or otherwise, or
4 from anything that I say during the course of this charge to
5 you. In this regard the law simply does not permit me to
6 have an opinion about the facts. As jurors it is your duty
7 alone to determine the effect, value, and weight of the
8 evidence presented during the course of this trial. Now, in
9 determining what the facts in this case are you must judge
10 the credibility, which simply means the believability of the
11 witnesses and the value of weight to be given to their
12 testimony. You alone must decide the force and effect of
13 the testimony. Now, in making this decision there are many
14 things that you may and should take into consideration such
15 as the appearance and manner of the witness on the stand, a
16 characteristic often referred to as the demeanor of the
17 witness. Was the witness forthright or hesitant. Was the
18 witness' testimony consistent or did it contain
19 discrepancies. What was the ability of the witness to know
20 the facts about which he or she testified. Did the witness
21 have a cause or reason to be biased and prejudiced in favor
22 of the testimony that he or she gave. Was the testimony of
23 the witnesses corroborated or made stronger by other
24 testimony and evidence, or was it made weaker or impeached
25 by such other testimony and evidence. As jurors, please

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1 understand that you have the right to believe a small
2 portion of a witness' testimony and discard the larger
3 portions or vice versa. You may believe all of a witness'
4 testimony or none. You may believe the testimony of a
5 single witness against that of many witnesses or the other
6 way around. In exercising your mental processes and
7 attempting to decide the verdict the law simply requires
8 that you exercise your good judgment, your common sense,
9 your sense of logic and reason and your experiences in life.
10 You then apply these attributes to the evidence and apply
11 the law as I state it to you and thus arrive at a verdict.
12 Ladies and gentlemen, what is a reasonable doubt in the law?
13 A reasonable doubt is the kind of doubt that would cause a
14 reasonable person to hesitate to act. Proof beyond a
15 reasonable doubt is proof that leaves you firmly convinced
16 of the defendant's guilt. Now, there are very few things in
17 this world that we know with absolute certainty, so even in
18 criminal cases the law does not require proof that overcomes
19 every possible doubt. Now, if based on your consideration
20 of the evidence you're firmly convinced that the defendant
21 is guilty of the crime charged you must find him guilty. If
22 on the other hand you think there is a real possibility that
23 he is not guilty you must give him the benefit of the doubt
24 and find him not guilty. Jurors, please understand that
25 reasonable doubt may arise from evidence which has been

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1 presented in the case or from the lack of evidence in the
2 case. It is your responsibility to determine whether or not
3 reasonable doubt exists as to the guilt of this defendant.
4 I charge you that the defendant is entitled to every
5 reasonable doubt arising in the whole case. If upon any
6 issues of fact essential to conviction and a verdict of
7 guilty you have a reasonable doubt as to how that issue
8 should be resolved, it would be your duty to resolve that
9 reasonable doubt in favor of the defendant. Thus in summary
10 it is important to understand that the defendant is not
11 required to prove his innocence. As I said, the State is
12 required by law to prove every essential element of the
13 offense charged against the defendant by evidence which
14 satisfies you, the jury, of his guilt beyond a reasonable
15 doubt, only then can you convict the defendant and find him
16 guilty. Now, ladies and gentlemen, there are two types of
17 evidence which are generally presented during a trial;
18 direct evidence and circumstantial evidence. Direct
19 evidence directly proves the existence of a fact and does
20 not require deduction. Circumstantial evidence is proof of
21 a chain of facts and circumstances indicating the existence
22 of a fact. Crimes may be proven by circumstantial evidence.
23 The law makes no distinction between the weight or value to
24 be given to either direct or circumstantial evidence.
25 However, to the extent that the State relies on

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1 circumstantial evidence, the circumstances must be
2 consistent with each other, and when taken together point
3 conclusively to the guilt of the accused beyond a reasonable
4 doubt. If these circumstances merely portray the
5 defendant's behavior as suspicious the proof has failed.
6 The State has the burden of proving the defendant guilty
7 beyond a reasonable doubt. The burden rests with the State
8 regardless of whether the State relies on direct evidence,
9 circumstantial evidence, or some combination of the two.
10 Now, during the trial, ladies and gentlemen, you heard the
11 testimony of witnesses that were qualified as expert
12 witnesses. I previously gave you a charge on that and I'm
13 going to give you a charge again on expert witness
14 testimony. As I told you before the rules of evidence
15 ordinarily do not permit witnesses to testify to opinions or
16 conclusions. An exception to this rule exists for witnesses
17 that we call expert witnesses. A witness who by education
18 and experience has become an expert in some art, science,
19 profession, or calling may state an opinion as to relevant
20 and material matter in which the witness claims to be an
21 expert and may also state the reasons for the opinion. You
22 should consider any expert opinion received in evidence in
23 this case, and like any other evidence give it the weight
24 that you think it deserves. If you decide that the opinion
25 of an expert witness is not based on sufficient education

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1 and experience, or if you conclude that the reasons given in
2 support of the opinion are not sound, or that the opinion is
3 outweighed by other evidence, you may disregard the opinion
4 entirely. An expert witness' testimony is to be given no
5 greater weight than that of other witnesses simply because
6 the witness is an expert. Further you are not required to
7 accept an expert's opinion even though it is not
8 contradicted. Now, ladies and gentlemen, I instruct you and
9 I emphasize to you that the defendant -- the fact that the
10 defendant in this case chose not to testify is not a factor
11 to be considered by you in any way in your deliberation and
12 in your consideration on the question of the guilt or the
13 innocence of the defendant. It must not be considered by
14 you in any manner whatsoever. A defendant, ladies and
15 gentlemen, has the constitutional right to remain silent,
16 and the assertion of this right must not be considered by
17 you in your deliberations. I repeat, under your oath you
18 are to draw no conclusion whatsoever from the fact that the
19 defendant in this case chose not to testify. The fact that
20 this defendant chose not to testify should not even be
21 discussed in the jury room. The burden of proof, as I have
22 stated to you, is on the State. The defendant is not
23 required to prove his innocence. The burden of proof
24 remains on the State to prove guilt beyond a reasonable
25 doubt. Now, ladies and gentlemen, in order to establish

JURY CHARGE

1 criminal liability criminal intent is required. For
2 example, the mental state required to be proven by the State
3 for a particular crime might be purpose, intent, knowledge,
4 recklessness or criminal negligence. Criminal intent must
5 be proven by the State beyond a reasonable doubt. Criminal
6 intent is always a matter that must be determined by the
7 jury from the circumstances surrounding the situation.
8 There is no way, ladies and gentlemen, to prove intent to a
9 mathematical certainty. There is no way that medical
10 science can dissect a person's brain and determine what the
11 person had in mind, so the law says that criminal intent may
12 be inferred from the circumstances shown to have existed.
13 This is how you make a determination of whether or not the
14 element requiring intent was present. It is not necessary
15 to establish intent by direct and positive evidence, but
16 intent may be established by inference in the same way as
17 any other fact, by taking into consideration the acts of the
18 parties and all of the facts and circumstances of the case.
19 Criminal intent is a mental state, a conscious wrongdoing.
20 It is up to you to determine what the defendant intended to
21 do based on the circumstances shown to have existed.
22 Criminal intent can arise from action or a failure to act.
23 It may arise from negligence, recklessness or an
24 indifference to duty or to consequences that is considered
25 by the law to be the equivalent of criminal intent. Now,

JURY CHARGE

1 ladies and gentlemen, the defendant is charged, as I told
2 you, with six counts of attempted murder. In order to prove
3 this crime the State must prove that the defendant with the
4 intent to kill attempted to kill another person with malice
5 aforethought either expressed or implied. A specific intent
6 to kill is an element of attempted murder. Intent means
7 intending the result which actually occurs, not accidentally
8 or involuntary. Intent may be shown by acts and conduct of
9 the defendant and other circumstances from which you may
10 naturally and reasonably infer intent. Evidence of the
11 character of the act, the character of the instrument used,
12 the manner in which it was used, the purpose to be
13 accomplished, and the resulting wounds or injuries may be
14 considered in determining the intent with which the act was
15 committed. Intent may also be inferred when it is
16 demonstrated that the defendant voluntarily and willfully
17 commits an act, the natural tendency of which is to destroy
18 another's life. Malice, ladies and gentlemen, is hatred,
19 ill will, or hostility towards another person. It is the
20 intentional doing of a wrongful act without just cause or
21 excuse, and with an intent to inflict an injury or other
22 circumstances that the law will infer an evil intent.
23 Malice aforethought does not require that malice exists for
24 any particular time before the act is committed, but malice
25 must exist in the mind of the defendant just before and at

JURY CHARGE

1 the time the act is committed. Therefore there must be a
2 combination of the previous evil intent and the act. Malice
3 aforethought may be express or inferred. These terms,
4 express and inferred, do not mean different kinds of malice,
5 but merely the manner in which malice may be shown to exist,
6 that is either by direct evidence or by inference from the
7 facts and circumstances which are proved. Express malice is
8 shown when a person speaks words which express hatred or ill
9 will for another, or when the person prepared beforehand to
10 do the act which was later accomplished. For example, lying
11 in wait for a person, or any other acts of preparation going
12 to show that the deed was within the defendant's mind would
13 be express malice. Malice may be inferred from conduct
14 showing a total disregard for human life. If facts are
15 proved beyond a reasonable doubt sufficient to raise an
16 inference of malice to your satisfaction, this inference
17 would be simply an evidentiary fact to be considered by you,
18 the jury, along with the other evidence in the case, and you
19 may give it the weight you decide it should receive. Now,
20 as I said, the defendant is charged with six counts of
21 attempted murder. You, the jury, must determine each count
22 separately and decide whether the State has proven the
23 charge as to each count beyond a reasonable doubt. Now, the
24 defendant in this case, ladies and gentlemen, is also
25 charged with two counts of murder. The State must prove

JURY CHARGE

1 beyond a reasonable doubt that the defendant killed another
2 person with malice aforethought. Malice for murder is
3 defined the same as it is for attempted murder. Now, I said
4 from the outset the defendant is charged with two counts of
5 murder. You, the jury, must determine each count separately
6 and decide whether the State has proven the charge as to
7 each count beyond a reasonable doubt. The defendant, ladies
8 and gentlemen, is also charged with three counts of
9 possession of a weapon during the commission of a violent
10 crime. The State must prove beyond a reasonable doubt that
11 the defendant was in possession of a firearm or visibly
12 displayed what appeared to be a firearm during the
13 commission of a violent crime. A firearm means any machine
14 gun, automatic rifle, revolver, pistol, or any weapon which
15 will, is designed to, or may be readily converted to expel a
16 projectile. In order to find the defendant guilty of
17 possession of a weapon during the commission of a violent
18 crime, you must first find the defendant guilty of either
19 committing a violent crime or attempting to commit a violent
20 crime. Murder and attempted murder are violent crimes. The
21 State must prove beyond a reasonable doubt that the weapon
22 furthered, advanced, or helped in the commission of the
23 crime. As I said, the defendant is charged with three
24 counts of possession of a weapon during the commission of a
25 violent crime, and you, the jury, must determine each count

JURY CHARGE

1 separately and decide whether the State has proven the
2 charge as to each count beyond a reasonable doubt. Now,
3 ladies and gentlemen, if a crime is committed by two or more
4 people who are acting together in committing the crime, the
5 act of one is the act of all. A person who joins with
6 another to commit an unlawful act is criminally responsible
7 for everything done by the other person which happens as a
8 probable or natural consequence of the acts done in carrying
9 out the common plan and purpose. For example, two people
10 can be guilty of killing another person when only one of the
11 two had a gun, there was only one bullet, and only one of
12 the two fired the shot that caused the death. If two or
13 more people are together, acting together, assisting each
14 other in committing the offense, the act of one is the act
15 of all, or as it is sometimes said, the hand of one is the
16 hand of all. Prior knowledge that a crime is going to be
17 committed without more is not sufficient to make a person
18 guilty of that crime. Mere knowledge that another person is
19 going to commit a crime, even if the defendant is present
20 when the crime is committed, is not sufficient to convict
21 the defendant as a principle. Guilt as a principle is shown
22 by actual or constructive presence at the scene as a result
23 of prior arrangement. Therefore, a finding of a prior
24 arranged plan or common scheme is necessary for a finding of
25 guilt as a principle. The State must prove beyond a

JURY CHARGE

1 reasonable doubt by competent evidence the theory of the
2 hand of one is the hand of all. A principle in a crime is
3 one who either actually commits the crime or who is present,
4 aiding, abetting or assisting in committing the crime. When
5 a person does an act in the presence of and with the
6 assistance of another the act is done by both. Where two or
7 more acting with a common plan or intent were present at the
8 commission of a crime it does not matter who actually
9 commits the crime, all are guilty. The hand of one is the
10 hand of all. Present at the commission of a crime means to
11 be sufficiently near to aide and abet and assist in the
12 commission of the crime. However, mere presence at the
13 scene of a crime is not sufficient to convict one as a
14 principle on the theory of aiding and abetting. Intent,
15 ladies and gentlemen, is also a necessary element for there
16 must have been a common design or intent to commit the
17 crime, and the crime must have been committed pursuant
18 thereto with the person aiding and abetting by some overt
19 act. Intent means intending the result which actually
20 occurs, not accidentally or involuntary. Intent may be
21 shown by acts and conduct of the defendant and other
22 circumstances from which you may naturally and reasonably
23 infer intent. The State must prove these elements beyond a
24 reasonable doubt. Now, ladies and gentlemen, insanity
25. caused by the use of drugs or alcohol may be a defense if

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1 the insanity is permanent and destroys the defendant's
2 ability to know right from wrong. However, when voluntary
3 intoxication has not produced permanent insanity it is not a
4 defense to a crime. A person who voluntarily becomes
5 intoxicated is just as responsible for the acts committed
6 while intoxicated as when the person is not intoxicated.
7 Now, ladies and gentlemen, I have finished this initial
8 charge to you and you are now going to hear closing
9 arguments by counsel. As I told you before, the State will
10 go first followed by defense counsel. I will remind you
11 ladies and gentlemen that closing arguments by counsel are
12 not evidence in this case. After closing arguments are
13 concluded I will then give you further instructions before
14 sending you all back to the jury room to deliberate. Are
15 you ready to proceed?

16 MR. REDMOND: The State is ready, Your Honor.

17 THE COURT: All right. You're recognized.

18 MR. REDMOND: May it please the Court? And to defense
19 counsel. Ladies and gentlemen, again, my name is Kernard
20 Redmond, Deputy Solicitor here in Chesterfield County. And
21 let me first thank you for your willingness to serve on the
22 jury. We started Monday, today is Friday and thank you for
23 your attentiveness and your patience with us throughout this
24 process. I would also like to take the time to thank Mary
25 Thomas and Elizabeth who obviously did great working with

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1 this case, and it could not have been presented without
2 their assistance and their expertise and I sincerely thank
3 them for all they've done to help make sure that this case
4 was presented properly. Ladies and gentlemen, I think when
5 I'm trying to work on a closing argument and sometimes I use
6 notes, sometimes I don't, sometimes it's a combination of
7 the two, but a theme is something that comes to mind. We
8 try to think, what kind of theme do we have here? And the
9 one thing that keeps ringing in my mind is when the
10 defendant said -- and I think at least two of the children
11 talked about him saying today's the day. Today's the day.
12 October 25th, 2015. He had issues with snitches. He didn't
13 trust people. He seemed to be paranoid. You hear some of
14 that on the jail calls as it relates to what was going on
15 with certain people in that particular neighborhood, so
16 today is the day, and we'll get into that more. Today is
17 the day. He also talks about everybody dies. You remember
18 Zara talks about everybody dies, and we'll get into that in
19 a little more detail. But let me first talk about
20 reasonable doubt. His Honor has instructed you on
21 reasonable doubt, and I would submit to you as His Honor
22 indicated that -- and you'll hear me say probably several
23 times about evidence that leaves you firmly convinced of
24 this defendant's guilt. And I would submit to you that the
25 State has presented evidence as to each count that should

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1 leave you firmly convinced of this defendant's guilt on
2 every single indictment. Now, there are several charges
3 that -- and I'm going to go through each charge as a group.
4 I'm going to try to do it as a group to try to keep things
5 organized. Like I said, we've been here all week and I'm
6 not trying to belabor the case getting into your hands. A
7 lot of exhibits to go through, you've got a lot of work to
8 do. Let me just talk real briefly about the charges
9 themselves. He's charged with six counts of attempted
10 murder as you've heard from the officers and related to
11 Luther Chambers. Two counts of murder obviously as it
12 relates to Tyvon Threatt and Shannon Little. And the
13 possession of a weapon during the commission of a violent
14 crime. Kernard, why are there three? Well, there's one for
15 each crime that he committed against the lay people. The
16 two murders, that's each separate violent crimes. He killed
17 Tyvon Threatt, possession of a weapon during the commission
18 of that violent crime. He killed Shannon Little, possession
19 of a weapon during the commission of that violent crime.
20 And finally, the assault where he actually shot Luther
21 Chambers in the arm, possession of a weapon during the
22 commission of a violent crime in that charge. So I just
23 wanted to make sure that that was put in its proper context
24 before I proceed. I'm going to go a little bit out of order
25 as it relates to the sequence, but hopefully you'll

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1 understand ultimately what it is I'm trying to impress upon
2 you. I want to first talk about the attempted murders as it
3 relates to the law enforcement officers. And let me just
4 say that before I start, and we've gotten officers -- I
5 think we've got four or five here. We've got Wayne Jordan
6 here, we've got Stuart, we've got Greg Burns, and we've got
7 Alvin Cruz there. If y'all can stand up just a moment.
8 You've heard from them in that they had testified
9 previously. The reason I wanted them to stand up at this
10 time is these were the officers -- now, Brian Campbell could
11 not be here due to other obligations but you obviously heard
12 him testify. These officers, if you recall when they first
13 testified and even you hear it on the body cam, everybody
14 else -- what happens when you hear shooting, naturally what
15 do we do? We run away from it. We try to get cover. What
16 did every one of them say? We ran toward the gunshots.
17 That's what we're trained to do. Some of them even did it
18 without their vest on, because at that moment it was getting
19 to an active shooting situation and trying to prevent
20 further harm from being done. We don't recognize that
21 enough and I wanted to at least recognize what they did in
22 at least trying to mitigate the damage that this defendant
23 had done and was doing. Thank you, gentlemen. Now, as it
24 relates to each one individually -- because as we said -- as
25 His Honor said, attempted murder is a specific intent crime.

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1 You heard each of them testify that he was shooting at us.
2 As a matter of fact, Wayne Jordan -- if Wayne would have
3 been about two or three inches taller he wouldn't be sitting
4 here right now. When that shot came through that door and
5 he told you where it was, that shot, if he would have been a
6 few inches taller we would have three counts of murder going
7 against this defendant right now. Obviously he was shaken
8 by this situation. Who wouldn't be? As a matter of fact,
9 Stuart Robinson told you he thought Wayne was dead, he knew
10 he was shot. He would not let him get up because he thought
11 he had been shot, that's how close it was. There was no way
12 he did not think that Wayne was not shot and possibly dead.
13 Wouldn't let him get up because he thought he was shot,
14 while at the same time -- talking about Stuart, while at the
15 same time trying to provide suppressive fire I believe is
16 how he termed it, to mitigate, again, any damage that this
17 defendant is doing while he's shooting at people. Now, you
18 heard from Wayne, and I'll get to Greg in a little while,
19 but you heard from at least two of the witnesses that saw
20 him shooting with two guns, and I'll get into that in a
21 little bit more in a little while. But then we get into
22 Alvin. It was his body cam that we saw. He did not get a
23 good look -- and let me explain when it comes to credibility
24 of witnesses. His Honor talked about credibility of
25 witnesses. These guys did not get together to try to

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1 formulate some story against him. Alvin Cruz and Brian told
2 you, look, from where we were we did not have a clear line
3 of sight. We could not say that was him shooting because we
4 didn't have a clear line of sight. We saw it when he came
5 out. The officers that did have the clear line of sight
6 told you, yes, we did see him. This is no conspiracy
7 against this defendant. When we talk about credibility of
8 witnesses, ladies and gentlemen, it's things like that that
9 I would ask that you take into consideration. There's
10 something else as it relates to that. The defendant is
11 here, he's here to stand trial. As you recall from the
12 testimony from what you heard on the body cam, they had a
13 clean shot at him. After he walks out -- and again, the
14 officers knew that he was the one shooting at them, but what
15 did they do? Did anybody fire? No. Because he was unarmed
16 at that time. They did not see the weapon. Even though he
17 had been shooting at them that day, even though they knew
18 other people had been shot. Because keep in mind, they had
19 already come across Tyvon, they had already come across
20 Luther Chambers, so they knew that there were people who had
21 been shot, but when they didn't see a weapon nobody shot.
22 And because of their actions this defendant is actually able
23 to be here today to sit in judgment, because otherwise we
24 wouldn't be here. There wouldn't be a defendant to have a
25 trial for. But because of these officers utilizing their

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1 training properly -- and let me be clear on this. That's
2 something that they don't get enough credit for, and it's
3 something that I wish I could have publicized previously
4 with everything going on in the mood of the country, but
5 obviously we had to wait until the proper form until this
6 case came to trial. But no. They need to be recognized and
7 lauded for the fact that this defendant is even able to
8 stand trial today. But let me move on. So then -- and if
9 you would indulge me. Let me show first and -- the reason I
10 wanted to show this diagram is because --

11 THE COURT: What exhibit is that?

12 MR. REDMOND: I'm sorry, Your Honor. That's Exhibit 87
13 and it's in evidence. The reason I wanted to show you this
14 diagram again is because you also hear the officers talk
15 about him coming out of the left side of 1902, coming out of
16 the left side. You see that? Now, I wanted to show you the
17 shell casings when you recall in their testimony where they
18 were and where the shell casings were found consistent with
19 where they say they were. Greg Burns was firing from here,
20 the other officers were in this area. But 357 Magnum -- and
21 let me give some context to this. John Follin testified
22 that after they talked with Marques Tyson on the 27th and
23 28th they went back out to the scene and that's when they
24 found the 357 Magnum, they found some other shell casings
25 that were determined to be 40 caliber shell casings.

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1 Weren't able to match them with the weapon, but there were
2 several shell casings that were fired, I think four, and the
3 357 Magnum. I am zeroing in on the 357 Magnum because it
4 had been fired as you saw it and has been testified to, and
5 it is right in the path that he was coming. So remember,
6 when he was walking out the left side he had his hands up, I
7 think Greg Burns may have been the first one to see him, had
8 his hands up. Well, it is fair for you to infer that the
9 357 is actually the other gun that he was utilizing,
10 because -- and a lot was made about the rust, the fact that
11 it was rust. But -- and I think Ms. Johnson-Lee on redirect
12 of Steve Curtis indicated that there was actually still
13 partial -- he was not able to identify the person, because
14 as he said, it's hard to do that anyway, but there was still
15 a partial print on there. So obviously it had not been
16 there long enough for the environment to do away with all of
17 the evidence. I say that to say that from the 25th to the
18 27, 28, two to three days, I'm just saying, Your Honor -- or
19 ladies and gentlemen, you take your common sense in there
20 with you, so when you look at the totality of the
21 circumstances you are allowed to make inferences based on
22 the evidence. And I would submit to you that that is at
23 least one of the weapons that this defendant was utilizing.
24 Now, let me talk about the attempted murder on Luther
25 Chambers. Luther is not here. I think you can probably get

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1 into assumptions as to why he isn't here especially based on
2 some of the things the defendant himself said. Some things
3 he says that you hear in the jail calls, some things he says
4 to John Follin, and also some things that he says that the
5 kids testified to, Luther is a snitch, he is the police,
6 things of that nature. He had characterized him in a
7 certain way, which I submit to you is part of what led to
8 this whole episode. But Luther is not here, but we do have
9 testimony about what he said and what happened to him. You
10 heard from Kimberly Eason, who actually went to the park,
11 went to the defendant's residence, went to 1902 looking for
12 Bam because Bam said he had been shot. She ultimately ended
13 up finding him at the hospital after, you know, the shooting
14 has taken place, she's trying to find and get to where he
15 is. She gets to him and I think she was in Union -- in
16 Monroe, CMC Union, gets to the hospital. Bam -- what does
17 Bam tell her? Shawn shot me. Several hours later he's
18 still undergoing treatment for the wound in his arm. John
19 Follin goes to Charlotte, CMC Main in Charlotte, to
20 interview Luther Chambers. What does he say? As soon as
21 John Follin -- and I think what he said was that I went and
22 I asked him if he knew where I was here and he said, yeah,
23 because Shawn Little shot me. That, of course, was
24 admissible. That is absolutely allowed for you to take into
25 consideration even though Bam is not here. Because keep in

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1 mind, based on the evidence and the testimony you've heard
2 Bam was the first one shot. This is what started this whole
3 domino effect that led to this tragic, horrific circumstance
4 that took place out at that trailer park that night. Now,
5 let's move on to -- well, let me back up for a second,
6 because the Judge did mention hand of one is the hand of
7 all, and let me address that. You also heard testimony
8 about Marques Tyson being involved, and, of course, you've
9 been told Marques Tyson has also been charged in this case.
10 But listen to the testimony. Who is doing the directing?
11 When Marques is shooting at anybody -- I think there was
12 testimony he was shooting at Bam and Tyvon. There was
13 testimony he was shooting at Tyvon Threatt as well from
14 Megan McManus. But who was directing? Who was the
15 orchestrator? Who was the maestro? It was the defendant.
16 Everything in the record about anything Marques did, kill
17 them. And I will get into that in more detail. Shoot him.
18 Get him, Ques. It was at the direction of the defendant.
19 Now, I submit to you the evidence also shows that the
20 defendant is the one that inflicted the shot on Luther
21 Chambers. The defendant is the one -- and I'll get into
22 that in just a second -- who inflicted the shot on Tyvon
23 Little (sic). The reason I bring that up is that if you're
24 saying it could have been either one of them that shot, the
25 whole purpose of hand of one, hand of all is we don't have

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1 to definitively show which one of them shot. If they were
2 acting in concert, if they were acting in concert the acts
3 of one are attributable to the acts of the other. That is
4 simply what it is. Now, let me talk about Tyvon's
5 situation, and that situation ultimately involves his death
6 unfortunately. And how, did Tyvon get involved in this?
7 They get to the trailer park, he and Megan come back as she
8 testified. The shooting had already started. Something had
9 happened and you can pretty much assume that. Okay. Luther
10 had already been shot, because when they get there Senchal
11 Smith, I think she said, her cousin said -- had told her
12 that there was shooting in the area. So what does Tyvon
13 Threatt do? Does he stay at 1994? No. He says, no. Let
14 me go check on my boy, Shawn. Going to check on a person he
15 thought was his friend cost him his life. There's no other
16 way to put it. There's no other way to frame it. And how
17 do we know that? We heard from Megan McManus. Megan told
18 you what she told the officers. In her statement she told
19 you that not only did -- when he went -- that's what he did,
20 got situated, went over to check on Shawn. She had an
21 uneasy feeling, so as she was going to try to go in that
22 direction she hears shots. She actually grabs him and gets
23 him to where you see the officers, I think, in Alvin's body
24 cam where she's holding him. And let me put another thing
25 in context, because context is an important thing, and as we

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1 go through this whole situation please do not lose fact of
2 context. And when I say that I mean take a step back and
3 look as what's going on, the totality of the circumstances,
4 put it in its proper context. Megan was asked about why
5 didn't she tell them Shawn Little on the body cam. Well, if
6 you listen she was -- and she told you she was asked where
7 is he, that's where they said they don't know and they were
8 pointing to the direction that they had last seen him. So
9 she was not asked who it was that did it. And at that time
10 as you recall, she is holding Tyvon Threatt at the time, so
11 there's a lot going on. So at that point when asked where
12 is he, she was worrying about Tyvon at that point and she
13 just says going in that direction, in that direction,
14 something along those lines, something to that effect. So
15 again, when you put it in context it's not like she is
16 lying, oh, I really didn't see him. That's what -- no,
17 that's not what it was. The context of it was she was asked
18 a different question. They were looking for where he was,
19 because at that point where he is is just if not more
20 important than who he is. We want to know where he is so we
21 can stop him, then we'll figure out who he is. So it makes
22 absolute perfect sense that that's the chain of events at
23 that time. But anyway. Garth Rivers, EMS, came and
24 testified, and he also told you -- and he didn't know any of
25 these people. He told you that Rashawn (sic) clearly said,

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1 and I think he said multiple times, I know Megan said he
2 said it multiple times, Shawn Little. Shawn Little. Who
3 shot you? Shawn Little. That was a continuous (inaudible.)
4 Doug, will you stand up, please? Then you heard from Doug
5 Threatt. And Doug was also there, had gotten there in five
6 to six minutes, and he heard his son say Rashad when they
7 asked him several times who did this. He did not know -- as
8 he said, he didn't know the defendant, he just knows what
9 his son said. So you have at least, at least three
10 people -- thank you, Doug -- you've got at least three
11 people who have heard him say -- that's what we call a dying
12 declaration. And as you recall and you see in some of the
13 pictures the amount of blood, but you recall everybody
14 talked about just how much blood it was and how, you know,
15 serious the situation was at the time. That fits into what
16 we call a dying declaration as it relates to -- he is
17 telling you who killed him. That is what he left for us to
18 be able to make sure that justice was done. And then we
19 come to Shannon. And like I said, I know I'm a little bit
20 out of order with some things but we come to Shannon, the
21 defendant's wife. We hear from Dr. Ross first, and Dr.
22 Ross took out the bullet jacket at autopsy. The bullet and
23 the jacket specifically is what yielded results. But the
24 thing that was telling from our standpoint is -- because the
25 nature of the wound is a contact wound. And let me back up

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1 for a second. And you hear it in some of the kid's
2 statements, there was really confusion as to who actually
3 shot her. The autopsy made it clear it couldn't have been
4 law enforcement because it was a contact wound within an
5 inch or two. It was a contact wound. Law enforcement never
6 breached until after everything was over with and the
7 defendant had left, that means she was shot inside, and I'll
8 get into that in just a minute. But Dr. Ross also told you
9 when Ms. Mary Thomas asked, she does not recall seeing a
10 suicide like that. And, of course, we had Crystal Brock,
11 her sister, testify that she was right-handed for obvious
12 reasons. But then Dr. Ross said that she had not seen a
13 suicide like that, because normally you're trying -- I mean,
14 as (inaudible) as it is but you're trying to shoot yourself
15 in the brain to make sure you're dead. That was not a
16 typical move for somebody committing suicide. And then as
17 you will hear, and I'll get into it a little bit more, she
18 didn't want to die. I mean, all of the kids talk about the
19 fact that she didn't want to die, she was trying to get to
20 them. So when you put those things together, it's
21 circumstantial evidence of the fact that she did not kill
22 herself, she was murdered. And we'll get into why it is the
23 defendant, that evidence shows, that did that. I forgot
24 about Grant Cook. He testified real briefly. Grant Cook
25 told you that after the defendant was apprehended he asked

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1 about what charges he was facing, but at no time did he ask
2 about his wife. At no time did he ask about Shannon. This
3 is after he's apprehended, Grant was one of the officers
4 that was called in to transport the defendant. And he did
5 ask -- he initiated the conversation, he asked about what
6 charges he was facing, but never asked about his wife who he
7 walked out on, or as the kids say, he just left. Then I
8 played some jail calls. And the whole purpose of the jail
9 calls, especially -- there was one in particular -- now, the
10 first set of jail calls kind of gives you an idea of what
11 his mindset was, especially as it relates to the people in
12 the neighborhood. That goes to his intent, his state of
13 mind, what leads to his intent. And he talks about Bam. He
14 even talks about Officer Luther. I don't know if you
15 remember, he said Officer Luther, referring to the Luther as
16 being the police. Same thing he told John Follin. Well,
17 Luther, he's the police. Bam, he's the police. So that
18 corroborates what his mindset was as it relates to Bam, and
19 why Bam got shot and why it's attempted murder. But with
20 the jail call, the second jail call, it was interesting when
21 his mother says you wouldn't do anything to hurt that girl,
22 would you? And you hear him say softly, nuh-uh. And then
23 he says but anyway, and then pivots and moves on. Now,
24 ladies and gentlemen, when I say you don't leave your common
25 sense with you when you go back to deliberate, no, you take

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1 it with you. And that exchange is telling because of how
2 quick he pivoted away from that issue. And keep in mind, in
3 earlier parts of some of these jail calls, like there was
4 one part where he was acting like he didn't know he was in
5 the car and his mother was like, you were in the car -- he
6 was talking about being shot, they shot up my car. You were
7 in the car. I mean, it's things like that, ladies and
8 gentlemen, that you can take into consideration as it
9 relates to this defendant's mindset. Let's talk about
10 briefly the interview with John Follin. In that interview
11 he tells you, yes, he was there. So we know he was there
12 when Bam was shot because he tells you that. He doesn't
13 talk about Tyvon because he didn't get that far. But he
14 talked about meeting Bam and being there when Bam was shot,
15 said somebody else opened the door but he wasn't sure who
16 shot, but he was there when he got shot, so we know he was
17 there. That's a lot of what we have to establish. So we
18 know he was there when Bam got shot, but then he claims that
19 he didn't know who shot Bam. And, of course, we have the
20 kids and their testimony to help that, and I'll get into
21 that in a little while. And then you have -- when he's
22 talking to John, John asked him about Shannon, and what does
23 he do at that point? Shuts it down. I'm done talking.
24 Shuts it down. Does not want to talk about Shannon. You
25 can absolutely take that into consideration, ladies and

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1 gentlemen, when you look at the context of everything, when
2 you step back and look at the totality of the circumstances,
3 put it in its proper context. Of course he didn't want to
4 talk about that because he did it. Then we get into a
5 stipulation that was made. Let me briefly talk about that
6 stipulation, the stipulation about the clothes. Because
7 there was a question that was asked about examining clothes
8 for GSR. We don't have the clothes, and why we don't have
9 the clothing, the parties stipulated, we came together
10 rather than me having to call other witnesses we entered
11 into a stipulation about the fact that -- he was -- the jail
12 had returned his clothes at his mother's request, and as a
13 result of that John Follin was unable to get the defendant's
14 clothes. Again, absolutely can be taken into consideration
15 by you when putting everything in its proper context. The
16 trace evidence. I almost forgot about the trace evidence on
17 the arm. And Tyler Sturkie testified, GSR doesn't mean that
18 you were firing the weapon, it means you were in close
19 proximity of the weapon. Well, I think we can all agree
20 that it makes absolute sense she would have GSR on her hand
21 because she was shot on her left side, that's where the
22 bullet entered. And at the time she was shot you can just
23 sit back and imagine what she -- I mean, she was already
24 frantic. And the kids talk about how she was wanting to get
25 to them and she was telling them she loved them, she didn't