

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Jan 16 2024

Appeal from Lexington County
Honorable Debra R. McCaslin, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHRISTOPHER D. SHUMPERT,

APPELLANT

APPELLATE CASE NO. 2023-000568

RECORD ON APPEAL

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1 State of South Carolina) In the Court Of General Sessions
2 County of Lexington) Indictment Nos.: 2022-GS-32-00270
3 State of South Carolina,) 00271
4 Plaintiff,) 01104
5 vs.) Transcript of Proceedings
6 Christopher Shumpert,)
7 Defendant.)
8

9
10 March 27th through 30th, 2023

11 Lexington, South Carolina

12 BEFORE:

13 The Honorable Debra R. McCaslin, Judge, and a
14 Jury.

15
16 APPEARANCES:

17
18 Rhonda Patterson, Assistant State Solicitor
19 Bradley Pogue, Assistant State Solicitor
20 Attorneys for the State/Plaintiff

21 Stanley L. Myers, Esquire
22 Lester McGill "Gill" Bell, Junior, Esquire
23 Attorneys for the Defendant

24 ALSO PRESENT:

25 Christopher Shumpert

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1 Thereupon, the following proceedings were had,

2 (Whereupon, State's Exhibits #1 through #76 marked
3 for identification.)

4 BAILIFF: All rise.

5 THE COURT: Please be seated. Very good. I'm glad
6 everybody made it back. Where is Mr. Myers?

7 MR. BELL: He stepped to the restroom. He should be
8 back shortly.

9 THE COURT. Okay. All right. Ladies and gentlemen
10 of the jury panel, we are about to begin the trial of The
11 State of South Carolina versus Christopher Shumpert. I'm
12 gonna ask the Solicitor to call the case please.

13 MS. PATTERSON: Thank you, Your Honor. May it
14 please the Court.

15 THE COURT: Yes, ma'am.

16 MS. PATTERSON: Indictment 2022-GS-32-270, The State
17 of South Carolina versus Christopher David Shumpert
18 indicted for murder; 2022-GS-32-271, The State of South
19 Carolina versus Christopher David Shumpert, possession of
20 a weapon during the commission of a violent crime;
21 2022-GS-32-1104, The State of South Carolina versus
22 Christopher David Shumpert, assault and battery of a high
23 and aggravated nature.

24 THE COURT: All right. Mr. Myers, how does your
25 client plead?

1 MR. MYERS: Good morning, Your Honor. Mr. Shumpert
2 pleads not guilty of all charges.

3 THE COURT: Thank you. All right. Before we select
4 the jury, there are several questions which I will ask
5 you. If you need to answer any of these questions,
6 please stand and I will call on you individually. Also,
7 do not blurt out an answer. I will ask the question. Do
8 not, I'm gonna tell you again, blurt out an answer. I
9 will ask you the question when I call on you. All right.
10 First, I'm going to ask the Solicitors for the State to
11 introduce themselves and anyone else assisting in the
12 prosecution of this case.

13 MS. PATTERSON: Thank you, Your Honor. Good
14 morning. My name is Rhonda Patterson. I'm a Deputy
15 Solicitor here in the Eleventh Judicial Circuit
16 Solicitor's Office. My co-counsel is Mr. Bradley Pogue.
17 Also assisting is my victim's advocate Rhonda Robinson
18 and my paralegal Brittany Wilkinson, and I will have an
19 investigator in and out during the trial.

20 THE COURT: Thank you, Ms. Patterson. Now let me
21 ask the defense attorneys to introduce themselves and
22 their client. I am also asking the attorneys to tell us
23 the name of the law firm that they are associated with.

24 MR. MYERS: Thank you, Your Honor. Good morning,
25 ladies and gentlemen. My name is Stanley Myers and I am

1 at the law firm of Moore, Bradley, Myers in West
2 Columbia, born and raised in Swansea, South Carolina,
3 assisted by my law partner Gill Bell, our associate Josh
4 Martin and Mr. Christopher Shumpert. At some point you
5 may see a couple of my administrative staff and legal
6 assistants coming in, but I have a primary investigator
7 by the name of Keith Johnson. Do I need to name any of
8 the lawyers in our firm, Your Honor?

9 THE COURT: Do you think they might be coming in to
10 help?

11 MR. MYERS: No. They shouldn't be coming in to
12 help. I don't even think I can remember all of them.

13 THE COURT: Okay. That's all right. All right.
14 Let me address the jury panel. The attorneys in this
15 case just introduced themselves. Has any member of the
16 jury panel ever been represented by any of the attorneys
17 involved in this case or by their law firms? If so,
18 please stand. Yes, ma'am, your juror number?

19 WANDA COLBURN: 36.

20 THE COURT: Juror number 36, Ms. Colburn.

21 WANDA COLBURN: Yes.

22 THE COURT: Let me ask you, who were you represented
23 by?

24 WANDA COLBURN: Mr. Moore.

25 THE COURT: All right. Ms. Colburn, let me ask you,

1 if you were selected as a juror in this case, could you
2 be fair and impartial to both the State and the defense?

3 WANDA COLBURN: Yes, Your Honor.

4 THE COURT: I'll keep you. Yes, sir, your juror
5 number?

6 JUSTIN BROWN: 19.

7 THE COURT: Juror number 19. That is Mr. Brown.

8 JUSTIN BROWN: Yes, ma'am.

9 THE COURT: Mr. Brown, who were you represented by?

10 JUSTIN BROWN: Mr. Myers.

11 THE COURT: Mr. Myers. Let me ask you, Mr. Brown,
12 if you were selected as a juror in this case, could you
13 be fair and impartial to both the State and the
14 defense.

15 JUSTIN BROWN: Yes, ma'am. Yes, Your Honor.

16 THE COURT: I'm gonna keep you then. Anybody else?
17 Juror number?

18 JACQUELINE LYKES: 115.

19 THE COURT: Juror number 115, Ms. Lykes, who were
20 you represented by?

21 JACQUELINE LYKES: Not me personally but I have
22 family members represented by Mr. Myers.

23 THE COURT: All right. Well, then, let me ask you,
24 Ms. Lykes, if you were selected as a juror in this case,
25 could you be fair and impartial to both the State and the

1 defense.

2 JACQUELINE LYKES: Yes, ma'am.

3 THE COURT: Okay. I'll keep you. Anybody else?
4 Yes, sir, your juror number?

5 GARY SPIRES: 190.

6 THE COURT: Juror number 190. That's Mr. Spires.
7 Mr. Spires, who were you represented by?

8 GARY SPIRES: I had a family members represented by
9 Mr. Myers.

10 THE COURT: Okay. If you were selected as a juror
11 in this case, could you be fair and impartial to both the
12 State and the defense?

13 GARY SPIRES: Yes, ma'am.

14 THE COURT: I'm gonna keep you. Anybody else?
15 (No one standing.)

16 Is any member of the jury panel related by blood or
17 marriage, know personally or have any religious,
18 political, social, or business association with any of
19 the attorneys involved in this case or anyone in their
20 law firms? If so, please stand. Yes, ma'am.

21 DENNA HOWELL: I think Ms. Patterson, if her
22 husband's name is Vincent.

23 THE COURT: All right. Hang on. Hold on. We don't
24 blurt out answers. I need your juror number.

25 DENNA HOWELL: 86.

1 THE COURT: 86. Ms. Howell. Ms. Howell, you're
2 telling me that you think you know Mr. Patterson?

3 DENNA HOWELL: If her husband's name is what I said,
4 he actually works for me.

5 MS. PATTERSON: Yes.

6 THE COURT: Then let me see the lawyers just for a
7 second.

8 (Side bar off the record.)

9 THE COURT: All right. Ms. Howell, I'm gonna excuse
10 you from the trial of this case. Thank you for coming.

11 DENNA HOWELL: Thank you.

12 THE COURT: And also juror number 19, Mr. Brown, I'm
13 gonna excuse you from the trial of this case also.

14 JUSTIN BROWN: Yes, ma'am.

15 THE COURT: Thank you. Thank you for coming. Yes,
16 ma'am, your juror number?

17 SHERRY WANNAMAKER: 212.

18 THE COURT: Juror number 212. That's Ms.
19 Wannamaker. Ms. Wannamaker, can you tell me who it is
20 that you know?

21 SHERRY WANNAMAKER: I know Mr. Myers. We're both
22 from Swansea.

23 THE COURT: Okay. Let me ask you, Ms. Wannamaker,
24 if you were selected as a juror in this case, could you
25 be fair and impartial to both the State and the defense?

1 SHERRY WANNAMAKER: Yes, ma'am.

2 THE COURT: I'll keep you, Ms. Wannamaker. Thank
3 you. Is there any member of the jury panel related by
4 blood or marriage, know personally or have any religious,
5 political, social, or business association with the
6 defendant Christopher Shumpert? And it's spelled
7 S-h-u-m-p-e-r-t. If so, please stand.

8 (No one standing.)

9 I'm also gonna ask if any member of the jury panel
10 is related by blood or marriage, know personally or have
11 any religious, political, social, or business association
12 with a Daniel Jones of Gaston, South Carolina? If so,
13 please stand.

14 (No one standing.)

15 Is any member of the jury panel employed by or
16 related by blood or marriage to or a friend or
17 acquaintance of any member of any law enforcement agency,
18 the Attorney General's Office, the Solicitor's Office, or
19 any prosecuting attorney's office? If so, please stand.
20 Yes, sir. Your juror number?

21 DRAYTON SEBOE: 178.

22 THE COURT: 178. Mr. Seboe.

23 DRAYTON SEBOE: Yes, ma'am.

24 THE COURT: Mr. Seboe, who do you know that's
25 employed by law enforcement?

1 DRAYTON SEBOE: My father is a sergeant for the
2 Lexington County Sheriff's Department and my grandfather
3 is the colonel of the same Sheriff's Department.

4 THE COURT: All right. Let me ask you, Mr. Seboe,
5 if you were selected as a juror in this case, could you
6 be fair and impartial to both the State and the defense?

7 DRAYTON SEBOE: Yes, ma'am.

8 THE COURT: Thank you. Yes, sir.

9 NATHANIEL MOORE: 142.

10 THE COURT: Juror number 142. That is Mr. Moore.
11 Mr. Moore, who do you know in law enforcement?

12 NATHANIEL MOORE: Does that fall under LLR? I know
13 attorneys for LLR. My wife's with the State.

14 THE COURT: That's not gonna fall there, but while
15 you're up, let me ask you, if you were selected as a
16 juror, could you be fair and impartial to both the State
17 and the defendant?

18 NATHANIEL MOORE: Probably not.

19 THE COURT: That's not good enough for me. So
20 you're excused.

21 NATHANIEL MOORE: All right.

22 THE COURT: We'll transfer you. Come on up. We're
23 gonna transfer you to a civil term is what we're gonna
24 do. Yes, ma'am, your juror number?

25 LISA THORNSBERRY: 203.

1 THE COURT: Juror number 203, Ms. Thornsberry, a
2 teacher.

3 LISA THORNSBERRY: Yes.

4 THE COURT: Who do you know in law enforcement?

5 LISA THORNSBERRY: My brother is a police officer,
6 K9 officer in the State of Michigan.

7 THE COURT: Okay. Well, let me ask you, Ms.
8 Thornsberry, if you were selected as a juror in this
9 case, could you be fair and impartial to both the State
10 and the defense?

11 LISA THORNSBERRY: Yes, ma'am.

12 THE COURT: I'm keeping you. Yes, ma'am, your juror
13 number?

14 ANN WINGARD: 219.

15 THE COURT: Juror number 219. Ms. Wingard.

16 ANN WINGARD: Yes, ma'am.

17 THE COURT: Who do you know in law enforcement?
18 Let's see. I think it's your husband. He's a master
19 deputy at Richland County Sheriff's Department is what my
20 notes say.

21 ANN WINGARD: Yes, ma'am. And his father is also a
22 retired police officer with the City of Columbia.

23 THE COURT: Okay. Let me ask you, Ms. Wingard, if
24 you were selected as a juror in this case, could you be
25 fair and impartial to both the State and the defense?

1 ANN WINGARD: Yes, ma'am.

2 THE COURT: Thank you. I'm gonna keep you. Yes,
3 ma'am, your juror number?

4 LISA VINING: 211.

5 THE COURT: Juror number 211. That's Ms. Vining.
6 Ms. Vining, who do you know in law enforcement?

7 LISA VINING: My sister works for Lexington County
8 Sheriff's Department.

9 THE COURT: All right. Well, let me ask you, Ms.
10 Vining, if you were selected as a juror, could you be
11 fair and impartial to both the State and the defense?

12 LISA VINING: Yes, ma'am.

13 THE COURT: Then I'm gonna keep you. All right.
14 Anybody else? I'm gonna move on to the next question and
15 this is a witness list, and I'm gonna tell you, it's
16 rather lengthy so I'm probably gonna go through about ten
17 names, stop and ask you if any member of the jury panel
18 is related by blood or marriage, if you know personally
19 or have any religious, political, social, or business
20 association with any of the witnesses that I'm fixing to
21 call. A Michael "Joe" Hart from the Lexington County
22 Sheriff's Department, a Christopher Swygert from the
23 Calhoun County Sheriff's Department, a Jonathan Brock
24 from the Lexington County Sheriff's Department, Brian
25 Anderson formerly of the Lexington County Sheriff's

1 Department, Angela Gunno (phonetic) from the Lexington
2 County Communications, Gary Hinton, H-i-n-t-o-n, from the
3 Lexington County Sheriff's Department, Roy Williams
4 formerly of the Lexington County Sheriff's Department,
5 Patrick Ward from SLED which is the South Carolina Law
6 Enforcement Division, a Jamie Johnson from the Attorney
7 General's Office, Brannon Marthers, M-a-r-t-h-e-r-s, from
8 the Lexington County Sheriff's Department, a Shannon
9 Dykes from the Lexington County Sheriff's Department, a
10 Will Herring from Securus Technologies, a Margaret Szala,
11 and I'm gonna spell this for you because I don't know if
12 I'm pronouncing it right, S-z-a-l-a, from the Lexington
13 County EMS. Let me ask the jurors, does anybody know the
14 names that I've just called? If so, please stand.

15 (No one standing.)

16 All right. I'm gonna move on to the next set of
17 names. Carmen Tucker from the South Carolina Law
18 Enforcement Division, which is SLED, a Ryan DeWane from
19 SLED, a Richard Hunton from SLED, Investigator Victoria
20 Lagger, L-a-g-g-e-r, from the Aiken County Sheriff's
21 Department, a Paul Greer from SLED, a Dr. Angelina
22 Phillips from the Medical University of South Carolina, a
23 Jaqueline Aiken, a Jada Ellison, a David Patton, a Steven
24 Phillips, Corey Chaney, C-h-a-n-e-y, a Daniel Jones. I'm
25 gonna stop there and ask the jury panel, does anyone know

1 any of the names that I just called out? If so, please
2 stand. All right. And your juror number?

3 APRIL CASSIDY: 30.

4 THE COURT: Juror number 30. Ms. Cassidy.

5 APRIL CASSIDY: Yes, ma'am.

6 THE COURT: Can you tell me which name you know that
7 I called?

8 APRIL CASSIDY: I know a Steven Phillips.

9 THE COURT: A Steven Phillips. Okay. I don't know
10 where he's from. It didn't say on here. But let me ask
11 you, Ms. Cassidy, if you were selected as a juror in this
12 case, could you be fair and impartial to both the State
13 and the defense?

14 APRIL CASSIDY: Yes, ma'am.

15 THE COURT: Thank you. I'm gonna keep you. Yes,
16 sir.

17 RONALD JEZOWSKI: 92.

18 THE COURT: Juror number 92. Mr. Jezowski, tell me
19 who it is that you know?

20 RONALD JEZOWSKI: Richard Hunton.

21 THE COURT: Richard Hunton. Let me ask you, if you
22 were selected as a juror, could you be fair and impartial
23 to both the State and the defense?

24 RONALD JEZOWSKI: Yes, ma'am.

25 THE COURT: Thank you. I'm gonna keep you. Anybody

1 else?

2 (No response.)

3 All right. This is the last set of names. A Wayne
4 Wilkes, W-i-l-k-e-s, Crystal Wilkes, Kyle Shumpert, Dale
5 Kirby, Keith Johnson, Johnny Hartley, a Candy Kyzer from
6 the Lexington County Sheriff's Department, Beth Holliman
7 from the Lexington County Sheriff's Department, Sandy
8 Black from the Lexington County Sheriff's Department, and
9 a Rob Bart, B-a-r-t, from the Lexington County Sheriff's
10 Department. Let me ask you if there is anyone in the
11 jury panel who knows those names that I just called,
12 please stand.

13 RONALD JEZOWSKI: 92.

14 THE COURT: 92. I got you. Who do you know? I
15 hate to do it again because I'll mess it up.

16 RONALD JEZOWSKI: Ron Jezowski. Beth Holliman.

17 THE COURT: Beth Holliman. All right. Let me ask
18 you, if you were selected as a juror, could you be fair
19 and impartial to both the State and the defendant?

20 RONALD JEZOWSKI: Yes, ma'am.

21 THE COURT: Thank you. Yes, ma'am.

22 JACQUELYN OXNER: 150.

23 THE COURT: Juror number 150. That would be Ms.
24 Oxner. Ms. Oxner, who do you know?

25 JACQUELYN OXNER: Candy Kyzer.

1 THE COURT: Okay. Let me ask you, Ms. Oxner, if you
2 were selected as a juror, could you be fair and impartial
3 to both the State and the defense?

4 JACQUELYN OXNER: Yes.

5 THE COURT: Thank you. All right. Is there any
6 member of the jury panel or a family member or a close
7 friend ever been the victim of, or investigated for, or
8 charged with a violent crime such as murder? If so,
9 please stand.

10 LISA VINING: 211.

11 THE COURT: Juror number 211. I think what I'm
12 gonna do is come down and talk to you.

13 (Side bar on the record.)

14 THE COURT: All right. Ms. Vining, were you a
15 victim or a family member?

16 LISA VINING: Uhm, my mother's sister was murdered.
17 My grandson just got out of prison on attempted murder of
18 a police officer.

19 THE COURT: Let me ask you this, Ms. Vining. If you
20 were selected as a juror, could you be fair and impartial
21 to both the State and the defense?

22 LISA VINING: Absolutely.

23 THE COURT: I'm gonna keep you. Thank you.

24 (Side bar on the record ended.)

25 THE COURT: All right. Next question. Has anybody

1 learned anything about this case in the news media or in
2 the community that would prohibit you from being fair and
3 impartial in this case? If so, please stand.

4 (No one standing.)

5 Has anyone had any kind of experience with a police
6 officer, a state trooper, a federal agent or state or
7 federal law enforcement that might affect your ability to
8 be fair and impartial in this case? If so, please stand.

9 (No one standing.)

10 All right. During the course of this trial, all of
11 the jurors will be asked to listen carefully to testimony
12 from witnesses, review and consider various exhibits that
13 might get admitted, and follow my instructions on the law
14 in this case. Is there any member of the jury panel who
15 feels that they will not be able to listen carefully to
16 the testimony from witnesses, review and consider various
17 exhibits, and follow by instructions on the law? If so,
18 please stand.

19 (No one standing.)

20 Has any member of the jury panel formed or expressed
21 an opinion about any issue or matter involved in this
22 case? If so, please stand.

23 (No one standing.)

24 Is any member of the jury panel aware of any bias or
25 prejudice toward either the State or the defendant in

1 this case? If so, please stand.

2 (No one standing.)

3 Does any member of the jury panel have any religious
4 or moral beliefs which would prevent them from passing
5 judgment on another person as a member of the jury? If
6 so, please stand.

7 (No one standing.)

8 Does any member of the jury panel know of any reason
9 whatsoever why he or she should not serve as a juror in
10 this case with particular emphasis being placed on your
11 ability to be fair and impartial to both the State and
12 the defendant? If so, please stand.

13 (No one standing.)

14 THE COURT: Does the State have any additional
15 questions it would like to have asked?

16 MS. PATTERSON: Nothing from the State.

17 THE COURT: How about the defense?

18 MR. MYERS: No, ma'am, Your Honor. Thank you.

19 THE COURT: Okay. At this time we're gonna get
20 ready to pick the jury. All right. Let me tell all the
21 jurors, this is what happens next. The clerk's gonna
22 call your juror number and your name. I want you to walk
23 up through those double doors, come right in front of
24 this podium right here, turn around and face those back
25 doors and then the lawyers will say yea or nay. If they

1 say yea, then we'll direct you up here. So when they
2 call your name and your juror number, make sure you bring
3 everything with you when you come up because you're gonna
4 be staying with us.

5 Now, with all that said, let me tell you all this:
6 I don't want anybody getting upset if you don't get
7 picked. It has happened believe it or not. I promise
8 you, we'll put you back in the pool and I'll be seeing
9 you. It will take them just a minute to get the list
10 together. Strikes are what, ten and five?

11 MS. PATTERSON: Yes, ma'am.

12 THE COURT: I'm gonna go with two alternates just in
13 case. Any objections?

14 MR. MYERS: No, ma'am.

15 MS. PATTERSON: No, ma'am.

16 THE COURT: I know I've got a couple of people who
17 need to be gone by Friday. I've got a note of it just in
18 case they're on our jury. I thought I'd get two
19 alternates. Everybody ready?

20 MS. PATTERSON: Yes, Your Honor.

21 MR. MYERS: Yes, Your Honor.

22 THE COURT: You can call it, madam clerk.

23 THE CLERK: Juror number 46, Mary Deleon Bell.

24 (Whereupon, Mary J. Bell Deleon, a Hispanic female,
25 was called forward.)

1 THE CLERK: What say you for the State?

2 MS. PATTERSON: Please present the juror.

3 THE CLERK: What say you for the defense?

4 MR. MYERS: Please present the juror.

5 THE CLERK: Please have a seat in the jury box.

6 Juror number 116, Sierra Lynch.

7 (Whereupon, Sierra S. Lynch, a white female, was
8 called forward.)

9 THE CLERK: What say you for the State?

10 MS. PATTERSON: Please present the juror.

11 THE CLERK: What say you for the defense?

12 MR. MYERS: Please excuse this juror.

13 THE CLERK: Please return back to your seat. Juror
14 number 80, Desiree Harvey.

15 (Whereupon, Desiree S. Harvey, a mixed female, was
16 called forward.)

17 THE CLERK: What say you for the State?

18 MS. PATTERSON: Please present the juror.

19 THE CLERK: What say you for the defense?

20 MR. MYERS: Please present the juror.

21 THE CLERK: Please have a seat in jury box. Juror
22 number 143, Agria Bennett.

23 (Whereupon, Agria N. Bennett, a black female, was
24 called forward.)

25 THE CLERK: What say you for the State?

1 MS. PATTERSON: Please present the juror.

2 THE CLERK: What say you for the defense?

3 MR. MYERS: Please present the juror.

4 THE CLERK: Please have a seat in the jury box.

5 Juror 28, Christopher Carter.

6 (Whereupon, Christopher D. Carter, a white male, was
7 called forward.)

8 THE CLERK: What say you for the State?

9 MS. PATTERSON: Please present the juror.

10 THE CLERK: What say you for the defense?

11 MR. MYERS: Please present the juror.

12 THE CLERK: Please have a seat in the jury box.

13 Juror number 92, Ronald Jezowski.

14 (Whereupon, Ronald B. Jezowski, a white male, was
15 called forward.)

16 THE CLERK: What say you for the State?

17 MS. PATTERSON: Please present the juror.

18 THE CLERK: What say you for the defense?

19 MR. MYERS: Please excuse the juror.

20 THE CLERK: Please return back to your seat. Juror
21 number 134, Victoria McGill.

22 (Whereupon, Victoria V. McGill, a white female, was
23 called forward.)

24 THE CLERK: What say you for the State?

25 MS. PATTERSON: Please present the juror.

1 THE CLERK: What say you for the defense?

2 MR. MYERS: Please present the juror.

3 THE CLERK: Please have a seat in the jury box.

4 Juror 114, Jessica Lucas.

5 (Whereupon, Jessica M. Lucas, a black female, was
6 called forward.)

7 THE CLERK: What say you for the State?

8 MS. PATTERSON: Please present the juror.

9 THE CLERK: What say you for the defense?

10 MR. MYERS: Please present the juror.

11 THE CLERK: Please have a seat in the jury box.

12 Juror number 37, Jimmy Cooper.

13 (Whereupon, Jimmy R. Cooper, a white male, was
14 called forward.)

15 THE CLERK: What say you for the State?

16 MS. PATTERSON: Please present the juror.

17 THE CLERK: What say you for the defense?

18 MR. MYERS: Please present the juror.

19 THE CLERK: Please have a seat in the jury box.

20 Juror number 115, Jaqueline Lykes.

21 (Whereupon, Jaqueline M. Lykes, a black female, was
22 called forward.)

23 THE CLERK: What say you for the State?

24 MS. PATTERSON: Please excuse the juror.

25 THE CLERK: Please return back to your seat. Juror

1 number 196, Saul Stoner.

2 (Whereupon, Saul D. Stoner, a white male, was called
3 forward.)

4 THE CLERK: What say you for the State?

5 MS. PATTERSON: Please present the juror.

6 THE CLERK: What say you for the defense?

7 MR. MYERS: Please present the juror.

8 THE CLERK: Please have a seat in the jury box.

9 Juror number 161, Michael Quilty.

10 (Whereupon, Michael A. Quilty, a white male, was
11 called forward.)

12 THE CLERK: What say you for the State?

13 MS. PATTERSON: Please present the juror.

14 THE CLERK: What say you for the defense?

15 MR. MYERS: Please present the juror.

16 THE CLERK: Please have a seat in the jury box.

17 Juror number 159, Stuart Pinholster.

18 (Whereupon, Stuart C. Pinholster, a white male, was
19 called forward.)

20 THE CLERK: What say you for the State?

21 MS. PATTERSON: Please present the juror.

22 THE CLERK: What say you for the defense?

23 MR. MYERS: Please present the juror.

24 THE CLERK: Please have a seat in jury box. Juror
25 number 195, Nick Stefan.

1 (Whereupon, Nick Stefan, a white male, was called
2 forward.)

3 THE CLERK: What say you for the State?

4 MS. PATTERSON: Please present the juror.

5 THE CLERK: What say you for the defense?

6 MR. MYERS: Please excuse the juror.

7 THE CLERK: Please return back to your seat. Juror
8 number 68, Tabitha Givens.

9 (Whereupon, Tabitha L. Givens, a white female, was
10 called forward.)

11 THE CLERK: What say you for the State?

12 MS. PATTERSON: Please present the juror.

13 THE CLERK: What say you for the defense?

14 MR. MYERS: Please present the juror.

15 THE CLERK: Please have a seat in the jury box.
16 Juror number 201, Jesse Taylor.

17 (Whereupon, Jesse T. Taylor, a white male, was
18 called forward.)

19 THE CLERK: What say you for the State?

20 MS. PATTERSON: Please excuse the juror.

21 THE CLERK: Please return to your seat. Juror
22 number 214, Amanda Wardlaw.

23 (Whereupon, Amanda L. Wardlaw, a white female, was
24 called forward.)

25 THE CLERK: What say you for the State?

1 MS. PATTERSON: Please present the juror.

2 THE CLERK: What say you for the defense?

3 MR. MYERS: Please present the juror.

4 THE CLERK: Please have a seat in the jury box.

5 Juror number 38, Wesley Cooper.

6 (Whereupon, Wesley C. Cooper, a white male, was
7 called forward.)

8 THE CLERK: What say you for the State?

9 MS. PATTERSON: Is this an alternate?

10 THE COURT: This is an alternate.

11 MR. POGUE: Strike two and one?

12 THE COURT: Yes, it is.

13 MS. PATTERSON: Please present this juror.

14 THE CLERK: What say you for the defense?

15 MR. MYERS: Please present the juror.

16 THE CLERK: Please have a seat in the jury box.

17 Juror number 211, Lisa Vining.

18 (Whereupon, Lisa L. Vining, a white female, was
19 called forward.)

20 THE CLERK: What say you for the State?

21 MS. PATTERSON: Please excuse the juror.

22 THE CLERK: Please return back to your seat. Juror
23 number 207, Frank Trossen.

24 (Whereupon, Frank T. Trossen, III, a white male, was
25 called forward.)

1 THE CLERK: What say you for the State?

2 MS. PATTERSON: Please present the juror.

3 THE CLERK: What say you for the defense?

4 MR. MYERS: Please present the juror.

5 THE CLERK: Please have a seat in the jury box.

6 THE COURT: All right. Thank you. All right. For
7 everybody else in the jury panel, if anybody needs an
8 excuse for work, we have them available on the first
9 floor at the Clerk's Office. The bailiffs will show you
10 where to go. Also, a little bit of good news is you'll
11 be getting a check. The bad news is that it probably
12 won't buy you lunch. It's not a whole lot, but they do
13 send you a check and it won't be until next week that you
14 get it because they'll mail it and they'll wait until we
15 finish with this week of court, but I want to personally
16 thank you, each and every one of you for coming. I'm
17 just telling you it's good to see everybody. I'm glad
18 you get to see the Lexington County Courthouse. I hope
19 you come back and you get summoned again and we'll go
20 through this all over, but thank you. Now, don't
21 everybody run for the door at the same time. You may be
22 excused. Jury service is over for this week. This will
23 be the only case I'm trying.

24 (Whereupon, the remainder of the jury venire
25 released at 11:25 a.m.)

1 THE COURT: All right. Welcome. You're the jury.
2 This is what we're gonna do real quick. You'll have a
3 jury room. The bailiff is gonna take you back to the
4 jury room. We're gonna start this trial today. But
5 first let me kind of give you a little bit of ground
6 rules. There's no cell phones, no note taking. In fact,
7 the bailiffs will take your phones. There will be a box.

8 Now, if you have some kind of family emergency or
9 anything while we're in trial, you can have your phones
10 at break but not during the trial or in the jury room.
11 The bailiffs will give you a phone number that your
12 family members can call so if there's any kind of an
13 emergency, we'll get it to you in a split second, okay?

14 You are not allowed to talk about this case at all
15 even amongst yourselves until I tell you to. The lawyers
16 are not allowed to talk to you so if you see them and
17 they don't get on the elevator with you or they turn and
18 they run, that's what they're supposed to do because
19 they're under my orders to do so. It's not that they're
20 being rude or unkind. They're just not allowed to. You
21 are not allowed to do any type of research, period.
22 Everything that you will decide your decision on will
23 come from this witness stand or exhibits so you are not
24 allowed to go home after a day of trial to look up stuff
25 on the Internet that you heard or look up any of these

1 lawyers or any officer or any witnesses that testify.
2 You are not allowed to do that, and believe it or not,
3 somehow I always find out about it. It is amazing to me
4 how I find out but it happens and I do find out.

5 I'm gonna tell you again, I know it's so tempting to
6 get on the phone and call everybody and say, man, you're
7 not gonna believe this, but I got picked for this jury.
8 I'm here to tell you do not do it, period. Now,
9 Mr. Pinholster, do me the honor of being my foreman.

10 MR. PINHOLSTER: Thank you.

11 THE COURT: Thank you. All right. I'm gonna get,
12 we're gonna start the trial today. I need to talk to the
13 lawyers just for a moment. I'm gonna get the bailiff to
14 take you back to the jury room so you all know where to
15 report. He might have some other stuff to go over
16 with you concerning jury duty. I will tell you,
17 Mr. Pinholster, if at any time there is a question for
18 the Court, it must be in writing and signed, okay?

19 MR. PINHOLSTER: Can we take notes at all up here?

20 THE COURT: No notes. I do not allow notes so you
21 need to listen. No notes. Okay. I expect we'll be
22 finished with this hopefully by Thursday. It's kind of
23 what we're shooting for, but I'm gonna get the bailiff to
24 take you back to the jury room and I'll have you back in
25 in a moment.

1 (Whereupon, the jury entered the jury room at 11:30
2 a.m.)

3 THE COURT: Okay. Anything else from the state?

4 MS. PATTERSON: Nothing from the State, Your Honor.

5 THE COURT: Anything from the defense?

6 MR. MYERS: Your Honor, Judges do it differently.
7 What's the Court's instruction in regards to the lawyers
8 standing and not standing when the jury enters and
9 leaves? Different Judges do it differently across the
10 state. What's the Court's instruction when the jury
11 comes in and --

12 THE COURT: I always stand for the jury. That's the
13 way that I was taught 30 years ago and that's what I
14 do.

15 MR. MYERS: Yes, ma'am. That's what I do as well.

16 THE COURT: Yes. I don't know. I watch some of the
17 younger crowd, they don't stand for the jury. I was
18 taught to stand and that's what I do. Now, let me ask,
19 are we ready to go? Because I would like to bring them
20 back in. I could at least get them sworn in. I could
21 get my outline of the trial that I always do in. We can
22 break for lunch and then we can - or do we need Jackson
23 v. Denno? What do we need here? I didn't see any
24 motions.

25 MS. PATTERSON: Yes, ma'am, Your Honor. The only

1 thing I wanted to discuss pretrial was it is a brief
2 statement that the defendant gives to Agent Hunton. I
3 didn't know if we needed to do a Denno just to make the
4 record clear about that or if the defense has any
5 objection. It was a spontaneous statement. It wasn't in
6 response to any type of interrogation or anything. It
7 was after the arrest, but we are prepared to take that
8 up. The only other thing is I think I stated I filed a
9 motion, a notice of evidence to the defense to get in an
10 Expedia booking record under the business record
11 exception. I just needed to put that on the record.

12 THE COURT: I saw that. Any objection to the
13 Expedia record?

14 MR. MYERS: We have no objection to the Expedia
15 record, Your Honor. We don't even have any problem with
16 the statement that was made at the arrest.

17 THE COURT: Are you requesting a Denno hearing on
18 the spontaneous statement?

19 MR. MYERS: No, ma'am. Not at all.

20 THE COURT: You agree to let those come in?

21 MR. MYERS: Yes, ma'am.

22 THE COURT: Okay. Anything else?

23 MS. PATTERSON: I think that's all we had, Your
24 Honor. I do know my first witness I am going to seek to
25 enter in a body cam video. It's a brief video. It has

1 been redacted to remove any graphic images of the victim.
2 It is the first responding officer. I have provided a
3 copy of that to the defense counsel. I'm not sure if
4 they have any objections to that, but we did redact it to
5 alleviate any graphic images of the victim as he's dying.

6 THE COURT: Any objection? Have you seen the video?

7 MR. MYERS: I have seen the video. I would like to
8 take a look at the redactions, Your Honor, just to make
9 sure we're on the same page.

10 THE COURT: All right. Why don't we do that over
11 lunch. Why don't I do this. Why don't I bring the jury
12 in, at least read them the outline of my trial and get
13 them sworn in and then when we come back from lunch, we
14 can do openings and if we can get through at least one or
15 two witnesses, that would be good.

16 MR. MYERS: Yes, ma'am.

17 MS. PATTERSON: That would be good, Your Honor. I
18 just ask for just a little while on the lunch break. I
19 know Your Honor likes to take a quick lunch break. One
20 of my witnesses I've just had the opportunity to talk to
21 her this morning briefly before jury selection and I
22 would like a chance to speak with her, but we believe
23 being able to get three or four witnesses today.

24 THE COURT: All right. Well, let me ask you this,
25 Ms. Patterson, does it suit, if I read this outline, that

1 means they'll probably go to lunch at noon and we start
2 back at 2:00.

3 MS. PATTERSON: That would be perfect, Your Honor.
4 Thank you.

5 THE COURT: That way we can get witnesses and we'll
6 start with openings and then let's see how many witnesses
7 we can get through. Are the first one or two short
8 witnesses?

9 MS. PATTERSON: The first one is short, the other
10 one is, you know, it may be a little longer.

11 THE COURT: As long as it takes us through that's
12 what we're gonna plan on then if that suits Mr. Myers.

13 MR. MYERS: Yes, ma'am. That's fine by us, Your
14 Honor. The only other issue I think the State actually
15 indicated they agreed with sequestering the witnesses.

16 MS. PATTERSON: Yes.

17 THE COURT: Okay. Let's sequester the witnesses so
18 I'm gonna tell everybody, if you are a witness in this
19 trial, you need to leave this courtroom and wait out in
20 the lobby area. Any of these people witnesses?

21 MS. PATTERSON: I think we just had one, but the
22 rest of them are family members and friends, Your Honor.

23 THE COURT: That are not testifying?

24 MS. PATTERSON: Yes, ma'am.

25 MR. MYERS: Your Honor, after speaking to my

1 co-counsel, there were two names that was on our list
2 Wayne Wilkes and Chris Wilkes. They will not be
3 witnesses in the trial.

4 THE COURT: Okay. So are they here?

5 MR. MYERS: They're on the way.

6 THE COURT: They're on their way. What about over
7 here on this side?

8 MR. MYERS: Yes. I have mom, aunt, and the rest of
9 the family members are on the way but they are not
10 witnesses.

11 THE COURT: I have a 403, the new lawyer. Okay.
12 Might have him come sit up here, make sure you don't miss
13 anything. Okay. That sounds good to me. I'm gonna let
14 the jury know what we're doing and what the plan is. I'm
15 gonna do this outline of the trial and let them go to
16 lunch.

17 MR. MYERS: Your Honor, may I step to the restroom
18 real quick?

19 THE COURT: Yes. You sure can.

20 (Short break.)

21 THE COURT: Ms. Patterson, I think I have some quick
22 pleas to do.

23 MS. PATTERSON: Yes.

24 (Short break.)

25 BAILIFF: All rise.

1 THE COURT: All right. Thank you. Be seated. Let
2 me apologize for taking so long. It took a little longer
3 than we anticipated. Let me bring the jury in.

4 (Whereupon, the jury entered the courtroom at 1:00
5 p.m.)

6 THE COURT: I'm sorry that took so long. So I'm
7 gonna let y'all run to lunch. I need you back at 2:00 in
8 your jury room and we'll start at 2:15, okay? Remember,
9 no talking about this case. Make sure you put our
10 foreman in his chair when you come back. We have a
11 special chair for you. Thank you all.

12 (Whereupon, the jury was released for lunch break at
13 1:05 p.m.)

14 THE COURT: All right. I'm sorry that took so long.
15 I hope you were able to do some of your work, Ms.
16 Patterson.

17 MS. PATTERSON: I was.

18 THE COURT: So are we okay to start at 2:15?

19 MS. PATTERSON: Yes, ma'am.

20 THE COURT: Okay. Thank you all. I apologize for
21 that. I didn't know I was gonna hit with a plea with ten
22 warrants, and a three co-defendant plea, so just the
23 perils of the trade. Everybody enjoy lunch. We'll start
24 back at 2:15.

25 (Lunch break.)

1 BAILIFF: All rise.

2 THE COURT: Thank you. Please be seated. All
3 right. Is the State ready?

4 MS. PATTERSON: The State is ready, Your Honor.

5 THE COURT: How about the defense?

6 MR. MYERS: The defense is ready, Your Honor.

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

8 (Whereupon, the jury entered the courtroom at 2:20
9 p.m.)

10 THE COURT: All right. Mister Foreman, is the jury
11 ready?

12 FOREMAN: Yes, ma'am.

13 THE COURT: Okay. You want to swear in the jury
14 please.

15 (Whereupon, the jury was duly sworn by the Clerk of
16 Court at 2:20 p.m.)

17 THE COURT: All right. Ladies and gentlemen of the
18 jury, before we begin the actual trial of this case, I
19 thought it might be helpful if I explain to you basically
20 how a trial proceeds.

21 First, the State will make an opening statement. An
22 opening statement is not evidence. It is simply an
23 outline to help you understand what that party expects
24 the evidence will show. The defendant may, if he wishes,
25 present an opening statement, but he does not have to for

1 reasons I will explain.

2 Following the open statements, you'll hear testimony
3 and evidence in the case. This will consist of testimony
4 from State's witnesses as well as any physical exhibits
5 which will be introduced into evidence. Following the
6 completion of the testimony, the attorneys will again
7 have an opportunity to make what is called a closing
8 statement or summarize the case from their respective
9 points of view. Again, these arguments are not evidence.

10 Following the closing statements by the attorneys, I
11 will instruct you on the law of South Carolina as it
12 pertains to the issues that have arisen in the case.
13 When I have completed my instructions to you, you will
14 then be permitted to begin your deliberations in order to
15 reach a verdict.

16 I want to take a few minutes to tell you something
17 about your duty as jurors and to give you some
18 instructions. At the end of the trial I will give you
19 more detailed instructions and those instructions will
20 control your deliberations. It will be your duty to
21 decide from the evidence what the facts are. You and you
22 alone are the judges of the facts and you will hear the
23 evidence, decide what the facts are, and then apply those
24 facts to the law which I will give to you. That is how
25 you will reach your verdict. In doing so you must follow

1 the law whether you agree with it or not.

2 The evidence will consist of the testimony of
3 witnesses, documents, and other things received into
4 evidence, we call them exhibits, and any facts on which
5 the lawyers agree or which I may instruct you to accept.
6 You should not take anything I may say or do during the
7 trial as indicating what I think of the evidence or what
8 your verdict should be.

9 This is a criminal case brought by the State of
10 South Carolina. The State charges the defendant with
11 murder, ABHAN, and possession of a weapon during the
12 commission of a violent crime. The charges against the
13 defendant are contained in the indictments. The
14 indictments are not evidence of anything. They are
15 simply the description of the charges made by the State
16 against the defendant.

17 The defendant has pled not guilty to the charges and
18 is presumed innocent unless and until proven guilty
19 beyond a reasonable doubt. Proven beyond a reasonable
20 doubt is proof that leaves you firmly convinced of the
21 defendant's guilt. A defendant has the right not to
22 testify and never has to prove his innocence or present
23 any evidence. The burden of proof is always upon the
24 State of South Carolina.

25 The following things are not evidence and you must

1 not consider them as evidence in deciding the facts of
2 this case. Statements and arguments of the attorneys;
3 questions and objections of the attorneys; and testimony
4 that I instruct you to disregard.

5 Evidence may be direct or circumstantial. Direct
6 evidence is testimony by a witness about what that
7 witness personally saw, heard, or did. Circumstantial
8 evidence is indirect evidence, that is, proof of one or
9 more facts from which one can find another fact. You are
10 to consider both direct and circumstantial evidence. The
11 law permits you to give equal weight to both, but it is
12 for you to decide how much weight to give any evidence.

13 There are rules of evidence which control what can
14 be received into evidence. When a lawyer asks a question
15 or offers an exhibit into evidence and the lawyer on the
16 other side thinks that it is not permitted by the rules,
17 that lawyer may object. If I overrule the objection, the
18 question may be answered or the exhibit may be received.
19 If I sustain the objection, the question cannot be
20 answered or the exhibit cannot be received. Whenever I
21 sustain an objection to a question or deny a motion to
22 admit an exhibit into evidence, you must ignore the
23 question or the existence of the exhibit and you must not
24 guess what the answer would have been or what the exhibit
25 would have shown.

1 Sometimes it may be necessary for me to request that
2 you leave the courtroom while I discuss with the
3 attorneys legal questions that come up during the trial.
4 If this occurs, you should not speculate about our
5 discussions or the reason that you were asked to leave
6 the courtroom. This is simply a procedure that the law
7 requires when certain legal issues arise.

8 There also may be occasions where I ask the
9 attorneys to approach the bench so that I can discuss a
10 legal issue with them in private. I will do this as
11 often as possible so you will not be required to leave
12 the courtroom more than is absolutely necessary. Again,
13 if I ask the lawyers to step up to the bench or if I ask
14 you to leave the courtroom, please don't think anybody is
15 trying to hide anything from you or keep any evidence
16 from you. This is simply a procedure used by all lawyers
17 and by all courts to determine and decide legal
18 questions.

19 In deciding the facts of this case, you may have to
20 decide which witness to believe and which witness not to
21 believe. You may believe everything a witness says, only
22 part of it, or none of it. In deciding what to believe,
23 you may consider a number of factors including the
24 following: The witness' ability to see, hear, or know
25 the things testified to; the quality of the witness'

1 memory; the witness' manner while testifying; whether the
2 witness has an interest in the outcome of the case, or
3 any motive, bias, or prejudice; whether the witness was
4 contradicted by anything the witness said or wrote before
5 the trial or by other evidence; how reasonable was the
6 witness' testimony when considered in the light of other
7 evidence which you believe.

8 Until I advise you to begin your deliberations, you
9 must not discuss this case with anyone including your
10 fellow jurors, friends, family members, and anyone
11 involved in this case. This includes discussions face to
12 face, by telephone, email, text, blog, Twitter, Facebook,
13 Google or any other method of communication. You may not
14 use a computer, a cell phone or other electronic device
15 with communication capabilities at any time while in the
16 courtroom or during deliberations.

17 Again, I told you earlier, you're more than welcome
18 to use your cell phones during your breaks, however, you
19 may not at any time use these devices to get or send
20 information about the case. This includes information
21 about a party, a witness, an attorney or a court officer,
22 or news accounts about the case, no research on any
23 topics raised or any topics that you think would be
24 helpful in deciding the case.

25 During the trial, do not read, listen to, or watch

1 any news reports about the case. This includes anything
2 that may be in the newspapers, the Internet, radio,
3 television. You must not consider anything you may have
4 read or heard about the case outside of this courtroom
5 whether before or during the trial.

6 After the case is submitted to you, you must discuss
7 it only in the jury room with your fellow jurors. The
8 attorneys and parties, I told you earlier, they've been
9 advised not to talk to you at all so please don't think
10 they're being rude. They're just following my
11 instructions.

12 It is important that you keep an open mind and not
13 decide any issue in the case until all of the evidence
14 has been presented, the parties have made their closing
15 arguments, and I have instructed you on the law in this
16 case. It is your sole responsibility to determine the
17 guilt or innocence of the defendant and your verdict must
18 be based solely on the evidence as it is presented to you
19 in this trial and on the law as I instruct you during and
20 at the close of the trial.

21 It is your duty, Mister Foreman, to preside in the
22 jury room and be the jury's spokesperson here in court.
23 It will also be your duty to write the verdict, but I
24 will give you further instructions about that at the
25 conclusion of this case.

1 In order to preserve everyone's rights I will give
2 the parties an opportunity to object to anything I have
3 said. Any exceptions by the State?

4 MS. PATTERSON: None from the State, Your Honor.

5 THE COURT: Any by the defendant?

6 MR. MYERS: No, ma'am, Your Honor. Thank you.

7 THE COURT: All right. We will now begin this trial
8 and start with opening arguments.

9 MR. POGUE: Thank you, Your Honor. May it please
10 the Court.

11 THE COURT: Absolutely, Mr. Pogue.

12 MR. POGUE: Good afternoon. Senseless, cowardly,
13 brutal. \$50.00. \$50.00. Y'all are here today because a
14 young man was murdered in his own front yard over a
15 \$50.00 dispute. In fact, exactly three years ago to the
16 day on March 27th, 2020, Barry Joe Chavis, Junior,
17 affectionately known by his friends and family as BJ, he
18 was only 28 years old when he was savagely gunned down in
19 front of his friends around 7:30 in the evening in his
20 own front yard right down the road from his family
21 members by the defendant in this case Christopher
22 Shumpert and his accomplice Daniel Jones. Senseless,
23 cowardly and brutal.

24 BJ, he was the loving son of his mother Vicky and
25 his father Barry, Senior. Was BJ perfect? No. He had

1 his faults, but BJ was a loyal friend with a big heart.
2 He was constantly opening up his home to friends who were
3 down on their luck, who needed a place to rest their head
4 in order to get their feet back under them, to get their
5 sea legs back. That was the kind of friend that BJ was.
6 In fact, just hours prior to the defendant murdering BJ,
7 the defendant and his girlfriend showered at BJ's house
8 earlier that same morning.

9 My name is Bradley Pogue. I'm a violent crimes
10 persecutor here in the Eleventh Circuit, Lexington
11 County, Saluda County, Edgefield County, and McCormick
12 County which is kind of down over there near the Georgia
13 line. My esteem co-counsel, Ms. Rhonda Patterson, she's
14 a Senior Assistant Solicitor, she's also a violent crimes
15 prosecutor, and I could go on about our resumes and our
16 backgrounds, where we're from and how long we've been
17 working here, but that's not really important. Same
18 thing for my friends over here at the defense counsel
19 table.

20 What is important is why we're here today and we're
21 here today because Christopher Shumpert, the defendant in
22 this case, is charged with murder, assault and battery of
23 a high and aggravated nature, and possession of a weapon
24 during the commission of a violent crime, and it will be
25 your job to determine his guilt or innocence in this

1 trial.

2 During the course of this trial, you'll hear and
3 see, maybe even touch evidence that will be presented by
4 us, the State. Now, again, as I mentioned, this evidence
5 could take many forms. Evidence could come, as the Judge
6 mentioned, from oral testimony from the stand, it could
7 be in the form of pictures that are presented and
8 admitted as exhibits, videos. It can even be the actual
9 objects, guns from the shooting. But during the course
10 of this trial you will be presented with the evidence
11 that shows the senseless, cowardly and brutal fashion in
12 which this crime took place.

13 But what will the evidence show? The evidence will
14 show that on the morning of March 27th, 2020, BJ left the
15 defendant, as I mentioned earlier, and his girlfriend
16 Jaqueline Aiken, take showers at his home at [REDACTED] 0 Fish
17 Hatchery Road in the Gaston area of Lexington County. At
18 the time of his murder BJ's friends Jada Ellison, David
19 Patton, also known as Bubba, were also staying at BJ's
20 house. They were a couple, they were girlfriend and
21 boyfriend. They were staying, they'd been staying at
22 BJ's house for about a month prior to this incident.

23 Jada and Bubba were also friends, acquaintances with
24 the defendant and his girlfriend. In fact, Jada had
25 known Jaqueline Aiken going back to middle school. Jada,

1 the evidence will show, had recently loaned Jaqueline
2 \$50.00 earlier that day, that morning of March 27th.
3 Later that day she was trying to re-collect that money.

4 Now, both Jada, Bubba, another individual who was a
5 witness to this crime, Steven, they all admit that they
6 had issues with addiction and that they had drug
7 problems, so you're gonna hear evidence about drug usage,
8 but they also remember what they saw that day. They knew
9 who the defendant was. They knew who Jaqueline Aiken
10 was, and they all gave statements to law enforcement
11 about what happened that day, or that evening I should
12 say.

13 After a few hours of trying to reach Jaqueline by
14 phone, Jada began, the evidence will show, to grow angry
15 and frustrated that she couldn't get a hold of Jaqueline.
16 Later that afternoon, sometime after five p.m. she and BJ
17 drove with Bubba to go find her. They drove to Treemount
18 Drive also in the Gaston area. This is where they
19 believe they were hanging out. Come to find out that is
20 where the defendant and his girlfriend Jaqueline were
21 hanging out.

22 When Jada got there, she was mad. She was pissed
23 off. She wanted her money back. When she saw Jaqueline
24 there, they began to have a confrontation and a physical
25 fight ensued. Jada ended up getting the best of

1 Jaqueline. She found out that Jaqueline had a couple of
2 hundred dollar bills on her, she took one of the one
3 hundred dollar bills to pay herself back her \$50.00 and
4 the other part of the hundred dollars was the \$50.00 that
5 she also claimed, or that Steven will claim was owed to
6 him by Jaqueline as well. She returned the other hundred
7 dollar bills to Jaqueline. With her, Bubba, Steven and
8 BJ get back in BJ's truck on Treemount Drive and begin to
9 drive away back towards BJ's house.

10 The defendant is pissed off about what just
11 happened. So what does the defendant do? The evidence
12 will show that the defendant gets in his car, a black
13 Chevy Malibu, chases them down Treemount Drive, pulls
14 around BJ's Dodge Dakota truck, parks perpendicular in
15 the road blocking BJ from being able to pull around him,
16 he gets out of the vehicle and starts coming out of the
17 car with what appeared to be some sort of tool that he
18 was coming at the door of BJ, the driver's side door, he
19 was driving, and appeared to be ready to attack. At that
20 point in time the evidence will show that BJ, not trying
21 to shoot him, takes out the gun, that pistol that he has
22 inside his car, fires one warning shot into the ground.
23 The defendant gets back into his vehicle and drives off.
24 At that point BJ and the other occupants in the car,
25 Jada, Bubba and Steven all go back to BJ's house.

1 This incident happened somewhere between 5:30, 5:45,
2 and we know that because a few minutes later the
3 defendant pulls up at the house of Corey Chaney with
4 Jaqueline in the passenger seat that's captured on Corey
5 Chaney's surveillance video. This is at Earline Drive
6 also in the Gaston area a few minutes away from where
7 Treemount Drive is.

8 The time that they found, or excuse me, that they
9 were captured pulling up was 5:44 p.m. The evidence will
10 show that the defendant asked Corey Chaney for some guns
11 and for Corey Chaney to come help him go over to BJ's
12 house with those guns and you'll hear Corey and the
13 evidence will show that Corey told him to call the police
14 and that he was not getting involved. But Corey Chaney
15 just so happens to be the stepfather of the accomplice in
16 this case, Daniel Jones.

17 So after Corey rejects him, refuses, says I'm not
18 getting involved with that, call the police, the
19 defendant then asked where Daniel is. He told, he, being
20 Corey, tells the defendant that not to get Daniel
21 involved, not to get him caught up in this. So at that
22 point in time the defendant, again, you will see on
23 surveillance video, pulls out on Earline Drive and makes
24 a right and left Earline Drive at 5:48 p.m.

25 Over the course of the next one and a half hours the

1 defendant does eventually track down Corey Chaney's
2 stepson, the accomplice Daniel Jones. The evidence will
3 show that they armed themselves with a nine millimeter
4 handgun and a 300 Blackout AR style assault rifle, and
5 the defendant, Daniel Jones, and Jaqueline begin to drive
6 to BJ's house on Fish Hatchery Road. The evidence will
7 show that the defendant stops near BJ's house. Before he
8 gets to BJ's house, he stops, let's his girlfriend who's
9 in the back seat out of the car.

10 After he drops Jaqueline off, he and Daniel continue
11 onto BJ's house. When they get to BJ's house it's 7:30,
12 shortly before 7:30, an hour and a half later after this
13 initial incident had occurred. BJ is in his front yard
14 along with Bubba who was in the car with them earlier
15 that day at roughly 5:30, 5:45. Jada, Steven, another
16 individual in this case who is a victim by the name of
17 Kevin Kimbler, and there may have been some other folks,
18 but that's who they know was there and that's who we know
19 was on scene when law enforcement arrived.

20 The evidence will show that when the defendant and
21 Daniel Jones got there, they immediately get out of the
22 vehicle and brandished their firearms at BJ. The
23 defendant walks up to BJ, says, how does this feel now?
24 BJ begins to turn around to walk away. After a verbal
25 altercation, the defendant starts firing, and as soon as

1 the defendant starts firing, Daniel Jones starts firing.
2 Daniel Jones gets out of the passenger side with a 300
3 Blackout assault rifle. BJ (sic) is on the driver's side
4 with the nine millimeter. When he starts shooting,
5 Daniel Jones starts shooting. All total between the two
6 of them they fired 21 shots in a hail of gunfire at BJ.
7 13 shots with a nine millimeter by the defendant and
8 eight shots from the 300 Blackout that Daniel Jones was
9 shooting at BJ. Every single person that was on that
10 property, BJ included, was armed. The gun that BJ had
11 that he keeps in his vehicle was still in his vehicle the
12 evidence will show when law enforcement got there.

13 After they fired 21 shots between the two of them at
14 BJ, they get back into their vehicle and they leave.
15 Where do they go? Well, they immediately head back to
16 pick up Jaqueline. Jaqueline gets in the car and then
17 they go to Earline Drive back to where Corey Chaney's
18 house was and they show up on the video surveillance
19 there at 7:37 p.m., roughly seven minutes later after
20 this incident occurred. The 911 call came in roughly
21 around 7:30.

22 The evidence will also show that BJ was hit twice in
23 the back, one at the lower part of his back, the other
24 one in his buttocks. The one that hit him in his
25 buttocks traveled through his flesh, hits the joint where

1 his femur meets his hip and completely shatters that
2 bone. The other bullet enters into the back, the lower
3 back and travels all the way up through his body the
4 evidence will show and the pathologist will show as well
5 and you'll hear from her on the witness stand and see her
6 exhibit that she made for this particular case, her
7 chart, her diagram. Travels up through his body and
8 comes out the right side of his neck and it leaves a
9 catastrophic exit wound roughly about the size of a
10 tennis ball, completely obliterates his carotid artery,
11 also nicks his chin coming up on the way out. It's an
12 immediately catastrophic injury that's incapable with
13 life.

14 Of course, Jada and Bubba and Steven and his family
15 members, his mom, they all rush to his aid but there's
16 nothing they can do for him. When EMS gets there, he is
17 pronounced dead. Kevin Kimbler who I mentioned earlier
18 was there at the scene as well was caught in the cross
19 fire. He was hit right here in the side of his stomach
20 and that's the basis for the assault and battery of a
21 high and aggravated nature charge.

22 So what happened after they got to Earline Drive at
23 7:37? Well, at that point you can see the accomplice in
24 this case, Daniel Jones, get out of the vehicle holding
25 the Diamondback 300 Blackout assault rifle. You will see

1 Jaqueline get out of the car and get in the front seat,
2 front driver's - excuse me, front passenger seat. At
3 that point in time the defendant and Jaqueline drive off.
4 The accomplice attempts to hide both the 300 Blackout and
5 the nine millimeter gun that belonged to him. Law
6 enforcement subsequently does find this. And you'll hear
7 from the SLED firearms analyst that all 13 nine
8 millimeter casings that were found right outside the
9 front door of where the car that the defendant was
10 driving would have been parked, came, were fired by the
11 nine millimeter that belonged to Daniel Jones that he
12 attempted to hide.

13 The firearms analyst will also testify that in his
14 opinion the eight 300 Blackout rounds that were fired on
15 the other side of the vehicle by Daniel Jones, all of
16 those casings that were recovered, all eight of those
17 also were a match for having been fired by the 300
18 Blackout that he attempted to hide that same evening.

19 So what did the defendant and Jaqueline do after
20 they drop off Daniel Jones? Did they call law
21 enforcement? The evidence will show they did not. They
22 fled. They fled to Aiken. They fled to a hotel in
23 Aiken. The evidence will show that they checked into
24 that hotel, arrived somewhere just short of midnight.
25 The evidence will also show that agents with the South

1 Carolina, excuse me, with the State Law Enforcement
2 Division also known as SLED, agents, deputies with the
3 Lexington County Sheriff's Department and deputies with
4 the Aiken County Sheriff's Department all converge on the
5 hotel room where they have been able to locate the
6 defendant about just shortly before two a.m. the
7 following morning, about two, roughly two hours after
8 they had checked in. The defendant Christopher Shumpert
9 is taken into custody and upon being taken into custody
10 the defendant, without being told why he's been arrested
11 at that point and without being questioned at all,
12 spontaneously says to one of the SLED agents there on
13 scene, quote, "if you don't find a gun in my room, will
14 you let me go?"

15 Senseless, cowardly, brutal. As I mentioned
16 earlier, he's charged with murder, possession of a weapon
17 during a violent crime, and assault and battery of a high
18 and aggravated nature. For the purposes of opening
19 statement I'm not gonna belabor, I'm just gonna talk you
20 about murder. What is murder? Murder is the unlawful
21 killing with malice aforethought either express or
22 implied. A very, very short statute. A very, very
23 serious statute. That's the definition of murder in
24 South Carolina. There has to be a killing, an unlawful
25 killing and it has to have malice aforethought when

1 conducted. It doesn't require any specific length of
2 time to contemplate pr premeditate. Malice can happen in
3 the blink of an eye.

4 What is malice? Malice is hatred, hostility or ill
5 will towards another person. It's the intentional doing
6 of a wrongful act without just cause or excuse and with
7 an intent to inflict injury. Malice can be inferred by
8 conduct showing a total disregard for human life.

9 The defendant doesn't have to prove anything in this
10 case. You may or may not here claims of defense. If
11 there is a claim of self defense, we must also disprove
12 the elements of self defense beyond a reasonable doubt.
13 That's the burden that we carry. We not only have to
14 prove beyond a reasonable doubt that it was killing with
15 malice aforethought, but we also have to disprove self
16 defense.

17 What are the elements of self defense? Very
18 quickly. In order to claim self defense the defendant
19 must show - we must disprove at least one of the three
20 elements of self defense. One, be without fault bringing
21 on the difficulty; B, or reasonably believe to be in
22 imminent danger of death or serious bodily injury.
23 Imminent danger of death or serious bodily injury. We
24 must disprove that. The evidence will show, as I
25 mentioned, that none of the people that were on scene

1 that were at BJ's house were armed.

2 And there's also this issue, if two or more people
3 are shooting at BJ, how do we know which one hit, shot
4 the fatal shot? Fortunately, the law doesn't require you
5 to figure that out either. It doesn't require us to
6 prove who fired the fatal shot. In South Carolina the
7 hand of one is the hand of all. What does that mean?
8 The Judge will tell you that if a crime is committed by
9 two or more people who are acting together in committing
10 a crime, the act of one of those people is an act of all
11 of them. The evidence will show that both the defendant
12 and his accomplice Daniel Jones were firing at BJ.

13 And don't concern yourselves with Daniel Jones. His
14 murder charge is still pending and he'll have his day in
15 court I assure you, but that's not why we're here today.
16 We're here today because today is the defendant,
17 Christopher Shumpert's day in court and we're here for
18 you to decide his guilt.

19 And how do we prove him guilty? We have to prove
20 him guilty beyond a reasonable doubt. And I know that
21 all of y'all have heard that before, but what does that
22 even mean, beyond a reasonable doubt? Well, again, the
23 Judge will instruct you beyond a reasonable doubt in
24 South Carolina is evidence that leaves you firmly
25 convinced of the defendant's guilt. And I want to make

1 sure I tell you this correctly. A reasonable doubt is
2 the kind of doubt that would cause a reasonable person to
3 hesitate to act.

4 Now, folks, the Judge will also tell you there's
5 very few things that we know in this world with absolute
6 certainty. One of my esteem co-counsels used to say that
7 the only thing he knew for certain was that his momma
8 loved him. I was never actually able to put his momma
9 under oath so I couldn't verify that, but let's just say
10 I took his word for it, but that was just his humorous
11 way of illustrating that there's very few things that we
12 know with absolute certainty. And the law does not
13 require us to prove his guilt to a absolute certainty, or
14 beyond all possible doubt or beyond all conceivable
15 doubt. It requires us to prove him guilty beyond all
16 reasonable doubt. Any doubts you have about his guilt
17 must be reasonable.

18 Now, I have seen attorneys try to use charts that
19 look like this, they have burden of proof and it's got,
20 you know, all these other ways to describe not guilty,
21 like proven not guilty, highly unlikely, less than
22 likely, probably not, unlikely, possibly not, maybe not,
23 and it goes up in a hierarchy there until you get to
24 beyond a reasonable doubt. It's all just gibberish, it's
25 just a way to confuse you. I would ask you that you

1 listen to what the Judge says in regard to what
2 reasonable doubt is.

3 Lastly, we all chose you for this jury because you
4 struck us as people who posses good old fashioned common
5 sense. That's gonna be your most valuable tool when
6 you're back there in the jury room. They used to take
7 your cell phones from you. I think they let you keep
8 your cell phones now, but they used to tell folks that
9 they don't let you take your cell phones back there but
10 they let you take your common sense. Any time you're
11 struggling with something, any time that you can't quite
12 remember or you find yourself trying to come up with
13 conceivable doubt or possible doubt, refer to your common
14 sense. What does your common sense tell you.

15 Lastly, you're charged with rendering a verdict in
16 this case. The word verdict is Latin for to speak the
17 truth. You are now on a mission to seek the truth. You
18 are on a mission to determine whether we have proven our
19 burden beyond a reasonable doubt. But your verdict
20 should be whatever it is that you determine whether we've
21 met our burden or not, and we accept that burden and we
22 embrace it, and if you don't believe that we've met that
23 burden, when you go back there and you have weighed all
24 the evidence, it's your duty to find him not guilty. But
25 if you go back there and you weigh all the evidence and

1 you believe that we have proven him beyond all reasonable
2 doubt to be guilty, then it is also your duty to render a
3 verdict that speaks the truth of guilt. Thank you. I
4 ask that you all give the defense counsel the same
5 courtesy you all have given me.

6 THE COURT: Thank you, Mr. Pogue. Mr. Myers.

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

9 One of my mentors used to tell me, Stanley, a trial
10 is a search for the truth, that all we lawyers can do is
11 put the evidence before you and let you go back and
12 deliberate and render a verdict. Now, if that's true,
13 why would Mr. Pogue tell you to not worry about Daniel
14 Jones? Daniel Jones' name was mentioned, and I wrote it
15 down, at least 12 times by Mr. Pogue, but he's asking you
16 to basically ignore or not to worry about Daniel Jones.

17 They say that this doctrine the Judge is gonna talk
18 about, the hand of one is the hand of all, what they want
19 to do, or what they want to do is show you one hand but
20 hide the other. Why is that important? As I listened
21 very closely to Mr. Pogue's opening statement, I want to
22 commend him on it. He tried to lay out the facts that
23 they believe you will hear. There's only one thing that
24 we can all agree on in this courtroom between the lawyers
25 and that's that Barry Chavis was murdered, but it stops

1 there because we do not believe that Christopher Shumpert
2 was responsible for killing Barry Chavis. The person
3 that was responsible for killing Barry Chavis is the
4 individual that Mr. Pogue told you about and the person
5 I'm telling you that they're hiding from you, Mr. Daniel
6 Jones.

7 They tell you that one day Mr. Jones is gonna come
8 to trial. But why isn't he in this trial? Why isn't he
9 here so that they can tell you, hey, these two had an
10 agreement; these two went over to this house to do these
11 certain things? They got Shumpert on trial, but they
12 don't have Daniel Jones on trial, and we believe that the
13 evidence is going to show that the bullet responsible for
14 killing Barry Chavis belonged to the firearm that Daniel
15 Jones fired, not the gun that Christopher Shumpert fired,
16 but the gun that Daniel Jones fired.

17 So how do we get there? Well, the first thing I
18 gotta do, I always like to do this, I guess, I'm still
19 from the south, but I want to thank you for serving
20 because I know that there's certainly other places you
21 would want to be. I know certainly this isn't Law and
22 Order. This trial isn't gonna end within 50 minutes, so
23 we're gonna be here for a couple of days. But this is an
24 important day for Chris and an important week for him.
25 He's here with his family members just as Mr. Chavis'

1 family is here for him.

2 But I can't stress to you, and I know the Judge has
3 told you the important role that you all serve. Our
4 system wouldn't function if it wasn't for you. You know,
5 one of my other duties is being a military officer having
6 served in a combat zone, National Guard, and I've been
7 around the world a little bit and I've seen how other
8 countries operate and I can tell you that there's no
9 finer system than the system that we have, a system where
10 you have 12 ordinary individuals come in with their
11 common sense and basically listen to the evidence and
12 render a verdict.

13 Now, at the start of this case you heard Ms.
14 Patterson announce what Mr. Shumpert is charged with.
15 You know, when you hear those charges, it sounds serious
16 and they are, but just because they are charges doesn't
17 make them true. That's no different than me saying, hey,
18 NASA is about to put a monkey on the moon. You still got
19 to prove it. You still got to see that monkey on the
20 moon. So just the fact that they come in here with this
21 indictment and say he is charged with murder, that
22 doesn't make it true because Christopher Shumpert has
23 pled not guilty. He's pled not guilty to murder, he's
24 pled not guilty to possession of a firearm, and he's pled
25 not guilty to assault and battery of a high and

1 aggravated nature.

2 So what happens when you do that? Well, the law
3 says, our founding fathers in their infinite wisdom
4 basically said, you know, we want to make a fair system.
5 Just because the government charges someone doesn't mean
6 that it's true. And that's fair, because any time the
7 government, with all their resources, say that you
8 committed a crime, they need to bring these witnesses and
9 bring all of their resources into this courtroom and
10 prove to you beyond a reasonable doubt that these facts
11 are true, and just because they say it, don't mean that
12 it's true.

13 So, we're here to try and get to the search of the
14 truth. We're here to try to get to the bottom of it. To
15 do that there's a process that the law allows so in a
16 moment when I shut up, and I will momentarily, the first
17 witness is gonna be called. That first witness is gonna
18 testify to what he or she saw on that day. Mr. Bell and
19 I are then gonna have an opportunity to do what's called
20 cross examination of that witness. Now, you're gonna
21 have an opportunity to learn a lot when that person is
22 asked questions by Mr. Pogue or Ms. Patterson, but I will
23 submit to you there's also going to be a lot of
24 information that we will elicit through cross
25 examination.

1 Once all of their witnesses testify, then we'll have
2 an opportunity to put up a case and as Mr. Pogue did say
3 we may not put up any witnesses. You may not hear from
4 Chris and you may not hear from a single witness that we
5 have and again, that's fair because under our laws the
6 law says that you're innocent until proven guilty.
7 There's nothing that Christopher Shumpert has to do or
8 say in this courtroom to try and prove his innocence
9 which is almost difficult to do and impossible in a
10 number of situations. Because how do you prove a
11 nothing? How do you prove that you didn't do anything?

12 So the only thing that has to happen here is that
13 the State has to prove him guilty beyond a reasonable
14 doubt, and as I said, the only thing that we will agree
15 on is that Christopher Shumpert did not murder Barry
16 Chavis. Christopher Shumpert did not do anything to
17 cause Barry Chavis' death in the manner in which the
18 State wants you to believe. There's only one individual
19 that's responsible for Barry Chavis' death and that man
20 is not on trial, but yet the government wants you to try
21 to make this man guilty for their inability, for their
22 decision not to bring the real murderer on trial.

23 Now, throughout this trial there are a couple themes
24 that I want you to pay attention to, and they're not
25 gonna come at you in any particular order. By themes,

1 you know, that's our lawyers fancy way of saying, hey,
2 what are the topics that are gonna be rolled out in this
3 case.

4 One of the first things that you're going to hear
5 about is relationships. What you're going to learn, as
6 Mr. Pogue told you, these people knew each other. They
7 were not strangers passing into the night. These
8 individuals knew each other on a basis where they
9 showered together, they dated each other, they used drugs
10 with one another. So you're going to hear testimony, and
11 I agree, that on the morning of Christopher Shumpert did
12 shower at Barry Chavis' house. It wasn't the first time
13 that he showered at Barry Chavis' house. In fact, he
14 left personal belongings at Barry Chavis' house.

15 The individual, the girl, Jada Ellison and Jaqueline
16 Aiken, you're gonna hear from them. I will submit to you
17 one other thing, that this was a senseless incident.
18 \$50.00 started this whole thing and it was started by Ms.
19 Aiken and Ms. Ellison, not by Mr. Shumpert. So, when you
20 hear all of the testimony, one thing that I want you to
21 understand is that it is about relationships because each
22 and every one of these individuals knew each other.

23 The second thing this case is about is about
24 accountability. We want everybody, that if you commit a
25 crime, that if you do something, you need to be held

1 accountable. I'm not asking you to not hold anyone not
2 accountable. I'm asking you to hold them accountable for
3 what they actually did and what Christopher Shumpert
4 did not do was murder Barry Chavis. Why do I say that?
5 I say that because when you hear the testimony, you're
6 going to hear some pretty smart individuals testify that
7 work for SLED, that work for the Coroner's Office,
8 they're gonna talk to you about things like forensics,
9 they're gonna talk to you about ballistics, they're gonna
10 talk to you about gunshot holes, and Mr. Pogue already
11 told you where one bullet entered and where it exited,
12 and they're gonna have experts to explain all of that
13 stuff.

14 You're gonna hear what the eyewitnesses say what
15 happened, who fired what weapon and what weapon did they
16 hear, what weapon did they see. But more importantly,
17 when you look at that evidence, what I want you to see
18 is, hey, from what weapon did the bullets come from that
19 killed Barry Chavis. When you hear that, the only thing
20 that you will have no doubt in doing is not hold
21 Christopher Shumpert accountable for Barry Chavis' death
22 because you're gonna hear the forensic evidence as to how
23 Barry Chavis died and from what weapon killed him and who
24 had that weapon and I'm confident in telling you that
25 that person was not Chris Shumpert.

1 The next thing that this case is about is about
2 malice. Now, Mr. Pogue talked to you a little bit about
3 what the definition of murder is and there has to be some
4 level of intent, some level of malice. The Judge may or
5 may not tell you that malice is an evil and depraved
6 heart. When you hear the testimony from these folks, I
7 want you to listen to what these folks say about Chris
8 Shumpert on that day. I want you to see and hear, I want
9 you to hear or pay attention to see if you heard anything
10 about him acting with any sort of evil heart or any sort
11 of depravity or any sort of manner to try or with intent
12 to killing anyone.

13 In fact, if the witnesses are all telling the truth,
14 they'll tell you that the only reason Chris Shumpert went
15 over to that house was basically just to scare Barry
16 Chavis because Barry Chavis shot at him previously like
17 Mr. Pogue told you. And again, why is that believable?
18 Because these folks again knew each other and knew what
19 made each other tick. They knew what made this one fear
20 one thing and why another person fear another. So when
21 you hear that, I want you to pay very close attention to
22 the type of mindset that Chris Shumpert was in even when
23 he went over there and it wasn't any sort of intent to
24 act with malice or depraved heart.

25 One of the final things this case is about is about

1 bias and I say that because what I mean by bias, you
2 know, we all come with our common sense and we also come
3 with certain levels of bias. We tend to believe things
4 and we tend to believe things even if they're not true.
5 I had an investigator tell me one time that, Stanley,
6 once I get my mind made up, don't argue with me about
7 facts. What does that mean? That means that sometimes
8 coming into a courtroom and you think that, hey, this is
9 how the law is, this is how I'm supposed to do this, this
10 is how I'm supposed to do that. The only thing I'll tell
11 you is that regardless of how this thing came about,
12 regardless of what you hear from Mr. Pogue or Ms.
13 Patterson, don't let your bias keep you from having an
14 open mind.

15 So I've said a lot of words just to basically say
16 bias basically stops us from keeping an open mind. You
17 took an oath. Your oath says that you are going to give
18 Chris Shumpert a fair trial, not a perfect trial, but a
19 fair trial, and in order to do that you have to keep an
20 open mind. That means that you haven't made up your
21 mind. That means just because Chris Shumpert is charged,
22 that you're gonna give him every single benefit of the
23 doubt, that you're going to hold the State of South
24 Carolina responsible for their obligation. That's your
25 oath. So no matter what, when the Judge tells you that

1 it's time to deliberate, that's when it's time that you
2 deliberate. That's the time that you've got to perform
3 the assault on your conscious unfortunately to go back in
4 that deliberation room to say, hey, this is what I heard.
5 I came in here not thinking that or not believing that,
6 but now I heard the testimony and I had to keep an open
7 mind and now I got to apply everything that I just
8 learned to the facts of this case because that's what
9 being an open minded individual is about. Your job is to
10 interpret the facts.

11 Our fine Judge, we have a great deal of respect for
12 Judge McCaslin, will tell you the law so at the end of
13 the case when you hear the facts of this case, she's
14 gonna give you the law. No matter what I say, no matter
15 what Mr. Pogue or Ms. Patterson says, she is gonna give
16 to you the law that you're going to apply. She's gonna
17 give you the law on murder. She's gonna give you the law
18 of assault and battery of a high and aggravated nature,
19 she's gonna give you the law on possession of a firearm.
20 And I will submit to you that none of those charges will
21 say that Christopher Shumpert is guilty of any of those
22 charges.

23 Now, that's not to say that I'm telling you not to
24 hold Chris Shumpert accountable for anything because,
25 yeah, he was there. There's no doubt that he was there,

1 but to connect him with the hand of one hand of all when
2 you don't even have the other individual that did the
3 firing, that did the killing, you can't even apply hand
4 of one hand of all because the State has elected not to
5 bring Daniel Jones to trial. But what I'm saying is, is
6 that if this trial goes around, there may be some other
7 areas of the law which you may hear about that you may
8 say, you know what, Chris Shumpert might not be guilty of
9 murder. I don't think he is. He might not be guilty of
10 this, but I heard the Judge's charges that there's
11 another thing that's out there that he may be guilty of.
12 That's what this case is all about.

13 This case is not about murder because Chris Shumpert
14 did not murder. This case is not about assault and
15 battery of a high and aggravated nature because we
16 believe there's gonna be evidence that shows that Chris
17 Shumpert wasn't the only one that fired just a handgun;
18 that there's also gonna be testimony that not only did
19 Daniel Jones fire an AR-15, he also fired the nine
20 millimeter. So when you look at all the evidence, when
21 you look at everything, the only thing that I'm asking
22 you to do is to hold Chris Shumpert accountable for what
23 he did do and for not what he did not do and he did not
24 murder Barry Chavis and unfortunately the State has not
25 brought the real murderer before you, but they want you

1 to go home, wrestle with your conscious and convict a man
2 who is not guilty of murder. Thank you.

3 THE COURT: Thank you, Mr. Myers. Is the State
4 ready to call their first witness?

5 MS. PATTERSON: The State is ready, Your Honor. The
6 State calls Deputy Christopher Swygert.

7 Thereupon,

8 CHRISTOPHER BOBBY SWYGERT
9 after having been first duly sworn, testified as follows,

10 THE CLERK: Please have a seat. Once you're seated,
11 state your full name spelling your last please.

12 THE WITNESS: Christopher Bobby Swygert,
13 S-w-y-g-e-r-t.

14 DIRECT EXAMINATION

15 BY MS. PATTERSON:

16 Q. Good afternoon, Deputy Swygert. Can you tell the
17 jury where you're currently employed?

18 A. Calhoun County Sheriff's Office.

19 Q. And how long have you been employed with the Calhoun
20 County Sheriff's Department?

21 A. Almost two years.

22 Q. And where were you previously employed?

23 A. Lexington County Sheriff's Department.

24 Q. And in what capacity were you employed with the
25 Lexington County Sheriff's Department?

- 1 A. I was a field training officer slash deputy.
- 2 Q. And were you on call on March 27th of 2020?
- 3 A. Yes.
- 4 Q. And did you get a call for service at [REDACTED] Fish
- 5 Hatchery Road?
- 6 A. I did.
- 7 Q. And do you know what time that 911 call was
- 8 dispatched?
- 9 A. 19:30, 7:30.
- 10 Q. 7:30. Would that be a.m. or p.m.?
- 11 A. P.m.
- 12 Q. And what was that time again?
- 13 A. 7:30 or 19:30.
- 14 Q. The 911 call was dispatched?
- 15 A. Yes.
- 16 Q. And do you know what time you received the call
- 17 out?
- 18 A. 7:31.
- 19 Q. And what time were you en route?
- 20 A. 7:31.
- 21 Q. And what time did you arrive at [REDACTED] Fish Hatchery
- 22 Road?
- 23 A. 7:37.
- 24 Q. 7:37?
- 25 A. Yes.

1 Q. And is that address in Lexington County?

2 A. Yes, ma'am. It is.

3 Q. And can you tell the jury what did you see when you
4 first arrived at the scene?

5 A. There was a bunch of people standing around,
6 running, screaming, crying. There were several people, one
7 person I think was kneeling next to a vehicle. There was
8 somebody laying on the ground there and then to the right of
9 the vehicle on the trailer there was a male holding his leg
10 crying out in pain as well as a couple other people standing
11 on the porch.

12 Q. And what was your primary focus when you arrived at
13 the scene?

14 A. To render any aid that I could to the victims until
15 EMS could arrive on scene.

16 Q. And were you able to locate a victim?

17 A. Yes. There was one male on the right side of the -
18 left side of the pickup truck as well as one on the front
19 porch of the trailer next to the truck.

20 Q. So you identified two victims?

21 A. Yes, ma'am.

22 Q. And what, if anything, did you do after identifying
23 the two victims?

24 A. I spoke with one of the males who was holding what
25 looked to be like a cloth rag on the male victim laying on the

1 ground who was identified as Mr. Chavis, he was holding
2 pressure to his neck. I saw that there was a gunshot wound.
3 When he moved the towel, I could see there was a gunshot
4 wound. I told him to continue applying pressure. And then
5 I went up over to the other male victim on the porch. It was
6 a Kevin Kimbler. He had a gunshot wound to the leg, and then
7 Deputy Fine was on scene with me as well and he applied a
8 tourniquet.

9 Q. Okay. And I apologize. I just want to slow you
10 down for a moment. So you were able to identify two victims
11 and the first victim, were you able to get a name for that
12 person?

13 A. Yes. Barry Chavis.

14 Q. Barry chavis. And where was Mr. Chavis positioned
15 when you arrived at the scene?

16 A. He was laying down on his back on the left side of
17 the pickup truck.

18 Q. Okay. And do you remember --

19 A. He was about at my 11:00. When I got out of my
20 vehicle, he was about at my 11:00.

21 Q. Okay. And can you describe his condition when you
22 saw him just kind of slowly for the jury?

23 A. He was not breathing, not conscious, eyes were
24 closed, couldn't really feel a pulse at all. There was blood
25 all over the ground.

1 Q. So you did go and attempt to render aid?

2 A. Yes, ma'am.

3 Q. And were there other people around Mr. Chavis?

4 A. Yes. There was several.

5 Q. And what were they attempting to do?

6 A. A couple of them were just standing around crying,
7 upset, and then one male was actually on the ground applying
8 pressure with a rag.

9 Q. And did EMS arrive?

10 A. Yes. They did.

11 Q. And did they take over the treatment of
12 Mr. Chavis?

13 A. They did.

14 Q. And what, if anything, did you do pertaining to the
15 second victim? Were you able to identify that person by
16 name?

17 A. Yes, ma'am. Kevin Kimbler.

18 Q. And what, if anything, did you notice about
19 Mr. Kimbler?

20 A. He had a gunshot wound to his leg.

21 Q. And did you attempt to assist him by rendering any
22 aid?

23 A. Yes. Myself and Deputy Fine applied a tourniquet.

24 Q. And were you wearing a body cam during this
25 interaction?

1 A. Yes, ma'am. I was.

2 MS. PATTERSON: Your Honor, may I approach the
3 witness?

4 THE COURT: You may.

5 BY MS. PATTERSON:

6 Q. Deputy Swygert, I'm gonna show you what's been
7 marked as State's Exhibit number 1 and ask you to take a look
8 at this. Do you recognize what I just handed you?

9 A. Yes.

10 Q. And what is that?

11 A. That's a copy of my body cam.

12 Q. And is this the copy of the body cam that you had on
13 March 27th of 2020 --

14 A. Yes, ma'am. It is.

15 Q. -- when you responded to [REDACTED] Fish Hatchery Road?

16 A. Yes, ma'am.

17 Q. And does it fairly and accurately represent the
18 scene as you found it when you arrived?

19 A. Yes, ma'am.

20 MS. PATTERSON: Your Honor, at this time we move
21 State's Exhibit number 1 into evidence.

22 THE COURT: Any objection?

23 MR. MYERS: No objection, Your Honor.

24 THE COURT: It's admitted.

25 MS. PATTERSON: Permission to publish.

1 THE COURT: Yes, ma'am.

2 (Playing State's Exhibit #1.)

3 BY MS. PATTERSON:

4 Q. Deputy Swygert, is that how you remember the scene
5 when you responded on March 27th of 2020?

6 A. Yes, ma'am.

7 Q. And we saw people standing around. Were those
8 people cooperative with you?

9 A. Yes, ma'am. They were.

10 Q. And when you go to a scene like that, what do you
11 do, if anything, to secure the crime scene?

12 A. Normally try to get everybody out of the way and out
13 of the area where we think the crime happened and try to put
14 crime scene tape up to block it off and then I usually start a
15 crime scene log so I know who is in and out of the scene.

16 Q. And do you base that perimeter on things based on
17 what the witnesses tell you?

18 A. Yes.

19 Q. And were the witnesses compliant with you in
20 securing the scene?

21 A. Yes. They were.

22 Q. And I'm gonna show you what's been marked as State's
23 Exhibit 2 and 3.

24 MR. MYERS: Without objection, Your Honor, at the
25 appropriate time.

1 THE COURT: It's admitted.

2 BY MS. PATTERSON:

3 Q. I'm gonna show you what's been admitted as State's
4 Exhibit number 2 and 3 which are still shots from that body
5 cam. Starting with State's Exhibit number 2, can you just
6 kind of orient the jury as to the location as to what we're
7 looking at in this picture?

8 A. That would be my patrol vehicle there. Kevin
9 Kimbler with the gunshot wound to the leg was over here and
10 then Mr. Chavis was right over here next to the vehicle.

11 Q. And so is that facing out towards Fish Hatchery?

12 A. Yes. It is.

13 Q. And State's Exhibit number 3, can you tell us what's
14 depicted in that photograph?

15 A. My patrol vehicle right here, Mr. Chavis was right
16 here along with several other people and then Mr. Kimbler was
17 right here with the gunshot wound to the leg.

18 Q. And did you have any other further involvement in
19 this case?

20 A. No, ma'am.

21 Q. At Fish Hatchery Road did you have any further
22 involvement?

23 A. Just trying to locate one of the suspects that we
24 had.

25 Q. Okay. And where was that? Where did you go to try

1 to locate the suspect?

2 A. We went to [REDACTED] Bachman Road.

3 Q. And what was the suspect's name that you were
4 attempting to locate?

5 A. Daniel Jones.

6 Q. And so can you tell the jury whether or not he was
7 located at that address?

8 A. He was.

9 Q. And was he taken into custody at that address?

10 A. Yes, ma'am.

11 MS. PATTERSON: Thank you, Deputy Swygert. Answer
12 any questions the defense may have.

13 THE COURT: Cross.

14 CROSS EXAMINATION

15 BY MR. MYERS:

16 Q. Good afternoon, Deputy Swygert. How are you
17 today?

18 A. Good.

19 Q. Deputy Swygert, now, according to the timeline that
20 you just went over with Ms. Patterson, the 911 call came in at
21 7:30 p.m.; is that right?

22 A. Yes.

23 Q. And you didn't arrive until 7:37 p.m.; is that
24 right?

25 A. Correct.

1 Q. Now, the body camera that you have, is that the only
2 camera that you had in your possession at that time?

3 A. Yes.

4 Q. How about your car, was it equipped with a camera at
5 all?

6 A. It was not.

7 Q. How about any other surveillance videos that were
8 around the house, have you seen sitting here today any other
9 surveillance videos?

10 A. I have not.

11 Q. So is it safe to say that there's no surveillance
12 videos that depicted what happened before you arrived at 7:37
13 p.m.?

14 A. Not to my knowledge.

15 Q. Now, when you got there, the crime scene was pretty
16 chaotic, was it not?

17 A. It was.

18 Q. And it's a crime scene so, I mean, they're typically
19 are pretty chaotic, right?

20 A. Yes.

21 Q. And in this instance you had a lot of individuals
22 out there, right?

23 A. Yes.

24 Q. You had individuals screaming, right?

25 A. Correct.

1 Q. Because they had just experienced a horrific and
2 traumatic event, right?

3 A. Correct.

4 Q. Now, when they showed up, or when you showed up, you
5 were not there when the actual shooting occurred, right?

6 A. Correct.

7 Q. So you don't know what prompted any sort of
8 shooting?

9 A. No. I do not.

10 Q. You don't know based on your personal observation
11 what caused the shooting to occur?

12 A. No.

13 Q. You didn't see any weapons there at the scene that
14 identified, that were identified as the weapons that caused
15 the injuries, right?

16 A. The shell casings, that's all.

17 Q. But now you did see Mr. Chavis' body, right?

18 A. Correct.

19 Q. And you had an opportunity to observe the wounds to
20 his body, right?

21 A. Yes.

22 Q. They were some pretty big wounds, were they not?

23 A. Yes.

24 Q. Probably consistent with an AR-15?

25 A. Correct.

1 Q. And there were only two wounds; is that right?

2 A. All I saw was the wound on the neck. That's the
3 only one I saw.

4 Q. All right. You didn't - perhaps an exit wound. Did
5 you see --

6 A. I did not.

7 Q. -- any entrance wounds at all?

8 A. No. I did not.

9 Q. Now, even though you were dispatched as a 911 call
10 and just as all crime scenes happen and people are hysterical,
11 some individuals can do what we call manipulate a crime scene,
12 can they not?

13 A. Correct.

14 Q. And by manipulating a crime scene, we're talking
15 about, hey, they can remove things that would be important to
16 you in your investigation, right? Right?

17 A. Yes.

18 Q. That shouldn't be moved at all, right?

19 A. Correct.

20 Q. Because if those items are removed or moved, then
21 they taint the integrity of the crime scene, don't they?

22 A. Yes.

23 Q. And when we say taint the integrity of the crime
24 scene, it means that, hey, man, we don't know what really
25 happened because you guys have moved or removed evidence,

1 right?

2 A. Yes.

3 Q. While you were there did you find a gun belonging to
4 Mr. Chavis?

5 A. No.

6 Q. Are you aware that someone said that Mr. Chavis
7 actually shot at Mr. Shumpert earlier in that day?

8 A. No. I am not.

9 Q. So you say, according to your testimony, you did not
10 find any guns --

11 A. No. I did not.

12 Q. -- belonging to Mr. Chavis?

13 A. I did not.

14 Q. Did you happen to go inside the house at all?

15 A. No. I did not.

16 Q. Did anybody report to you that they saw any guns or
17 any firearms belonging to Mr. Chavis?

18 A. Not to my knowledge.

19 Q. Would it surprise you to learn that Mr. Chavis was
20 in possession of a firearm?

21 A. It wouldn't surprise me.

22 Q. If he did possess a firearm, would it also surprise
23 you that none was retrieved from the scene?

24 A. No.

25 Q. Now, I want to talk a little bit about Mr. Jones.

1 You were told at some point that Mr. Jones was in custody for
2 murder, attempted murder, and possession of a firearm; is that
3 right?

4 A. Correct.

5 Q. Now, do you recall what time Mr. Jones was actually
6 arrested?

7 A. I do not. It was later on that evening.

8 Q. But he was arrested sometime after you went to the
9 crime scene?

10 A. Yes. I'm the one that was gonna transport him.

11 Q. Sure. And even though he was charged initially with
12 attempted murder, you understand that it's now been reduced to
13 assault and battery of a high and aggravated nature?

14 A. I was not aware of that.

15 Q. Now, you did a report in this case. Do you recall
16 that report?

17 A. I do.

18 Q. I want to talk a little bit about Mr. Jones.
19 According to your report, you were responsible for placing
20 Mr. Jones in handcuffs; is that right?

21 A. He was already in handcuffs.

22 Q. All right. Where was he arrested?

23 A. At [REDACTED] Bachman Road.

24 Q. Whose house does that belong to?

25 A. I believe it's his grandmother's.

1 Q. Now, when he was arrested, according to your report,
2 you placed him in the back seat of your patrol vehicle; is
3 that right?

4 A. Yes. He was already in the back seat of my patrol
5 car because he had been talking to investigators.

6 Q. And according to your report, he wasn't going
7 quietly into the night, was he?

8 A. At the time he was, but then once I told him that I
9 was taking him to jail, then he became irate.

10 Q. Sure. In fact, he became so irate that he started
11 screaming and spitting blood all over the back of your patrol
12 vehicle; is that right?

13 A. Yeah. After he slammed his head into the back glass
14 of my patrol vehicle. Yes, sir.

15 Q. And he was to the point he was so erratic and so out
16 of order that EMS had to prescribe medication to him just to
17 get him to calm down, right?

18 A. Correct.

19 Q. So he was just acting the fool?

20 A. He was once he was told.

21 Q. Now, were you also with them when Mr. Shumpert was
22 arrested?

23 A. I was not.

24 Q. Do you know Mr. Shumpert's demeanor when he was
25 arrested?

1 A. I do not.

2 MR. MYERS: Thank you, Deputy Swygert. Appreciate
3 it.

4 THE COURT: Thank you. Any redirect?

5 MS. PATTERSON: Just briefly.

6 REDIRECT EXAMINATION

7 BY MS. PATTERSON:

8 Q. Deputy Swygert, is it your job as a patrol officer
9 to search the crime scene?

10 A. No.

11 Q. So you was essentially tending to Mr. Chavis and
12 Mr. Kimbler?

13 A. Correct.

14 Q. And securing the crime scene?

15 A. Yes, ma'am.

16 Q. And talking to witnesses?

17 A. Correct.

18 MS. PATTERSON: Thank you.

19 THE COURT: Anything else, Mr. Myers?

20 MR. MYERS: No, ma'am. Thank you.

21 THE COURT: May I excuse Officer Swygert?

22 MS. PATTERSON: Yes, ma'am.

23 THE COURT: Thank you.

24 THE WITNESS: Thank you, ma'am.

25 THE COURT: Jury okay to go forward? Okay.

1 MR. MYERS: Your Honor, may we approach briefly?

2 THE COURT: Sure.

3 (Side bar off the record.)

4 THE COURT: Who has the cell phone? The cell phone

5 becomes mine. All right. Ladies and gentlemen of the
6 jury, I'm gonna give y'all a quick 10 minute break and
7 have you back in so I'm gonna let you go to your jury
8 room. Remember, you're gonna hear this a hundred times
9 from me. There is no discussing this case even amongst
10 yourselves as of yet. Do not talk about this case.

11 Okay. Thank you.

12 (Whereupon, the jury entered the jury room at 3:40
13 p.m.)

14 THE COURT: All right. Let me just address the
15 people out in the gallery. I don't usually allow cell
16 phones in the courtroom and when they ring, this is their
17 only day in trial and you're interrupting the whole
18 process, everybody's train of thought and where they're
19 going. When it rings, I keep them and I donate them to
20 Sister Care. So unless, if I hear a phone, I'm gonna
21 make everybody take their phones out to their car because
22 you're not gonna disrupt this trial. This is too
23 important. All right. We're in recess for 10 minutes.

24 (Short break.)

25 THE COURT: All right. Can I bring the jury in?

JADA ELLISON - DIRECT BY MS. PATTERSON

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1 MR. MYERS: Yes, ma'am.

2 MS. PATTERSON: Yes, ma'am.

3 (Whereupon, the jury entered the courtroom at 3:55
4 p.m.)

5 THE COURT: All right. Mister Foreman, is the jury
6 ready?

7 FOREMAN: Yes, Your Honor.

8 THE COURT: All right. Call your next witness.

9 MS. PATTERSON: The State calls Jada Ellison.

10 Thereupon,

11 JADA ELLISON

12 after having been first duly sworn, testified as follows,

13 THE CLERK: Please have a seat. Once you're seated,
14 state your full name spelling your last please.

15 THE WITNESS: My name is Jada Ellison,
16 E-l-l-i-s-o-n.

17 DIRECT EXAMINATION

18 BY MS. PATTERSON:

19 Q. Good afternoon, Jada. How are you?

20 A. I'm fine. How are you?

21 Q. Good. Jada, how old are you?

22 A. I'm 20.

23 Q. I'm sorry?

24 A. 20.

25 Q. 20. And where are you currently living?

1 A. In Columbia.

2 Q. Jada, let's just before we get to know you a little
3 bit, let's just get rid of the bad part. You've had a little
4 run in with the law, haven't you?

5 A. Yes, ma'am.

6 Q. And you have convictions for criminal conspiracy,
7 resisting arrest, and possession of meth?

8 A. Yes, ma'am.

9 Q. And do you think you've got your life together?

10 A. Yes, ma'am.

11 Q. Are you trying?

12 A. Yes, ma'am.

13 Q. Do you have any children?

14 A. Yes, ma'am.

15 Q. And how many children do you have?

16 A. I have two.

17 Q. Two. How old are they?

18 A. Seven and two.

19 Q. Jada, let's just go back to the year of 2020. I
20 know it's three years ago, but let's just go back to then. In
21 March of 2020, where were you living?

22 A. Uhm, I was staying with BJ.

23 Q. With BJ?

24 A. Yes, ma'am.

25 Q. Do you know BJ's real name?

- 1 A. Barry Chavis.
- 2 Q. And were you working during that time?
- 3 A. No, ma'am.
- 4 Q. Were you going to school?
- 5 A. No, ma'am.
- 6 Q. And how old were you then?
- 7 A. 17.
- 8 Q. And how did you know BJ?
- 9 A. Uhm, I met him through David, the boy I was with at
- 10 the time, on Valentine's Day.
- 11 Q. Do me a favor, speak up just a little bit to make
- 12 sure the jury hears you and the court reporter.
- 13 A. Yes, ma'am.
- 14 Q. So you met BJ through David?
- 15 A. Yes, ma'am.
- 16 Q. And David was someone you were dating?
- 17 A. Yes, ma'am.
- 18 Q. Does David have a nickname?
- 19 A. Uhm, Bubba.
- 20 Q. And how long had you and David been dating?
- 21 A. For about three or four months at that time.
- 22 Q. And you said you would stay with BJ sometimes?
- 23 A. We was like kind of living with him.
- 24 Q. And do you know where BJ was living?
- 25 A. Yes, ma'am.

1 Q. And where was he living?

2 A. Well, I can't remember the address exactly right
3 now.

4 Q. Do you remember what road?

5 A. Fish Hatchery.

6 Q. And do you know the defendant Christopher
7 Shumpert?

8 A. Yes, ma'am.

9 Q. And how did you meet Christopher Shumpert?

10 A. Uhm, my boyfriend at the time Bubba.

11 Q. And was Christopher dating someone when you met
12 him?

13 A. Yes, ma'am.

14 Q. And who was he dating?

15 A. Jaqueline Aiken.

16 Q. And did you know Jaqueline Aiken?

17 A. Yes, ma'am.

18 Q. And how long had you known Jaqueline Aiken?

19 A. I've known her for a few years.

20 Q. So who did you know first, Jaqueline or
21 Christopher?

22 A. Jaqueline.

23 Q. And did you consider Jaqueline to be a friend?

24 A. Yes, ma'am.

25 Q. Now, let's go back to March 27th specifically of

1 2020. Had you seen Christopher and Jaqueline that day?

2 A. Yes, ma'am.

3 Q. And where did you see them at first that day?

4 A. At Barry's house.

5 Q. Okay. That's BJ?

6 A. Yes, ma'am.

7 Q. And about what time of the day was that?

8 A. Uhm, I can't remember. It was that morning.

9 Q. And do you know what they had been doing at BJ's
10 that morning?

11 A. They had stayed the night because BJ let them stay
12 the night there.

13 Q. So y'all were kind of associates running with the
14 same crowd?

15 A. Yes, ma'am.

16 Q. And after you seen them at BJ's house that morning,
17 did you see them later that day?

18 A. Yes, ma'am.

19 Q. And where were you at when you saw them later that
20 day?

21 A. On Treemount.

22 Q. And who lived on Treemount?

23 A. Lane's house.

24 Q. Lane?

25 A. Yes, ma'am.

1 Q. And was Lane another friend of y'all?

2 A. Yes, ma'am.

3 Q. And how did you get to Treemount?

4 A. BJ gave me a ride.

5 Q. And was anyone else with you and BJ?

6 A. Bubba and our friend Steven.

7 Q. Bubba and Steven. And how did y'all, what was y'all
8 riding in?

9 A. In BJ's truck.

10 Q. Do you remember what kind of truck he had or what
11 color?

12 A. I cannot remember.

13 Q. And so what was the purpose of you wanting to go to
14 Treemount?

15 A. Well, I got a phone call, uhm, from Brandon because
16 Jaqueline owed me money and he said that she was over there.

17 Q. And how much money did Jaqueline owe you?

18 A. \$50.00.

19 Q. And did you want to get your money back?

20 A. Yes, ma'am.

21 Q. Had you asked her for your money?

22 A. Yes, ma'am.

23 Q. And after she didn't give you your money after you
24 asked for it, how were you feeling?

25 A. Uhm, I guess angry.

1 Q. And so when y'all got over to Lane's house on
2 Treemount, who was there, if anyone?

3 A. There was Chris, Jaqueline, Chris' brother, Steven,
4 me, BJ and Bubba.

5 Q. Okay. And so again, just to be clear, who came
6 with you? You came in BJ's truck and who was with you?

7 A. Bubba and BJ and Steven.

8 Q. And so do you know how Chris and Jaqueline and
9 Chris' brother got there?

10 A. Uhm, Chris was driving the vehicle.

11 Q. Do you know what kind or what color the vehicle?

12 A. I can't remember.

13 Q. And what's Chris' brother's name?

14 A. Caleb.

15 Q. So when you got there, what happened?

16 A. Uhm, I got in the car with Chris and I got in the
17 back seat with Chris and Jaqueline and Caleb was in the back
18 seat as well and I had asked her for my money and she went to
19 hand it to me and I went to grab it and she didn't let go of
20 it and it ripped so she had more money in her other hand and
21 she was like she wasn't trying to give it to me because I
22 ripped the other bill because she wasn't letting go of it so I
23 had grabbed my money out of the bills that wasn't ripped.

24 Q. So you grabbed the money out of Jaqueline's hand?

25 A. Yes, ma'am.

1 Q. Do you know how much money you grabbed?

2 A. I grabbed a hundred dollars because she had owed me
3 50 and the previous night before, she, I was told she stole
4 \$50.00 from Steven.

5 Q. So what did you do with the money?

6 A. I gave Steven his 50 back and I kept my 50.

7 Q. So after you took this money from Jaqueline, did
8 anything happen between you two?

9 A. Yes, ma'am. We got into a fight.

10 Q. And when you say y'all got into a fight, was it
11 physical?

12 A. Yes, ma'am.

13 Q. And were you outside of the car at this time when
14 y'all were fighting?

15 A. Yes, ma'am.

16 Q. And so did anyone try to break up the fight or
17 anything?

18 A. No, ma'am.

19 Q. So what happened after you and Jaqueline stopped
20 fighting?

21 A. We all got in the vehicle, or me, BJ, Bubba, Steven
22 got into BJ's truck and Chris and Jaqueline and Caleb got in
23 Christopher's car and we all went to go leave.

24 Q. I'm sorry. Again. Speak up now. Get in the
25 microphone just a little bit.

1 A. Uhm, we all got in the vehicles and we went to go
2 leave.

3 Q. Okay.

4 A. And go ahead.

5 Q. So before y'all left, did anyone else have any words
6 or anything?

7 A. Not that I remember.

8 Q. And so what, if anything, happened when y'all went
9 to leave?

10 A. Ma'am?

11 Q. What happened when you went to leave?

12 A. Uhm, at the end of Treemount is a dirt part, like a
13 dirt road part, uhm, Chris had stopped in front of BJ's truck
14 and kind of like blocked us in.

15 Q. So Chris stopped his car in front of BJ's truck?

16 A. Yes, ma'am.

17 Q. And did Chris get out of the car? What happened?

18 A. Yes, ma'am. Chris got out of his car and Bubba was
19 trying to get out, but the truck door wouldn't open and I was
20 stressing, Bubba trying to get out of the truck because I
21 didn't want nothing to happen to Bubba and that's when, I
22 guess, BJ took it upon himself to get out of the truck because
23 he was not, he was just protecting me and Bubba I guess.

24 Q. And so BJ got out of the truck?

25 A. Yes, ma'am.

1 Q. And what happened when BJ got out of the truck?

2 A. Uhm, they exchanged a few words and I don't exactly
3 remember what was said.

4 Q. Who was BJ exchanging words with?

5 A. With Chris.

6 Q. And did you hear what they was saying?

7 A. No, ma'am.

8 Q. Did they get physical?

9 A. No, ma'am.

10 Q. And what do you remember happening next?

11 A. Uhm, and then we all just got back in the car. Me
12 and Chris sped off. We went back to the house.

13 Q. And so do you remember at that point if BJ had a
14 gun?

15 A. Uhm, I know he owned a gun but I didn't see it, not
16 that day.

17 Q. You didn't see BJ with a gun that day?

18 A. No.

19 Q. And then did you see anything in Chris' hand at that
20 time?

21 A. No, ma'am.

22 Q. But he had blocked BJ's truck in?

23 A. Yes, ma'am.

24 Q. And so after everyone, after BJ got in his truck and
25 Chris got into his car, what happened?

1 A. Uhm, we left the road and we just, he went left and
2 we went right to go or, yeah, we went right to go back to BJ's
3 I believe.

4 Q. So y'all left and went back to BJ's house?

5 A. Yes, ma'am.

6 Q. And again, who all was in the truck?

7 A. Uhm, me, Bubba and Steven and BJ.

8 Q. And when y'all got back to BJ's house, did y'all
9 discuss what happened over at Treemount?

10 A. No, ma'am.

11 Q. What were y'all doing over at BJ's?

12 A. Just went about our day like any other day.

13 Q. And did you have any contact with Jaqueline during
14 that time?

15 A. Uhm, I can't exactly remember.

16 Q. And did you see Christopher Shumpert later that
17 day?

18 A. Yes, ma'am.

19 Q. And about how much later from the interaction at
20 Treemount Drive to when you saw Chris later?

21 A. Uhm, probably about two or three hours.

22 Q. Two or three hours. And where did you see
23 Christopher Shumpert?

24 A. At BJ's home.

25 Q. And can you tell the jury what happened when you saw

1 Chris? Kind of describe what happened when you saw Chris.

2 A. Well, I thought it was Chris and Jaqueline so I
3 walked up to the vehicle when they pulled up.

4 Q. And where were you?

5 A. Uhm, at the passenger side door when I realized she
6 wasn't in the back and that there was two, it was Daniel and
7 Chris and they opened their doors and just kind of like stood
8 outside their doors with guns.

9 Q. Okay. Let me just stop you for a minute. So where
10 were you when you first saw Chris' car?

11 A. Uhm, I believe I was on the porch or walking out of
12 the house.

13 Q. And so when you saw Chris' car, what did you do
14 again?

15 A. I walked up to the vehicle.

16 Q. And why did you walk up to the vehicle?

17 A. Because I thought Jaqueline was coming there to
18 start crap so I walked up to the vehicle.

19 Q. So did you look inside the vehicle?

20 A. Yes, ma'am.

21 Q. Did you see Jaqueline inside?

22 A. No, ma'am.

23 Q. Okay. And what again did you see?

24 A. Uhm, Chris and Daniel and they both had guns on
25 them.

1 Q. Now, who was in the driver's seat?

2 A. Chris.

3 Q. Who was, where was Daniel?

4 A. In the passenger.

5 Q. Okay. And do you remember or recall what type of
6 gun that each of them had?

7 A. Uhm, Chris had a nine millimeter handgun and then
8 Daniel had an assault rifle.

9 Q. Had you seen them with these guns before?

10 A. No, ma'am.

11 Q. So how did you know what type of guns they had?

12 A. Uhm, I'm pretty familiar with guns so I just kind of
13 can tell.

14 Q. So did you hear Chris say anything? Did he get out
15 of the car?

16 A. Uhm, yes, ma'am. I don't recall him going anywhere
17 other than like standing right outside where his door was.

18 Q. And did you hear if Chris or Daniel said anything?

19 A. Yes, ma'am.

20 Q. Who said something?

21 A. They were both exchanging words. Chris was
22 exchanging words with BJ, but I don't recall what exactly what
23 they were saying. I exchanged some words with Daniel but I
24 don't recall exactly what was said.

25 Q. So let's talk about Chris and BJ exchanging words.

1 So I know you said that you didn't hear what they were saying,
2 but did it sound like a friendly tone?

3 A. No, ma'am.

4 Q. Okay. And where was Chris in relation to -- Where
5 was BJ at when Chris pulled up?

6 A. Uhm, he was like walking back and forth from his
7 little shop to his truck.

8 Q. Jada, just to kind of help you explain to the jury,
9 do you recognize what's in State's Exhibit number 3?

10 A. I'm sorry.

11 Q. Do you recognize -- Let me just bring it up to you
12 first. Take a look at State's Exhibit number 3. Do you
13 recognize what's in that photograph?

14 A. Yes, ma'am.

15 Q. And what is it? Whose home is this?

16 A. Uhm, BJ's.

17 Q. Okay. Now, State's Exhibit 3, take a look at it and
18 again can you tell us where you were when you saw Chris pull
19 up?

20 A. Uhm, I believe I was walking out of the house
21 whenever I saw him pull up.

22 Q. And where did Chris park his car?

23 A. Uhm, right about here.

24 Q. And was it facing that truck?

25 A. Yes, ma'am.

1 Q. And where did you see BJ walking back and forth?

2 A. Right here.

3 Q. And how far away did Chris get to BJ when they were
4 arguing back and forth?

5 A. The car was right here, uh, BJ was like about right
6 there where that man is standing.

7 Q. Okay. And then where was Daniel?

8 A. Uhm, right here at the passenger side door.

9 Q. So Daniel, so he stayed at the passenger side?

10 A. Yes, ma'am.

11 Q. And so did you see who started shooting first?

12 A. Yes, ma'am.

13 Q. And who did you see start shooting first?

14 A. Chris.

15 Q. And in whose direction was Chris shooting in?

16 A. BJ's.

17 Q. And then what happened when Chris started shooting?

18 Do you know where BJ went?

19 A. Uhm, he was - I don't know what he was exactly
20 trying to do, but he was headed to his truck or behind it or
21 something.

22 Q. Okay. When you say behind, did you see BJ after he
23 was shot?

24 A. Yes, ma'am.

25 Q. And where was he lying?

1 A. In front of his truck.

2 Q. Is that the direction you saw him going when the
3 shots started firing?

4 A. Yes, ma'am.

5 Q. And what did you - and then after Chris started
6 shooting, what did Daniel do?

7 A. Uhm, he started shooting too.

8 Q. Do you know what gun Daniel started shooting?

9 A. The assault rifle.

10 Q. And what, if anything, did you do while the shots
11 were making?

12 A. I ran. I was kind of like in shock, but it was, it
13 was quick so...

14 Q. Quick. Okay. And then after the shots stopped?
15 What - did you see them leave?

16 A. Uhm, I didn't, I don't remember seeing them leave,
17 but I know that they, one of them tried to shoot at me because
18 I hid behind a tree.

19 Q. And what tree did you behind him?

20 A. Uhm, that really big tree right there.

21 Q. And after they left, what was your, who was you
22 focused on?

23 A. BJ.

24 Q. And so did you, in fact, go around and try to help
25 BJ?

1 A. Yes, ma'am.

2 Q. And was other people around you trying to help BJ?

3 A. Yes, ma'am.

4 Q. Now, you said you saw Chris pull up driving and
5 shooting at BJ. Do you see Chris in the courtroom?

6 A. Yes, ma'am.

7 Q. Can you point him out to us and tell us what he has
8 on?

9 A. Tell y'all what he has on now you mean?

10 Q. Yes.

11 A. The suit.

12 Q. Where is he sitting?

13 A. Right there.

14 MS. PATTERSON: Your Honor, let the record reflect
15 she has identified the defendant.

16 THE COURT: So noted for the record.

17 BY MS. PATTERSON:

18 Q. So after you see BJ down, you're trying to help him
19 and other people are trying to help him?

20 A. Yes, ma'am.

21 Q. Okay. Did you bother anything around BJ or at the
22 scene? Did you try to hide anything?

23 A. No, ma'am.

24 Q. What was your focus on, Jada?

25 A. BJ.

1 Q. And so do you remember when law enforcement and the
2 ambulance showed up?

3 A. Yes, ma'am.

4 Q. And did you tell them what happened?

5 A. Yes, ma'am.

6 Q. And did you stick around and give law enforcement a
7 statement?

8 A. Yes, ma'am.

9 Q. And after you discovered -- And did you see Mr., did
10 you see Kevin Kimbler get shot?

11 A. I didn't see it and I didn't even realize he was
12 shot until the paramedics had said he had got shoot too.

13 Q. Did you know him?

14 A. Yes, ma'am.

15 Q. Did you see where he was when Chris pulled up?

16 A. Uhm, I believe that he was right here next to BJ's
17 shop.

18 Q. Do you know what Kevin and BJ were doing in the
19 shop?

20 A. Kevin was working on something.

21 Q. What kind of shop is it, do you know?

22 A. No, ma'am. BJ just likes to be in there messing
23 with his dirt bike.

24 Q. So he has dirt bikes in the shop?

25 A. Mm-hmm.

1 Q. And so once law enforcement came and you spoke with
2 them, what, if anything, did you do? Did you try to contact
3 Jaqueline?

4 A. I believe so.

5 Q. And do you remember how you was trying to make
6 contact with her?

7 A. Uhm, what do you mean?

8 Q. Did you use a phone to make contact with her?

9 A. Oh, yes, ma'am.

10 Q. And why did you want to contact Jaqueline?

11 A. To find out like where her, where she was at because
12 I knew that she was with Chris.

13 Q. Because you knew she was what?

14 A. With Chris.

15 Q. Now, did you see her at the scene with Chris?

16 A. No. But I knew that they was back together, like I
17 knew.

18 Q. And so what, if anything, did you say to her when
19 you contacted her?

20 A. Uhm, I kind of just acted like it was her fault.

21 Q. How were you feeling about what just had happened?

22 A. I don't know. I was really -- I mean, of course, I
23 was hurt because we all supposed to be friends.

24 Q. And were you upset?

25 A. Yes, ma'am.

1 Q. And so were you saying nice things to Jaqueline?

2 A. Probably not. I don't remember exactly what I said
3 to anybody like that whole day. I don't remember.

4 Q. But you did try to contact her because you had a
5 feeling she was with Chris?

6 A. Yes, ma'am.

7 Q. Now, you said everything happened so quickly. Did
8 Chris and Daniel, did they shoot, do you remember how many
9 shots were fired?

10 A. A lot.

11 Q. Now, let's go back just for a minute to Treemount
12 Hill. You said you didn't want anything to happen to Bubba.
13 What did you mean by that?

14 A. Uhm, because he was like, Chris was already out of
15 the vehicle. I just didn't want either one of them to get
16 into any altercation and Bubba was trying to get out and
17 acting like he was going to do something and I didn't want no
18 altercation between no one really.

19 Q. So did you feel like something was gonna happen?

20 A. Yes, ma'am.

21 Q. And is that when BJ got out of the truck?

22 A. Yes, ma'am.

23 Q. And do you know why BJ got out of the truck?

24 A. I mean, he didn't say why he got out of the truck.
25 I was assuming, you know, he was protecting me and Bubba.

1 Q. You felt he was protecting you and Bubba?

2 A. Yes, ma'am.

3 Q. Now, did you see when Chris started shooting if BJ
4 was, did you see if he was facing Chris or did he have his
5 back to Chris?

6 A. I wasn't paying attention.

7 Q. And again, just so I'm clear, about how far away was
8 BJ to Chris when Chris started shooting?

9 A. Probably about as far as you are from me right now
10 about, yeah.

11 Q. About right here. Now, Jada, use the pointer just
12 to clarify two other things for me. You said Chris was on the
13 driver's side, so which side of that tree was he on?

14 A. Uhm, they was both on this side of the tree.

15 Q. Okay. But Chris, which side of the car was he on?

16 A. The driver's side.

17 Q. And which side of the car was Daniel on?

18 A. The passenger's side.

19 Q. And did anybody, did you or Bubba or Steven or
20 Kevin, anybody else have a gun out there?

21 A. No, ma'am.

22 MS. PATTERSON: Thank you, Jada. Answer any
23 questions the defense may have.

24 THE WITNESS: Yes, ma'am.

25 THE COURT: Mr. Myers.

1 MR. MYERS: Thank you, Your Honor.

2 CROSS EXAMINATION

3 BY MR. MYERS:

4 Q. Jada, this is the first time you and I have met; is
5 that right?

6 A. Yes, sir.

7 Q. But it doesn't seem like the first time that you and
8 Ms. Patterson have met. Have you met with her before?

9 A. Uhm, who is Ms. Patterson?

10 Q. The one that was asking you the questions is Ms.
11 Patterson.

12 A. Yes, sir.

13 Q. So you all met to prepare you for today's testimony,
14 right?

15 A. Yes, sir.

16 Q. Where were you all when y'all met?

17 A. Here.

18 Q. In her office?

19 A. Uhm, I don't believe it was her office. It was like
20 a little room.

21 Q. Was it just you and Ms. Patterson or was Mr. Pogue
22 also there? You see Mr. Pogue? Was he there?

23 A. Yes. He was there.

24 Q. He was there. How about the investigator? How
25 about Mr. Hart, was he there too?

1 A. Yes, sir.

2 Q. How many people were there when you met with them?

3 A. Uhm, just them two.

4 Q. And they prepared you for your testimony today?

5 A. Yes, sir.

6 Q. All right. They told you the questions they would
7 ask and how you needed to respond?

8 A. They didn't tell me how I needed to respond.

9 Q. All right. So let's talk a little bit, I want to
10 make sure the jury understands the relationships in this
11 ordeal. Now, you and Barry Chavis were involved in a
12 relationship, right?

13 A. What do you mean by a relationship?

14 Q. Well, were y'all dating?

15 A. No.

16 Q. Were y'all seeing each other?

17 A. No.

18 Q. Were y'all romantically involved?

19 A. No.

20 Q. Were y'all just doing -- Y'all just knew each
21 other?

22 A. We were friends.

23 Q. All right. And I understand that Barry's house, a
24 lot of people hung out at his house, right?

25 A. Uhm, not at that time really that me and David were

1 staying there.

2 Q. All right. So you and David were staying there?

3 A. Bubba.

4 Q. Bubba. I'm sorry. So you and Bubba were staying at

5 Barry's house?

6 A. Yes.

7 Q. How big is his house?

8 A. It's two bedrooms.

9 Q. In fact, in addition to you and Barry, it was
10 customary that, or you and Bubba, it was customary for Barry
11 to allow other individuals to stay at his house from time to
12 time, right?

13 A. I guess.

14 Q. And to use his house. You testified earlier that
15 Chris actually showered there the morning of the entire event,
16 right?

17 A. Yes, sir.

18 Q. So they knew each other, right?

19 A. Yes, sir.

20 Q. And Chris and Jackie, they were dating at the
21 time?

22 A. Yes, sir.

23 Q. Now, you talked about your troubled past regarding
24 methamphetamine. Was this the time that you were also using
25 methamphetamine, Jada?

1 A. Yes, sir.

2 Q. In fact, other individuals were using
3 methamphetamine in that little circle, right?

4 A. Yes, sir.

5 Q. Barry was using methamphetamine, right?

6 A. Uhm, I don't know. I didn't do it with him, but
7 Bubba, yeah.

8 Q. Yeah. You and Bubba definitely were doing meth,
9 right?

10 A. Yes, sir.

11 Q. Even Chris, Chris was even in drug use, wasn't he?
12 Did you ever see him use drugs?

13 A. Like I said, me and Bubba would do them.

14 Q. So you basically were just concentrating on what you
15 and Bubba were doing. So you and Bubba --

16 A. I know that we just -- I didn't really, you know, do
17 drugs with everybody like that.

18 Q. Sure. But your drug of preference at that time was
19 methamphetamine; is that right?

20 A. I guess you could say that, yes.

21 Q. Well, were there any other drugs?

22 A. I like weed.

23 Q. Weed. What else?

24 A. No. That's it.

25 Q. That was it?

1 A. Yes, sir.

2 Q. Now, going back, this entire ordeal started over
3 Jackie basically owing you money, right?

4 A. Yes, sir.

5 Q. It was \$50.00, right?

6 A. Yes, sir.

7 Q. And just so that this jury understands, the purpose
8 of that \$50.00 was so that Jackie and Chris could stay at a
9 hotel off of Highway 302, right?

10 A. That's what she had said.

11 Q. Yeah. That's the whole reason why she said she
12 needed to borrow that money so that she and Chris could go
13 stay at a hotel, right?

14 A. I guess so. Yeah. Because they did stay in the
15 hotel.

16 Q. Sure. Were you with them when they went to stay at
17 the hotel?

18 A. No.

19 Q. When would you have given her the \$50.00?

20 A. Uhm, I can't remember when I gave it to her, but I
21 know that it had been a minute for her to give me my money
22 back.

23 Q. Well, what's a minute? Are we talking a week? Are
24 we talking a month? Are we talking a day?

25 A. No. A few days.

1 Q. So a few days before the shooting you loan Jackie
2 \$50.00, right?

3 A. Yes.

4 Q. Was that the first time you ever loaned her
5 \$50.00?

6 A. Uhm, yes.

7 Q. So had she ever loaned you money before?

8 A. Not that I remember. No, sir.

9 Q. So you can't remember. It's possible that she did
10 loan you some money you just can't remember?

11 A. I mean, we looked out for each other. We were
12 friends. Yes.

13 Q. Sure. So it's possible that she also loaned you
14 money at some time?

15 A. Uhm, I never really asked her for money, but we
16 would look out for each other. We were friends.

17 Q. Sure. And because it had been a minute as you say,
18 you were anxious to get your money back, right?

19 A. Yes, sir.

20 Q. So on the 27th going now on the day of the shooting
21 you saw Chris and Jackie together, right?

22 A. Yes, sir.

23 Q. But before the fight actually occurred that we're
24 gonna talk about, Chris had actually showered at Barry's
25 house?

1 A. Yes, sir.

2 Q. Did Jackie also shower at Barry's house?

3 A. Yes, sir.

4 Q. So they both showered at Barry's house. Did they

5 spend -- did they -- Was it customary that they spent the
6 night at Barry's house too?

7 A. Uhm, it's possible. I don't remember.

8 Q. Sure. So whenever they would come over to Barry's
9 house, would they also have their personal belongings there
10 like their clothing, leave clothing because they knew they
11 were coming back?

12 A. No.

13 Q. So they never left, they never left any --

14 A. I mean, they might have left some dirty clothes on
15 the floor or something. I don't know. I mean, I'm pretty
16 sure they would have took their stuff with them because they
17 wasn't staying there like that.

18 Q. But it was obviously normal for them to come in and
19 out of Barry's house?

20 A. No. Jaqueline I'm pretty sure texted me and asked
21 if they could come take a shower.

22 Q. Okay. But they felt comfortable enough to come to
23 Barry's house to shower?

24 A. Yes. We were all friends.

25 Q. And Barry never objected to that, right?

1 A. No.

2 Q. Because as you said, you all were all friends,
3 right?

4 A. Yes, sir.

5 Q. Y'all knew each other, right?

6 A. Yes, sir.

7 Q. Y'all knew what upset each other, you knew what made
8 each other tick, right?

9 A. Yes, sir.

10 Q. So going back to the \$50.00 ordeal, when you saw
11 Chris and Jackie and the fact that she owed you money, it
12 didn't sit right well, it didn't sit well with you, did it?

13 A. Uhm, no, sir.

14 Q. And so you saw that in addition to the \$50.00, she
15 had a couple more dollars, right?

16 A. I mean, yeah, she did.

17 Q. And as opposed to you taking the \$50.00, by your own
18 testimony you took more than what was owed to you, right?

19 A. Yes, because she stole it from my friend.

20 Q. And you say that was Steven Phillips?

21 A. Yes, sir.

22 Q. But Steven Phillips wasn't the one who snatched the
23 money from her, was he?

24 A. No, but he didn't hand her \$50.00. She stole it
25 from him.

1 Q. But she was your friend also, Jada?

2 A. Apparently she wasn't because she wasn't trying to
3 give me my money so...

4 Q. Over \$50.00. So your friend basically --

5 A. She was basically avoiding me.

6 Q. All right.

7 A. Friends don't avoid each other. If she could have
8 just told me, she would have been fine.

9 Q. So when she showed up, you saw her with this money
10 and you snatched more than money than she owed you, right?

11 A. Mm-hmm.

12 Q. Right?

13 A. Yes.

14 Q. You weren't entitled to the money that you took from
15 her in excess of the \$50.00, were you?

16 A. Uh, I guess not.

17 Q. Has anybody ever talked to you about strong armed
18 robbery?

19 A. Uhm --

20 MS. PATTERSON: Objection, Your Honor. Objection.

21 THE COURT: What's the basis?

22 MS. PATTERSON: She is -- she -- This wasn't ever
23 reported by Jackie. It wasn't reported by Chris. It
24 wasn't investigated. She's a lay person. She doesn't
25 know anything about crime or offenses.

1 BY MR. MYERS:

2 Q. Jada, you just testified that she only owed you
3 \$50.00, right?

4 A. Yes, sir.

5 Q. You testified that you took more than \$50.00,
6 right?

7 A. Yes, sir.

8 Q. You were not entitled to that, to the money over the
9 \$50.00, right?

10 A. That she had stole, right.

11 Q. And Chris was there the whole time when this was
12 going on, wasn't he?

13 A. Uhm, yes.

14 Q. The two of them were dating at the time, right?

15 A. Yes.

16 Q. And at the time - and when this, when this went
17 down, I think you described it as you and Jaqueline got into a
18 fight, right?

19 A. Yes.

20 Q. In fact, do you recall using the words, Jada, that
21 Jackie is Chris' girlfriend and you said, fuck that dumb
22 bitch, and you beat her, you beat up that bitch to get your
23 money back? Do you remember telling law enforcement that?

24 A. Uhm, I kind -- Yeah.

25 Q. Yeah. So you got your money back which was more

1 than what she owed you and Chris was there the entire time,
2 wasn't he?

3 A. Yes.

4 Q. So, after you beat her up according to you, you,

5 Steven Phillips, Barry Chavis and Bubba got into Barry's
6 truck, right?

7 A. You say me, Bubba, Steven and BJ?

8 Q. Yes, ma'am.

9 A. Mm-hmm.

10 Q. You all left in his truck?

11 A. Yes, sir.

12 Q. And I mean when y'all left, this is off of Treemount
13 Lane; is that right?

14 A. Yes, sir.

15 Q. And so when y'all left, the prosecutor didn't go
16 into this, the only reason they followed you was because they
17 wanted to get back the money that was not owed to you,
18 right?

19 A. Well, it was already in Steven's possession because
20 it was owed back to him because she stole it the night
21 before.

22 Q. But Steven was with y'all, right?

23 A. Exactly. So he had his money and I had mine.

24 Q. Right. So the only reason Chris and Jackie got in
25 their car to follow y'all was because he just wanted the money

1 that didn't belong to y'all back?

2 A. I mean, they had --

3 MS. PATTERSON: Objection. Speculation.

4 MR. MYERS: If she knows.

5 THE COURT: If she knows, she can answer.

6 BY THE WITNESS:

7 A. I'm sorry.

8 BY MR. MYERS:

9 Q. If you hadn't robbed Jackie and y'all had left,
10 Chris and Jackie would have had no reason to even follow
11 y'all?

12 A. If I had robbed her, I'd have took everything she
13 had.

14 Q. How much more did she have?

15 A. She had a lot more.

16 Q. How much more?

17 A. I mean, it's not my business to speak on how much.
18 Like it shouldn't matter. She had more.

19 Q. So whether or not she had it, you weren't entitled
20 to it?

21 A. Well, I gave, like I said, I gave it back to the
22 rightful owner Steven's \$50.00.

23 Q. So you were acting on Steven's behalf?

24 A. Sure.

25 Q. So Steven told you, look, get your money and also

1 get my money?

2 A. No. I did it because he's my friend.

3 Q. So, I'm trying to back up here a minute. Are you
4 just being a good samaritan just trying to get this thing done

5 or did you just saw an opportunity, hey, she's got more money.
6 I'm gonna take my money and I'm gonna take Steven's money?

7 A. No. I guess it was because like I was heated over
8 the fact that she wasn't, she wasn't being a friend to me.
9 She was avoiding me. She wasn't trying to pay me, so she did
10 my friend wrong so I was politely showing her how to treat a
11 friend.

12 Q. So, based on that after you beat her ass, you took
13 her money and you got your money and you also got Steven's
14 money, is that how it went down?

15 A. Uhm, I got the money first.

16 Q. All right. Then you beat her ass?

17 A. I really didn't beat her ass.

18 Q. Okay. And then you got your money and then you gave
19 Steven his money?

20 A. I handed Steven the money because I went to fight
21 her because she went, I guess we just went at it so I got the
22 money.

23 Q. And then at some point the four of you, BJ, Bubba,
24 you and Steven, y'all get into Barry's car and y'all leave,
25 right?

1 A. Yes, sir.

2 Q. And at some point I believe you testified that Chris
3 and Jackie followed y'all, right?

4 A. I didn't say they followed us. They were in front
5 of us. I don't remember how exactly that happened.

6 Q. So at some point I believe Ms. Patterson, she was
7 talking to you about Chris got out of his car and Barry got
8 out of his truck, right?

9 A. Yes.

10 Q. So they were, were they confronting each other?

11 A. Confronting each other about what?

12 Q. About what had just happened, about y'all taking
13 more money than was owed, about y'all robbing Jackie?

14 A. No. Chris was mad because I, I guess, beat her up
15 and BJ was just like you need to chill because it wasn't
16 really his place.

17 Q. All right. Now, at what point did BJ pull out the
18 gun and aim it at Chris?

19 A. Uhm, I don't know.

20 Q. Are you aware that the prosecutor has already made
21 statements that during this ordeal BJ pulled out a gun and
22 fired it at Chris?

23 A. No.

24 Q. So your testimony is you're not familiar with BJ
25 doing any of that?

1 A. No.

2 Q. You never heard a gunshot fired?

3 A. Never seen one.

4 Q. Are you aware that another witness has said that BJ
5 actually pulled out a gun?

6 A. No, sir.

7 Q. And after BJ and Chris got into this confrontation,
8 y'all didn't go to Barry's house; is that right?

9 A. Who didn't go to Barry's house?

10 Q. You, Steven --

11 A. Yes, we went --

12 Q. -- BJ?

13 A. We went to BJ's. Yes.

14 Q. All right. How long were you all -- What did y'all
15 do when you got to BJ's house?

16 A. Uhm, went about our day like every other day.

17 Q. And you and Bubba were still staying there?

18 A. Yes.

19 Q. Because you were doing drugs, did you store any
20 drugs at BJ's house?

21 A. Uhm, we weren't storing drugs. We were doing
22 drugs.

23 Q. All right. So drugs were there at the house?

24 A. I don't know.

25 Q. Were you doing drugs during -- You were doing drugs

1 during this time though, right?

2 A. I mean, I don't know if I was on drugs. I don't
3 know. I was doing drugs, yes.

4 Q. All right. And that would have been methamphetamine
5 and marijuana?

6 A. Uhm, I can't say if I was on both or not that day.

7 Q. All right. So at some point your testimony is, is
8 that after BJ and Chris got into it, Chris and Daniel Jones
9 showed up, right?

10 A. Yes.

11 Q. I want to ask you, how long had you known Daniel
12 Jones? Was he also in the circle of friends?

13 A. I never met him a day in my life.

14 Q. So on March 27th, 2020, was the first time you ever
15 met Mr. Jones?

16 A. Yes.

17 Q. All right. You ever heard any anybody talk about
18 Daniel Jones?

19 A. Yes, sir.

20 Q. Who used to talk about him?

21 A. I just heard his name --

22 MS. PATTERSON: Objection, hearsay.

23 MR. MYERS: I'm not asking what they said. I'm just
24 asking you she heard talk about him. I'm not asking for
25 the statements themselves.

1 BY THE WITNESS:

2 A. Well, I couldn't tell you who because I don't
3 remember.

4 THE COURT: Okay. When they object, let me at least
5 rule. I'm gonna allow it. Go ahead.

6 BY MR. MYERS:

7 Q. Who would you hear often talk about Daniel Jones?

8 A. Uhm, I couldn't tell you. I don't remember. I just
9 heard his name here and there in conversations.

10 Q. All right. Now, going back to the recorded
11 interview that you gave to law enforcement, the one that you
12 said that you remember giving to them, right?

13 A. Mm-hmm.

14 Q. Now, in your recorded testimony you said that when
15 Chris and Daniel Jones showed up, that Chris started shooting
16 towards the ground?

17 A. I mean, it, it didn't, it was in BJ's direction, but
18 it looked like the bullets were hitting the ground.

19 Q. Sure. Well, Ms. Patterson didn't ask you about this
20 so I just want to make sure I understand this. Your specific
21 testimony to law enforcement on this day was that Chris
22 Shumpert wasn't shooting at BJ, he was shooting towards the
23 ground?

24 A. Toward BJ. It's not my fault he can't aim.

25 Q. No. No. I understand what you're saying now. I'm

1 going off of what you told law enforcement back then three
2 years ago. Three years ago you simply told them that he was
3 shooting towards the ground.

4 A. Yes.

5 Q. And you also --

6 A. Towards BJ and hit BJ.

7 Q. Sure. And you also said that you had no idea what
8 led up to the incident, but they showed up like they were
9 going to scare somebody, right?

10 A. Yes.

11 Q. And that dude just started shooting. That dude
12 you're referencing is Mr. Daniel Jones, right?

13 A. Yes.

14 Q. You also testified or told law enforcement that you
15 were very clear about which gun was in each other's
16 possession. According to you, you told law enforcement that
17 Chris Shumpert had a handgun, right?

18 A. Yes.

19 Q. And Daniel Jones had a 300 Blackout; is that
20 right?

21 A. Yes.

22 Q. That's an AR-15 rifle, are you aware of that?

23 A. Uh, yes.

24 Q. And you testified earlier that you're familiar with
25 guns so this AR-15, was this a semi-automatic or was it an

1 automatic?

2 A. I don't know.

3 Q. Do you have any idea where the guns came from?

4 A. No, sir.

5 Q. Prior to March 27th, 2020, you never saw Chris
6 Shumpert with any guns, did you?

7 A. No, sir. Not that I recall.

8 Q. Because it wasn't Christopher's normal business to
9 actually even carry a firearm, was it?

10 A. I mean, I don't know. I mean, I've only known him
11 for like two months.

12 Q. Sure. How about BJ, you knew him to like guns
13 though, right?

14 A. Not like guns necessarily, but he had his gun.

15 Q. Sure. He had lots of guns, didn't he?

16 A. No. He had his gun.

17 Q. You're saying just a gun?

18 A. He just had his gun at his house put up.

19 Q. What gun is that, Jada?

20 A. I can't remember what it was.

21 Q. Are you aware that when law enforcement searched the
22 house, they found rifles?

23 A. Mmm-mmm.

24 Q. You're not aware of that?

25 A. (Witness shaking head.)

1 Q. Are you also aware that they found a handgun?

2 A. I believe that was the gun that I was talking about,
3 referring to.

4 Q. Now, Mr. Kimbler, was he also one of your friends?

5 A. Yes, sir.

6 Q. And unfortunately Mr. Kimbler is also not with us
7 today, right?

8 A. Yes, sir.

9 Q. Mr. Kimbler passed away but it wasn't related to any
10 gunshot wound, right?

11 A. I believe so.

12 Q. In fact, as I understand it, he died as a result of
13 a drug overdose; is that right?

14 MS. PATTERSON: Objection, Your Honor.

15 THE COURT: What's the objection?

16 MS. PATTERSON: I don't think she knows how
17 Mr. Kimbler died.

18 THE COURT: I don't believe she answered. If she
19 knows, she can answer.

20 BY MR. MYERS:

21 Q. Are you aware that he passed away as a result of a
22 drug overdose?

23 A. I know that he died. I don't know how he died.

24 Q. Jada, one final question. I want to go back to your
25 recorded statement. According to your statement, your words,

1 you said that you didn't think they were trying to hit him but
2 that they were just trying to show off. Do you remember
3 telling law enforcement that?

4 A. Uhm, yes, sir.

5 Q. So according to you that if any shooting was being
6 done, it was not done with the intent to harm or to kill?

7 A. But the point is that they did.

8 Q. I got what happened. I'm just talking about before
9 it happened, that according to you it was not their intent to
10 actually hit him or kill him?

11 A. Well, I said that then, but I was also 17 years old.
12 Now that I think about it, you don't shoot a gun towards
13 nobody unless you are intending to hurt them or kill them.

14 Q. I'm glad you said that because you are not aware,
15 according to you, that Barry shot at Chris earlier that day?

16 A. No, sir.

17 Q. All right. So if Barry, if testimony does come out
18 that Barry fired a gun at Chris, then Barry would have
19 intended to kill Chris according to your --

20 MS. PATTERSON: Objection, speculation.

21 BY MR. MYERS:

22 Q. -- according to your testimony?

23 THE COURT: I'm gonna agree. It's speculation, Mr.
24 Myers. Move on to another question.

25 MR. MYERS: Thank you. No further questions, Your

1 Honor.

2 THE COURT: Any redirect?

3 REDIRECT EXAMINATION

4 BY MS. PATTERSON:

5 Q. Jada, both Daniel Jones and Christopher Shumpert
6 shot towards BJ?

7 A. Yes, ma'am.

8 Q. And you knew BJ had that one handgun?

9 A. Yes, ma'am.

10 Q. And do you know where he kept that handgun?

11 A. Uhm, he would usually keep it in the house, but
12 sometimes he kept it in his truck.

13 Q. And again, who did you see shoot first?

14 A. Uhm, you talking about --

15 Q. Between Chris and Daniel, who did you see shoot
16 first?

17 A. Chris.

18 Q. Okay. And earlier that day when you took your money
19 back from Jackie, Jaqueline and you also took Steven's money
20 back from Jaqueline --

21 A. Yes, ma'am.

22 Q. -- were you ever contacted by law enforcement that
23 someone reported a robbery?

24 A. No, ma'am.

25 Q. And did Chris confront Bubba about the money or try

1 to confront Bubba about the money?

2 A. No, ma'am. Not that I'm aware.

3 Q. Did Chris try to confront Bubba about the fact that
4 you and Jackie had got into a fight?

5 A. No, ma'am.

6 Q. Did he go up to BJ's truck and try to confront
7 anybody while Bubba was inside?

8 A. No, ma'am.

9 Q. You didn't see Chris go up to BJ's truck?

10 A. Oh, yeah. Him and BJ had, they exchanged words, but
11 he didn't confront him about that. He was just mad.
12 They were just arguing or just yelling back and forth. Like
13 he didn't confront him.

14 Q. So BJ and Chris were yelling back and forth?

15 A. Yes, ma'am.

16 Q. Before BJ and Chris were yelling back and forth, did
17 Chris try to, or did Chris yell at Bubba about anything?

18 A. No, ma'am. I don't think so.

19 Q. And you said that Chris and Jackie, they didn't per
20 se stay at BJ's house but they would stop by on occasion?

21 A. Yes, ma'am.

22 Q. But they would ask BJ if they could stop by?

23 A. Uh, usually Jaqueline would ask me and I'd ask BJ.

24 Q. But they would get permission to stop by?

25 A. Yes, ma'am.

1 Q. And Mr. Myers was asking you about a statement you
2 gave law enforcement and you said that they pulled up like
3 they were trying to scare people?

4 A. Yes, ma'am.

5 Q. And what made you have that conclusion?

6 A. Because they were just kind of like flaunting the
7 guns out and talking about, you know, using them, I guess, and
8 acting like they was gonna shoot somebody.

9 Q. So you saw both Chris and Daniel and they had guns
10 in their hands?

11 A. Yes, ma'am.

12 Q. And they were talking about using the guns?

13 A. Why else would you have a gun in your hand unless
14 you're gonna use it?

15 MR. MYERS: Objection. Move to strike, Judge. That
16 calls for speculation.

17 THE COURT: I'm gonna agree. I'm gonna ask the jury
18 to please disregard that last statement.

19 BY MS. PATTERSON:

20 Q. And was Chris upset that you beat up Jackie or
21 Jaqueline?

22 A. Uhm, yes. I guess so.

23 Q. And, Jada, you have met with me and Mr. Pogue in my
24 office, haven't you, about testifying?

25 A. Uhm, if it was your office. I mean, I can't - I

1 didn't know it was your office.

2 Q. But you met with us before?

3 A. Yes, ma'am.

4 Q. And did we tell you to say anything other than what

5 you remember happening on March 27th of 2020?

6 A. No, ma'am.

7 MS. PATTERSON: Thank you.

8 THE COURT: Recross?

9 MR. MYERS: No redirect, Your Honor. Or I'm sorry,
10 recross, Your Honor.

11 THE COURT: Okay. I'll let the witness step down
12 and be excused. Ms. Patterson, can I let the witness be
13 excused?

14 MS. PATTERSON: I apologize. Yes, ma'am.

15 THE COURT: All right. Ms. Ellison, you can be
16 excused.

17 MS. PATTERSON: Can we approach, Your Honor?

18 THE COURT: You may.

19 (Side bar off the record.)

20 THE COURT: Ladies and gentlemen of the jury, I'm
21 going to let you go for the day. It's a quarter to five.
22 I'm gonna tell you, do not watch anything on the news
23 about this case, do not research anything, do not call
24 and tell your friends about this case, don't get on the
25 Internet, none of that. I will ask you every morning if

1 you've done research, if you've talked to anyone, or
2 anyone has tried to talk to you about this case. That's
3 my morning question. So, I hope y'all have a good
4 evening. How about we start at 9:00 in the morning?

5 MS. PATTERSON: That's great for the State, Your
6 Honor.

7 MR. MYERS: That's fine, Your Honor. Yes, ma'am.

8 THE COURT: We're gonna start at nine so I'm gonna
9 ask you to be in the jury room at 8:45. Remember, if one
10 of y'all is late, we can't start. I have to have all of
11 you before we can start so I'll see you at 9:00 in the
12 morning. Be in the jury room at a quarter to. Thank
13 you. Hope y'all have a good evening.

14 (Whereupon, the jury was released for the day at
15 4:50 p.m.)

16 THE COURT: All right. Anything else from the
17 State?

18 MS. PATTERSON: Nothing from the State.

19 THE COURT: Anything from the defense?

20 MR. MYERS: No, ma'am. Thank you, Your Honor.

21 THE COURT: All right. We'll be adjourned until
22 nine a.m.

23 (Whereupon, court was adjourned for the day.)

24

25

1 March 28, 2023.

2 BAILIFF: All rise.

3 THE COURT: Please be seated. All right. The State
4 ready?

5 MS. PATTERSON: The State's ready, Your Honor.

6 THE COURT: Defense ready?

7 MR. MYERS: Yes, Your Honor.

8 THE COURT: Got all the jurors. Bring them in.

9 (Whereupon, the jury entered the courtroom at 9:00
10 a.m.)

11 THE COURT: All right. Good morning. Let me ask my
12 morning question. Have you talked to anyone about this
13 case, has anyone tried to talk to you, or have you done
14 any research on this case? If so, please raise your
15 hand. No one raised a hand. Perfect. Call your next
16 witness.

17 MS. PATTERSON: The State calls Jaqueline Aiken.
18 Thereupon,

19 JAQUELINE AIKEN
20 after having been first duly sworn, testified as follows,

21 THE CLERK: Please have a seat. Once you're seated,
22 state your full name spelling your last please.

23 THE WITNESS: Jaqueline Renee Aiken, A-i-k-e-n.

24 DIRECT EXAMINATION

25 BY MS. PATTERSON:

1 Q. Jaqueline, can you speak up just a little bit to
2 make sure that everyone hears your responses.

3 A. Yes, ma'am.

4 Q. Good morning, Jaqueline. How are you?

5 A. I'm all right.

6 Q. You all right. Are you nervous to be here today?

7 A. Yes, ma'am.

8 Q. And how old are you, Jaqueline?

9 A. I'm 21.

10 Q. And when was your birthday?

11 A. May [REDACTED]th.

12 Q. And where do you currently live, Jaqueline?

13 A. Uhm, Columbia.

14 Q. Columbia?

15 A. Yes, ma'am.

16 Q. And where were you living prior to you living where
17 you live right now?

18 A. Lexington.

19 Q. And do you know the defendant Christopher
20 Shumpert?

21 A. Yes, ma'am.

22 Q. And how do you know him?

23 A. Uhm, we dated, uhm, in 2020.

24 Q. Dated in 2020. And are you nervous about being here
25 today?

1 A. Yes, ma'am.

2 Q. Is your dad here?

3 A. Yes, ma'am. He's in the blue in the back.

4 Q. And is this the first time that your dad will have

5 heard some of the things that you're gonna testify about?

6 A. Yes, ma'am.

7 Q. Now, let's just talk a little bit about what was
8 going on with you in 2020. Did you have and addiction
9 problem?

10 A. I did. Yes, ma'am.

11 Q. In fact, I think you have two convictions for maybe
12 a possession of a controlled substance and a PWID controlled
13 substance?

14 A. That's correct. Yes.

15 Q. And you were in the Department of Corrections for a
16 while, right?

17 A. I was for 11 months.

18 Q. In fact, when you and I and Mr. Pogue first talked,
19 we came to the Department of Corrections to speak with you.

20 A. You did.

21 Q. Have I or anyone in my office made you any promises
22 to get you to testify?

23 A. No, ma'am.

24 Q. Have we threatened you?

25 A. No, ma'am.

1 Q. Now, let's go back to 2020. You stated that you
2 were dating Christopher Shumpert. How long had you two been
3 dating?

4 A. Uhm, not long. Uhm, three or four months. Four
5 months, yeah.

6 Q. And back in 2020, how old would you have been when
7 you were dating Christopher Shumpert?

8 A. 18.

9 Q. Had you finished school?

10 A. Uhm, I had my GED. I didn't finish high school.

11 Q. Were you working?

12 A. Not at the time. No.

13 Q. Were you and Chris living together?

14 A. Yes, ma'am.

15 Q. And kind of describe your living arrangements.

16 A. Uhm, we really lived in like hotels and stayed with
17 like other friends around the area. We didn't really have a
18 permanent place to stay.

19 Q. And what kind of hotels would you and Chris normally
20 stay in?

21 A. Uhm, normally cheap ones.

22 Q. And who would pay for these hotels?

23 A. Uhm, either me or him.

24 Q. And would these hotels be in the Lexington/Columbia
25 area?

1 A. Yes, ma'am.

2 Q. Now, did you know Barry Chavis?

3 A. I did.

4 Q. And how did you know Barry?

5 A. Uhm, through Jada and Chris and David, yeah.

6 Q. And so you were friends with Jada?

7 A. We were. Yes, ma'am.

8 Q. And you knew Jada. Did you know Jada's boyfriend
9 David or Bubba?

10 A. I did. Yes, ma'am.

11 Q. And that's how you knew BJ?

12 A. Yes, ma'am.

13 Q. Now, did you ever stay at BJ's house?

14 A. We did. Me and Chris and Jada and David.

15 Q. Did you stay there often?

16 A. Uhm, I would say most nights. If we didn't have
17 enough money for a hotel, we would, or somewhere else.

18 Q. And before you would stay there, would you have to
19 get permission?

20 A. Of course.

21 Q. So you just couldn't stop by and say you were going
22 to spend the night?

23 A. I mean, I'm pretty sure, I'm sure we might have done
24 that, but he didn't like that.

25 Q. So BJ didn't like that so he would want you to get

1 permission?

2 A. Yes, ma'am.

3 Q. Now, who is Lane?

4 A. Uhm, he's a friend of me, Chris and Jada that stayed
5 on Treemount.

6 Q. He stayed on Treemount?

7 A. Yes, ma'am.

8 Q. Now, let me take you back to specifically March 27th
9 of 2020. Do you remember that day?

10 A. Yes.

11 Q. Now, did you owe Jada money?

12 A. I did.

13 Q. Do you remember what you owed her money for?

14 A. Uhm, \$50.00 for a hotel room that we had, uhm, all
15 went in together on for the hotel room.

16 Q. And you all went in together on a hotel room and you
17 owed her \$50.00?

18 A. Yes, ma'am.

19 Q. Now, had she contacted you to get her money?

20 A. She had.

21 Q. And --

22 A. No. She had. I'm sorry.

23 Q. And did you respond to her?

24 A. Uhm, I said that, you know, I had it and she then
25 pulled up to Lane's house and I guess thought that I wasn't

1 gonna pay her, but I was in the middle of, uhm, trying to get
2 the money so whenever she walked up to my side door of, uhm,
3 Christopher's vehicle, uhm, she, she was like, uhm, you know,
4 like are you gonna pay me? And I was like yeah. And she made
5 it seem like that I wasn't going to so, uhm, we then spoke
6 words and I ended up getting out of the vehicle because, uhm,
7 she wanted to fight at that point so we then fought about that
8 and she took a hundred instead of 50.

9 Q. Let me back you up just for a minute. So who all
10 was at Lane's house with you?

11 A. Uhm, Lane was there, uhm, Chris, Jada, Bubba, BJ,
12 uhm, Steven. I don't, I don't recall who else was there.

13 Q. And do you know how Jada got to Lane's house?

14 A. Yes, ma'am. Uhm, BJ drove her and Bubba, or David,
15 I'm sorry, to Lane's house.

16 Q. And do you know what he drove in?

17 A. A truck.

18 Q. Was it his truck?

19 A. Yeah.

20 Q. And so you and Jada got into a fight outside of
21 Chris' car?

22 A. Yes, ma'am.

23 Q. And did anyone try to break you up or step in?

24 A. Not to my knowledge. I believe they just let us
25 fight.

- 1 Q. And after Jada took your money --
- 2 A. Mm-hmm.
- 3 Q. -- the money you owed her --
- 4 A. Mm-hmm.
- 5 Q. -- were you upset?
- 6 A. I was upset. I was. Uhm, I was upset. Yes, ma'am.
- 7 Q. Did you call the police?
- 8 A. No, ma'am.
- 9 Q. Did you make a report of any kind?
- 10 A. I did not.
- 11 Q. And why not?
- 12 A. Because it was, uhm, because I was, I'm not gonna
- 13 lie, I was under the influence of drugs at the time and I was
- 14 scared, you know. I didn't want to, you know, have any
- 15 further complications towards anything else.
- 16 Q. And did you, in fact, owe her the money?
- 17 A. I did. Yes, ma'am.
- 18 Q. And so did Chris get upset about what happened to
- 19 you?
- 20 A. Uhm, I mean, I, I, I mean, we were dating at the
- 21 time. He, he was upset too. Yeah.
- 22 Q. And what did he do after this happened that would
- 23 lead you to believe he was upset?
- 24 A. Uhm, he then went to go and try to get the money
- 25 back because I had gotten back in the vehicle and after that,

1 uhm, Jada and Bubba were already in the truck and BJ stepped
2 out to try to, uhm, I guess take up for them and, uhm, he
3 pulled out a gun on them and then Chris got back in the car.

4 Q. So let me stop you. So you, after the fight, you
5 got back in Chris' car and Jada got, Jada and Bubba got into
6 BJ's truck?

7 A. Yes, ma'am.

8 Q. And you said Chris went after them to get the money.
9 Who did he go after?

10 A. Uhm, he went towards the passenger side, I
11 believe.

12 Q. And who was sitting in the passenger side of BJ's
13 truck?

14 A. Uhm, Bubba, or David. I'm sorry. I know him as
15 Bubba. Uhm, David. David and Jada.

16 Q. And so when Chris went after them on the passenger
17 side, you said BJ got out of the truck?

18 A. Yes, ma'am.

19 Q. And what did you see him do?

20 A. Uhm, he pulled out a gun and told him that that
21 doesn't need to happen, you know, like just go back to your
22 car.

23 Q. So BJ was taking up for Bubba and Jada?

24 A. Yes, ma'am.

25 Q. And what type of gun did BJ have?

1 A. I'm not sure. Uhm, a handgun.

2 Q. A handgun. And did you see or hear him shoot the
3 gun?

4 A. Not, not at that point. No.

5 Q. You didn't see that?

6 A. I didn't see that.

7 Q. And then after BJ told Chris to essentially get back
8 in the truck, what happened? I mean, get back in the car,
9 what happened?

10 A. Uhm, we got back in the vehicle and --

11 Q. Was he upset when he got back inside?

12 A. Yeah. He was.

13 Q. How do you know?

14 A. Uhm, he was telling me like he was upset, that that
15 shouldn't have went down the way it did.

16 Q. And then what happened next?

17 A. Uhm, to my knowledge, uhm, we pulled out. I
18 believe, uhm, that Bubba and BJ and Jada had pulled out before
19 we did and we followed behind. Like we were coming out behind
20 them and, uhm, we were on the dirt road like on Treemount and,
21 uhm, either they stopped first or we stopped and, uhm, got out
22 again and, uhm, BJ, and like Chris got out and then BJ, uhm,
23 had to get out again and, uhm, he was like telling him that he
24 needs to calm down and then, uhm, words were said between
25 those two and, uhm, I was just like, uhm, you know, this is

1 getting too, you know, this is just too much and, uhm, then
2 they got in their vehicle, BJ and, uhm, BJ got back into his
3 vehicle and then Chris got back in the car.

4 Q. So again, we have to make sure we understand. There
5 was another confrontation between Chris and BJ on Treemount on
6 the dirt road?

7 A. Yes, ma'am.

8 Q. And Chris got out of the car and BJ got out of his
9 truck?

10 A. Yes, ma'am.

11 Q. And they were arguing?

12 A. Yes, ma'am.

13 Q. And do you remember if BJ had a gun at that point?

14 A. On the dirt road?

15 Q. Yes.

16 A. Uhm, yes, ma'am.

17 Q. During the second altercation?

18 A. Uhm, to my knowledge, yes, ma'am.

19 Q. He did. Did you see him shoot it at that point?

20 A. No.

21 Q. And so when Chris got back in the car, you said he
22 was upset?

23 A. Yes, ma'am.

24 Q. And what were you thinking at this time?

25 A. Uhm, I was scared.

1 Q. Why were you scared?

2 A. Uhm, because he was very angry.

3 Q. He being Chris?

4 A. Yes, ma'am.

5 Q. And so --

6 A. And I had just gotten into an altercation, you know.
7 I was just, I was overwhelmed. Yeah.

8 Q. Okay. And what happened once you guys left
9 Treemount?

10 A. Uhm, we then went to go look for, uhm, Dan,
11 Daniel.

12 Q. Daniel?

13 A. Yes, ma'am.

14 Q. Would that be Daniel Jones?

15 A. Yes, ma'am.

16 Q. And do you know why you all were going to look for
17 Daniel Jones?

18 A. Chris, uhm, was like, he was very upset and, uhm, at
19 that point he was, I feel, I mean, I can't speak for him, but
20 I feel like from what I seen he was very upset about the whole
21 pulling the gun out on him part so he went to go and pursue
22 Daniel to go get, uhm, guns. Yes, ma'am.

23 Q. Okay. And where did you all go to look for
24 Daniel?

25 A. Uhm, we went to Daniel's mom's house, his stepdad

1 and mom's house and then he wasn't there so we went to his
2 grandma's, his grandparent's house.

3 Q. Let me back you up. So first you all went to
4 Daniel's mom and stepdad's house?

5 A. Yes, ma'am.

6 Q. Do you know where they lived, what street?

7 A. I do not know the name of it. I don't remember.

8 Q. And who did you all speak to when you got there?

9 A. Uhm, I think, I believe, as I recall, uhm, his
10 stepdad.

11 Q. Did you all tell, did you or Chris tell the stepdad
12 why you wanted Daniel?

13 A. Uhm, I do not know for sure. Uhm, I mean, it's very
14 possible, or yeah, I'm pretty sure.

15 Q. And do you know why Chris was looking for Daniel in
16 particular?

17 A. Uhm, he knew that Chris knew that, uhm, Danny had
18 access to weapons, guns. Yes, ma'am.

19 Q. So did you know Chris was actively looking for
20 someone with guns?

21 A. Yes, ma'am.

22 Q. You do. And what, if anything, did you do to try to
23 talk him out of it, or did you?

24 A. I, I really, uhm, I, I can't -- Can you please
25 repeat the question?

1 Q. So you knew Chris was actively looking for Daniel
2 because Daniel had guns?

3 A. Yes, ma'am.

4 Q. How did you feel about that?

5 A. I felt like it was not the way to go. Like that
6 was, it was unnecessary, uhm, yeah.

7 Q. Did you tell Chris this?

8 A. I let him know that this is getting way too out of
9 hand and, uhm, he was just not hearing it at that point.

10 Q. And so Daniel was not at his mom and stepdad's house
11 I think you said?

12 A. Yes, ma'am.

13 Q. So where did you all go next to look for him?

14 A. His grandparents.

15 Q. And do you know where his grandparents live?

16 A. Uhm, I don't know the name of the street, no, ma'am,
17 but it's in Gaston.

18 Q. And about how long did it take y'all to get there
19 from when you left Daniel's mom's and stepdad's?

20 A. Ten to 12 minutes. I don't know for sure. It
21 wasn't long.

22 Q. And once y'all got there, was Daniel there?

23 A. He was there.

24 Q. And did Chris tell Daniel what was his intentions?

25 A. Uhm, he told them of what had just happened and,

1 uhm, that he wanted to, uhm, you know, the word would be like
2 retaliate, you know. Like show BJ that that wasn't okay for
3 him to do.

4 Q. He wanted to retaliate on BJ and he told Daniel
5 that?

6 A. He did.

7 Q. And did Daniel agree to go with you and Chris?

8 A. He did.

9 Q. And did Daniel, in fact, provide the gun?

10 A. Yes, ma'am.

11 Q. And did you see them -- Were you in the car the
12 whole time or did you get out?

13 A. Uhm, I got dropped off on the side of the dirt road
14 and was told to stay there.

15 Q. Before we get there, at Daniel's house or Daniel's
16 grandmother's house where y'all picked him up at, did they get
17 back in the car with guns?

18 A. Yes, ma'am.

19 Q. Did you see which gun that each of them had?

20 A. Uhm, Daniel had the large one and Chris had a nine,
21 the handgun, the smaller one.

22 Q. And when you saw them with the actual guns in their
23 hands, how did you feel?

24 A. Terrified.

25 Q. And again, did you express this to Chris or did you

1 tell this to Chris?

2 A. I was really in shock. Like I don't really recall,
3 uhm, if I expressed how I felt. I was, I was very, I didn't
4 know what, what to do.

5 Q. And so now you're on your way to BJ's house?

6 A. (Witness nodding head.)

7 Q. Did you know which road BJ lived on?

8 A. Uhm, no, ma'am.

9 Q. And on the ride to BJ's house, was Chris saying
10 anything to Daniel?

11 A. They, I mean, I don't know word for word, but it was
12 more along the lines of, you know, he's not gonna, uhm, make
13 me look like a, I don't want to say a cuss word on the stand,
14 a woose, so it was more like that intention.

15 Q. And so at this point do you go to BJ's house with
16 him?

17 A. No.

18 Q. Where did you go?

19 A. Uhm, I was dropped off on the dirt road right before
20 BJ's living area.

21 Q. And whose idea was that for you to get dropped off
22 on the dirt road?

23 A. Uhm, Chris' and I told them that I don't want any
24 part of what y'all got going on. I didn't even want to be
25 there. I wanted to go home and all of my belongings were in

1 Chris' vehicle and he would not take me home.

2 Q. When you say you wanted to go home, where did you
3 want to go?

4 A. To my dad's house.

5 Q. Okay. And why did you want to go home?

6 A. I had just gotten into a fight and I didn't want to
7 deal with anything any further. I just wanted to go home and
8 I didn't want, I didn't want to deal with anything.

9 Q. Did you feel like something bad was about to
10 happen?

11 A. In my gut, uhm, yes, ma'am.

12 Q. And you say you got dropped off on a dirt road?

13 A. Yes, ma'am.

14 Q. And this wasn't too far from where BJ lived?

15 A. Yes.

16 Q. And you was familiar with this area because you had
17 been to BJ's house before?

18 A. Yes, ma'am.

19 Q. I'm going to show you State's Exhibit number 5 and
20 ask you to take a look at this. Do you recognize what's in
21 this photograph?

22 A. Yes, ma'am.

23 Q. And what do you recognize that to be?

24 A. Uhm, the dirt road that I was dropped off on.

25 Q. And did it look like this when you was dropped off

1 on March 27th of 2020?

2 A. Uhm, that was around about the area. Uhm, it might
3 have been farther back. Uhm, I don't really know the
4 distance.

5 Q. But it was on this road?

6 A. It was on this road. Yes, ma'am.

7 Q. And do you recognize what this road right here is in
8 the picture?

9 A. Uhm, I believe that's the road that you, uhm, that
10 you go on to get to BJ's. If you're driving, you take a
11 right, that would be the way to get to BJ's, yes, ma'am.

12 Q. Okay. And so does this fairly and accurately
13 represent that road even though you may have been down it a
14 little further?

15 A. Yes, ma'am.

16 MS. PATTERSON: Your Honor, at this time we move
17 State's Exhibit number 5 into evidence.

18 MR. MYERS: No objection.

19 THE COURT: It's admitted.

20 BY MS. PATTERSON:

21 Q. Jaqueline, once again, whose idea was it for you to
22 get dropped off --

23 A. Uhm --

24 Q. -- on this road?

25 A. On that road it was, it was Chris', yeah.

1 Q. And can you point out where the road is to get to
2 BJ's house?

3 A. Right there.

4 Q. And you would take a left or a right?

5 A. A right, I believe.

6 Q. And so if you were standing somewhere on this road
7 when Chris dropped you off, who was in the car with Chris?

8 A. Uhm, Daniel.

9 Q. And what, if anything, happened while you was
10 standing on this dirt road?

11 A. Uhm, not too long after I was dropped off, uhm, I
12 heard gunshots and screaming.

13 Q. About how long would you say you was on that road
14 before you heard gunshots and screaming?

15 A. I don't know the exact time, but it wasn't, it
16 wasn't long.

17 Q. And about how many shots did you hear?

18 A. I don't know the amount, but it was more than one.

19 Q. More than one?

20 A. Yes, ma'am.

21 Q. And then you heard some screaming?

22 A. Yes, ma'am.

23 Q. Could you tell who was screaming?

24 A. Uhm, at that point I was - I didn't, I couldn't tell
25 you.

1 Q. Could you tell if it was a male or a female?

2 A. Uhm, it sounded like a female and maybe a man too.

3 Q. And so when you heard these shots and screaming,
4 what were you thinking?

5 A. I knew something horrible had just happened and I, I
6 was so scared.

7 Q. And so did you see Chris later on after you heard
8 these shots and screaming?

9 A. Yes, ma'am.

10 Q. Where did you see Chris?

11 A. Uhm, he came and picked me back up.

12 Q. And did he pick you back up on the same dirt road?

13 A. Yes, ma'am.

14 Q. And where did you get inside the car?

15 A. Uhm, I believe it was the backseat because I think
16 Daniel was in the front seat.

17 Q. So Daniel was in the front seat. And did you ask
18 them anything about what happened at BJ's house?

19 A. To my remembrance, uhm, I had, I had a gut feeling
20 that something bad had happened and, uhm, they were the ones
21 with guns in their hands and I, I can't stress this enough, I
22 was just so scared and, uhm, I don't really remember what I
23 asked them, but I had a feeling in my gut that I already knew
24 and I don't know if I had an answer to it.

25 Q. And so were they talking about what happened?

1 A. Uhm, not to my knowledge. No. I mean, I mean, they
2 were just like, uhm, we got to go. We got to get out of here.
3 And I'm not, I'm not gonna - I don't remember word-for-word
4 but, uhm, it was more in the manner of like, you know, I got
5 picked back up, uhm, and I, I didn't really know what they
6 were capable of further, you know, so I really wasn't - I was
7 just, I was scared.

8 Q. And where did y'all go once they picked you back up
9 from this dirt road?

10 A. We then dropped Daniel off. I don't, I don't
11 remember if it was his, uhm, his mom's or his grandma's.

12 Q. I'm gonna show you State's Exhibit number 4. Do you
13 recognize what's in that photograph?

14 A. Yes, ma'am.

15 Q. And who is in that photograph?

16 A. It's me and Daniel.

17 Q. Okay. Is Chris in that photograph?

18 A. I believe he is in the front driver's seat.

19 Q. And whose car is that?

20 A. That's Chris' car.

21 Q. Okay. And do you recognize whose house this is?

22 A. Uhm, that's Daniel's mother's and his stepdad's.

23 Q. Daniel's mom's house?

24 A. Yes, ma'am.

25 Q. Okay. And so do you remember going here after you

1 heard the shots and the screaming?

2 A. Yes, ma'am.

3 Q. Okay. And what is this?

4 A. That's a weapon that Daniel had.

5 Q. Does this fairly and accurately represent what you
6 remember, where you remember you all going on March 27th of
7 2020?

8 A. Yes, ma'am.

9 MS. PATTERSON: Your Honor, at this time we move
10 State's Exhibit 4 into evidence.

11 THE COURT: Any objection?

12 MR. MYERS: Your Honor, I think it's not the proper
13 foundation from where that photograph came from so I
14 understand she can -- I don't know if we need to handle
15 this outside the presence of the jury or just approach,
16 but we object because the foundation has not been laid
17 for that photograph to come in.

18 THE COURT: All right. Let me talk to the lawyers
19 over here at side bar.

20 (Side bar off the record.)

21 THE COURT: All right. The Court's gonna allow the
22 photo in. Your objection is noted for the record.

23 MR. MYERS: Thank you, Your Honor.

24 BY MS. PATTERSON:

25 Q. Jaqueline, tell us again, where is this location?

1 A. That's at, uhm, Daniel's mother's and stepdad's
2 house.

3 Q. Okay. And who is in this photograph?

4 A. That's me.

5 Q. You can use the pointer. I'm sorry.

6 A. I apologize. Uhm, that's me and that is Daniel.

7 Q. And what's in Daniel's hand?

8 A. A weapon.

9 Q. And whose car is that?

10 A. Chris'.

11 Q. Okay. And where are you going in this -- What are
12 you doing in this photograph?

13 A. Uhm, I believe either -- I don't need the pointer --
14 uhm, either dropping him off or picking him up. I'm not sure
15 which one.

16 Q. Okay.

17 A. Yes, ma'am.

18 Q. And so he has the gun. So would this have been
19 after you heard the gunshots and the screaming?

20 A. I don't recall. I just, I don't. I don't recall.
21 I don't know.

22 Q. So after you and Chris dropped Daniel off, where did
23 you and Chris go?

24 A. We, after we dropped him off, we, uhm, we then, uhm,
25 were in the vehicle and he was explaining how he needed to

1 leave and, uhm, he --

2 Q. Who was he explaining this to?

3 A. Uhm, he told me that, uhm, we had to leave. And,
4 uhm, I was like why? And he just kept saying he needed to
5 call his mom. So, then he was on the phone with her and, uhm,
6 she told us it would be a good idea to get a hotel room and we
7 then went to Aiken and had a hotel room there.

8 Q. And let's talk about the conversation he had with
9 his mom. Whose phone did he use?

10 A. My cell phone.

11 Q. I'm sorry. Speak up a little bit.

12 A. My cell phone.

13 Q. So he used your cell phone. He called his mom?

14 A. Yes, ma'am.

15 Q. What, if anything, did he tell his mom about what
16 happened?

17 A. He was saying that, uhm, he explained what had just
18 happened. Uhm, I don't know word-for-word, uhm, and then he,
19 I mean, it was like he didn't really, like he was nonchalant
20 almost. Like it was, it was pretty...

21 Q. So the call to his mom you described as
22 nonchalant?

23 A. I would.

24 Q. But he told you y'all had to leave. So did he tell
25 her what he did to BJ?

1 A. He, he explained that there was a shootout and
2 that's all I can recall from my knowledge. I don't remember
3 word-for-word.

4 Q. And so after that, where did you and Chris go?

5 A. Then, uhm, we went to Aiken and got a hotel room
6 there.

7 Q. And was it normal for you guys to go to Aiken and
8 get a hotel room?

9 A. No, ma'am.

10 Q. Had you ever done that before?

11 A. No, ma'am.

12 Q. And so when you got to the hotel, do you remember
13 what time you checked in?

14 A. I do not know what time. I know it was late in the
15 day.

16 Q. So where had you guys been during since you dropped
17 Daniel off until the time you got to Aiken?

18 A. Uhm, we just, we drove. Uhm, we just drove until we
19 got to Aiken and found a cheap hotel room.

20 Q. So you just drove around?

21 A. Yes, ma'am.

22 Q. Didn't drive to the police station or anything?

23 A. No, ma'am.

24 Q. And when you got to Aiken, did law enforcement
25 arrive?

1 A. They did shortly after. Yes, ma'am.

2 Q. So you said shortly after?

3 A. Yes, ma'am.

4 Q. And how did you know law enforcement was there?

5 A. Uhm, well, when we got there, the lady at the front
6 desk asked for our license plate and, uhm, I let Chris know.
7 I was like why? Why are they asking for that? And he was
8 just like it's okay and he gave it to them and then maybe not
9 even 30 minutes later the police showed up at the door.

10 Q. And when the police showed up, how did they announce
11 themselves?

12 A. Uhm, loud.

13 Q. Loud?

14 A. Yes, ma'am. They came and knocked. I believe, I
15 don't have like a full recollection, but they definitely said
16 come out with your hands up or lay on the ground or something
17 like that.

18 Q. And did you leave out of the hotel room?

19 A. I stepped out as well. Yes, ma'am.

20 Q. And so did you see law enforcement when you stepped
21 out?

22 A. I did.

23 Q. Did they have guns drawn?

24 A. They did. Yes, ma'am.

25 Q. How many police officers was there?

1 A. Uhm, more than two maybe. I don't really remember.
2 It happened really fast.

3 Q. So it was loud, they had guns drawn and it was more
4 than two?

5 A. Yes, ma'am.

6 Q. And did Chris go out?

7 A. He did.

8 Q. Now, before Chris and you went out in response to
9 the police presence, did he say anything to you about your
10 story to law enforcement?

11 A. Uhm, he told me to tell them that, uhm, I got
12 dropped off at my dad's during the shooting, but I was on the
13 dirt road and I went along with it because I had never been in
14 a situation like that before. I was, I was scared. I was
15 young. I didn't - I just - I did, I did lie to the officer
16 right there.

17 Q. So you remember talking to Investigator Hart?

18 A. Yes, ma'am.

19 Q. And you told him something different than you told
20 us today?

21 A. Yes, ma'am.

22 Q. And again, why did you do that?

23 A. I was young. I was scared. Uhm, I had never
24 witnessed or encountered anything like that had just happened
25 before. Like I didn't want, you know, I didn't want to go

1 through - I just, I was, I was scared. I don't, I don't know
2 what else to say.

3 Q. And again, who told you to tell law enforcement that
4 you were not there?

5 A. Uhm, Chris.

6 MS. PATTERSON: Thank you, Jaqueline. Please answer
7 any questions Mr. Myers has.

8 THE COURT: Mr. Myers.

9 MR. MYERS: Thank you, Your Honor.

10 CROSS EXAMINATION

11 BY MR. MYERS:

12 Q. Good morning, Jackie.

13 A. Good morning.

14 Q. Jackie, before I go into a few of my questions, I
15 was given a report that was dated February 15th, 2023 from the
16 Solicitor's Office indicating that a little over a month ago
17 you met with Ms. Patterson, Mr. Pogue and Investigator Medford
18 at the Camille Graham Correctional Institution; is that
19 right?

20 A. That's correct.

21 Q. Now, that was because you were serving an active
22 sentence at the Camille Graham Institute?

23 A. Yes, sir.

24 Q. That's the place over there off of Broad River Road,
25 right?

1 A. Yes, sir.

2 Q. Now, are you still serving that sentence?

3 A. I'm still on the YOA.

4 Q. So you're still on parole for that?

5 A. Yes, sir.

6 Q. All right. So at the time they met with you though,
7 you were in the Camille Graham Correctional Institution?

8 A. Yes, sir.

9 Q. So coincidentally at this trial you are now out of
10 Camille Graham Correctional Institution? You're not there
11 anymore?

12 A. Yes, sir.

13 Q. All right. So, when you say that you live in
14 Columbia, is that at a house, an apartment, or is it your own
15 residence? Where is it that you live in Columbia?

16 A. A transitional home.

17 Q. As part of the YOA sentence?

18 A. Uhm, it's not a stipulation for me to be there. I
19 just thought it would be, me and my PO thought it would be the
20 best decision for me.

21 Q. Okay. And you're there because even before this,
22 you testified to the jury that you have a drug problem,
23 right?

24 A. Yes, sir.

25 Q. I believe your drug of choice is heroin, right?

1 A. That's correct.

2 Q. You've been addicted to heroin for quite some
3 time?

4 A. Yes, sir.

5 Q. Now, do you shoot it or do you smoke it or how did
6 you take heroin?

7 A. I snorted it.

8 Q. You snorted it?

9 A. Yes, sir.

10 Q. All right. So back during this time, back in 2020,
11 you were using heroin, correct?

12 A. I was.

13 Q. And as a result of that, you had a series of charges
14 that are not even related to what you went to Camille Graham
15 for under your YOA, you also had some charges of possession of
16 a controlled substance?

17 MS. PATTERSON: Objection, Your Honor. We've
18 already went through her convictions.

19 THE COURT: He can go through them and he can ask
20 her about them.

21 MS. PATTERSON: Can we approach?

22 THE COURT: Sure.

23 (Side bar off the record.)

24 THE COURT: Mister Foreman, I'm going to give you a
25 quick break while I take up a matter with the lawyers.

1 Please remember, do not discuss this case even amongst
2 yourselves. It won't take us long.

3 (Whereupon, the jury entered the jury room at 10:05
4 a.m.)

5 THE COURT: All right. I'm going to, I'll let Ms.
6 Aiken go back out into the hall while we discuss this
7 matter. Ms. Aiken, you are still under oath and you are
8 not allowed to speak to anyone, period.

9 THE WITNESS: Yes, ma'am.

10 THE COURT: If y'all could make sure that she's
11 somewhere where I know she's not talking to anybody.

12 MS. PATTERSON: Yes, Your Honor.

13 THE COURT: You can step down.

14 THE WITNESS: Yes, ma'am.

15 (Whereupon, Jaqueline Aiken exited the courtroom.)

16 THE COURT: All right. Mr. Myers, let me hear your
17 argument.

18 MR. MYERS: Thank you, Your Honor. May it please
19 the Court. Your Honor, our argument is based on South
20 Carolina rules of evidence 608 specifically bias. The
21 reason we, and what we're attempting to try to get into,
22 as you very well know, any witness can be impeached if
23 there is a grounds to show that that witness is biased.
24 We believe that Ms. Aiken is a biased witness because at
25 the time of the incident, March of 2020, she had already

1 been charged from 2019 with charges, then she got
2 subsequent charges even after this incident.

3 THE COURT: Wait a minute. I'm trying to keep up
4 with you. So she got, at the time of the incident she
5 had pending 2019 charges?

6 MR. MYERS: Yes, ma'am. Then the incident happens.

7 THE COURT: Then the incident happens and she racks
8 up some more charges in 2020.

9 MR. MYERS: Or 2021.

10 THE COURT: 2021.

11 MR. MYERS: But, Judge, the significant thing is, is
12 that when the incident happened, she was one of the
13 individuals that law enforcement spoke to. They talked
14 to her. They got whatever statement she gave to them.

15 Now, they can argue that, hey, she wasn't truthful
16 at that time or whatever, but that's the same argument
17 that can be made for any witness being asked questions
18 after the incident has happened. But here they knew she
19 existed, they spoke to her about what she knew. Whether
20 she was truthful or not during that interview is
21 irrelevant as to whether or not she is now as the State
22 wants to claim her a cooperating witness. She was there
23 just like all the other witnesses were there.

24 Now that we're here in court, we know that charges
25 were dismissed in her favor. So all we're arguing,

1 Judge, is we already know she was serving a time at the
2 Camille Graham Institute. That's where the interview
3 occurred. So now we know that the charges that she
4 collected post the incident have been dismissed or some
5 of the charges have been dismissed. I think that
6 pursuant to Rule 608 we ought to be able to go into the
7 charges that were pending after the incident and the fact
8 that those charges have now been dismissed.

9 THE COURT: In lieu of her testimony here today is
10 what you're saying that's why it got dismissed?

11 MR. MYLES: Yes, ma'am.

12 THE COURT: All right. Now, let me hear from you,
13 Ms. Patterson.

14 MS. PATTERSON: Thank you, Your Honor. It is true
15 that Jaqueline had a 2019 pending charge at the time of
16 this incident. That is the charge she pled to. We
17 already went over her convictions, Your Honor. I will
18 agree that they can go over, for impeachment purposes
19 they can talk about her prior convictions, but I would
20 say that it is improper to allow them to talk about her
21 other charges.

22 The case was prosecuted by another prosecutor in my
23 office. Ms. Aiken had a defense attorney Hank Burriss.
24 They worked out that charge. From my understanding those
25 charges were dismissed in exchange of her guilty plea to

1 the two convictions that we've already discussed. It had
2 nothing to do with her being a witness in this case. As
3 a matter of fact, she did give law enforcement a
4 statement stating that she wasn't even present; that she
5 didn't even really know anything about the shooting at
6 the time that they spoke to her on March 27th, 2020.

7 I got assigned this case in April of last year. It
8 wasn't until I did some digging, it wasn't until we was
9 able to convert the video that shows her with the parties
10 nine minutes after the 911 call that we even thought to
11 go and talk to her at Camille Graham on February 15th,
12 excuse me, we actually went on February 7th and we did
13 the report February 15th, on February 7th of this year
14 and spoke to her and asked her about the corroboration
15 that we had that she was with the parties immediately
16 after the shooting; that she admitted to actually having
17 more knowledge at that time, agreeing to be a cooperating
18 witness.

19 Those cases were dismissed in November 2021. Like I
20 said, that was over a year before it was determined that
21 Ms. Aiken would be a cooperating witness. Those
22 dismissals had nothing to do with her being a cooperating
23 witness for us this week, Your Honor. As a matter of
24 fact, I asked her had she gotten any promises from anyone
25 in my office and she stated no. Again, it had nothing to

1 do - it was my office, but it was a separate prosecutor.
2 It was a separate defense attorney. Nothing was ever
3 discussed about this case. I'm not even sure if they
4 knew anything about this case when they came up with that
5 plea deal. Yeah. And when we met with her which I --
6 Never mind. I'll go over that later.

7 MR. MYERS: Your Honor, everything Ms. Patterson has
8 said is a jury argument, all of that regarding whether or
9 not she was a cooperating witness at the time, whether or
10 not she told law enforcement the truth, all of that is
11 argument for the jury. What Ms. Patterson wants to say
12 is, well, she's not the one who prosecuted her. She
13 didn't pick up the file until April of last year, so she
14 ought to be excused. She is a supervisor in the office,
15 Judge, so just like conflicts are imputed to me and my
16 law firm, it's imputed to the Eleventh Circuit
17 Solicitor's Office. If Mr. Bell has a conflict, I have a
18 conflict.

19 THE COURT: I'm with you, Mr. Myers, but I guess my
20 question is, if she was a cooperating witness, then what
21 was promised to her? What do you have?

22 MR. MYERS: Well, Judge, I think that's the argument
23 that you make before the jury, that this lady had charges
24 that happened in 2019, then she had charges that happened
25 post to this incident, and the charges that happened in

1 2019 and the charges that happened after this incident
2 have been dismissed. That's an argument that the jury
3 can say, hey, is this individual biased or not. That's
4 all.

5 THE COURT: Okay. Y'all take a break. We'll be
6 back.

7 (Short break.)

8 THE COURT: All right. I'm gonna allow it, Mr.
9 Myers --

10 MR. MYERS: Thank you, Your Honor.

11 THE COURT: -- under 608. The reason being is that
12 this was immediately like before after she gets other
13 charges, it's the same prosecuting agency so I'm gonna
14 allow it.

15 MR. MYERS: Thank you, Your Honor.

16 THE COURT: Are y'all ready to bring the jury back
17 in?

18 MS. PATTERSON: One second, Your Honor. Your Honor,
19 I would just ask for some clarity about how much they're
20 gonna be allowed to get into it with her.

21 THE COURT: Well, you know, I assume, Mr. Myers, I
22 assume you're gonna ask her about her pending charges and
23 if there was any deal.

24 MR. MYERS: I may not ask it that way, Judge.
25 Primarily I'm just gonna make sure that I understand that

1 she was arrested in 2019 that was before this incident,
2 then she was arrested after this incident, she pled
3 guilty to one and as a result she got probation.

4 THE COURT: Here today to testify.

5 MR. MYERS: Correct. And then she had some other
6 charges pending in the same office and those charges have
7 been dismissed so that's the extent of how I, that's my
8 box at least that I'm trying to stay in.

9 MS. PATTERSON: And, Your Honor, we have two more
10 lay witnesses and they also have records. They have had
11 charges in our office. Their statements changed, but
12 changed to the benefit of the defense so I just also
13 wanted to make sure that they're not gonna try to say
14 that they have bias because they may have gotten a plea
15 deal by my office, not from me but my office, in exchange
16 of a plea during this time frame as well.

17 MR. MYERS: I think all that's fair game. Judge,
18 every single witness they gonna have has been prosecuted
19 by the Eleventh Circuit Solicitor's Office, I mean, so, I
20 mean, I think it's all fair.

21 THE COURT: We'll take it on a case by case basis
22 and, you know, I'm gonna tell you specifically, Mr.
23 Myers, what I'm looking at is time frame.

24 MR. MYERS: Yes, ma'am.

25 THE COURT: The time frame of this incident. I'm

1 gonna do it case by case. Are we ready to bring the jury
2 in?

3 MS. PATTERSON: Yes, ma'am. We can finish this
4 witness, but we may need a break because we may have to
5 regroup based on your ruling.

6 THE COURT: Okay. Like I said, Ms. Patterson, we'll
7 do it case by case. If we need to go through each one of
8 them, I'll give the jury a break and we can go through
9 them. Let's bring the witness back in.

10 (Whereupon, Jaqueline Aiken entered the courtroom.)

11 THE COURT: Ms. Aiken, I'm going to remind you that
12 you are still under oath, and I'm gonna ask you, have you
13 spoken to anyone about this case during the break?

14 THE WITNESS: I asked if I did okay and the officer,
15 one of the deputies said we can't talk about it. That's
16 the only thing I said.

17 THE COURT: Okay.

18 THE WITNESS: Yes, ma'am.

19 THE COURT: Any objection, Mr. Myers?

20 MR. MYERS: So as I understand it, she went up to
21 Detective Hart to ask Detective Hart if she did okay; is
22 that right?

23 THE WITNESS: Yes, sir, and he didn't say anything.
24 No, it wasn't --

25 MS. PATTERSON: It was Investigator Medford.

1 THE WITNESS: I'm sorry.

2 THE COURT: It was Investigator Medford.

3 THE WITNESS: Medford.

4 THE COURT: He's the one who walked her to the room.

5 MR. MYERS: Yes, ma'am. I don't have any objection,
6 but I think that I should be allowed to ask questions
7 about that when the jury is here.

8 MS. PATTERSON: Your Honor, there was no discussion.
9 I mean, he told her he couldn't talk about her
10 testimony.

11 MR. MYERS: Judge, I think it goes back to what we
12 started yesterday on why Ms. Patterson asked her on the
13 stand, you know, did we promise you anything or do
14 anything, and now we're going into the fact that charges
15 have been dismissed for her, so I think that that's an
16 argument they can make in front of a jury.

17 THE COURT: Well, I don't think that she violated my
18 order.

19 MR. MYERS: That's why we have no objection to that,
20 but I think based on what she's testified to, I think
21 that I ought to be able to ask her some questions about
22 that. Who knows, I may not, but it's certainly not the
23 first thing --

24 THE COURT: About what, her walking to the room and
25 the officer told her I can't talk about this case?

1 MR. MYERS: Well, Judge, you know, it's all about a
2 level of comfort and whether or not, you know, hey, if
3 the Judge gives you an instruction to say do not discuss
4 this case with anyone, do not talk about this case to
5 anyone, and the first person that she feels comfortable
6 enough to go up to is someone who works for the Eleventh
7 Circuit Solicitor's Office, I'm so afraid when the Judge
8 tells me to do something, I would never even go around
9 the person. But you were very clear, that I'm going to
10 ask you when you come back in and now we know that the
11 investigator with the Eleventh Circuit Solicitor's
12 Office, she felt comfortable enough to him to go and say,
13 did I do okay?

14 THE COURT: Ms. Patterson.

15 MS. PATTERSON: Your Honor, Ms. Aiken has testified
16 she's 22 years old --

17 THE WITNESS: 21.

18 MS. PATTERSON: 21, she is terrified to be here
19 today. I mean, she just probably wanted some comforting,
20 am I doing okay? She didn't go into her discussion, her
21 actual testimony. She didn't ask him any specific --
22 Well, he didn't even engage her in it. She was just
23 like, am I doing okay? It wasn't about the testimony per
24 se. It could have actually been about her just sitting
25 up there and her mannerism.

1 THE COURT: I'll let you cross her on that when you
2 redirect her. I'll allow it.

3 MR. MYERS: Thank you, Your Honor.

4 THE COURT: Let's bring the jury in. That's a
5 direct violation of my order.

6 (Whereupon, the jury entered the courtroom at 10:40
7 a.m.)

8 THE COURT: Mister Foreman, the jury ready?

9 FOREMAN: Yes.

10 THE COURT: All right. Ms. Aiken, I'm gonna remind
11 you again you're still under oath. You may proceed.

12 MR. MYERS: Thank you, Your Honor.

13 BY MR. MYERS:

14 Q. Jackie, before the break, I was asking you about
15 your record?

16 A. Yes, sir.

17 Q. And I understand that you're in a transition house
18 and you're doing better now. But before March of 2020, isn't
19 it true that you had some drug charges pending against you?

20 A. I believe so.

21 Q. In fact, those charges or that charge was possession
22 with intent to distribute cocaine?

23 A. Yes, sir.

24 Q. As a result, and so you don't go to court for that
25 charge and then this incident in March of 2020 happens,

1 right?

2 A. (Witness nodding head.)

3 Q. And the charge that we're talking about was pending
4 against you here in the Eleventh Circuit Solicitor's Office,
5 right?

6 A. Can you please ask that again?

7 Q. Yes, ma'am. And I know it might be confusing to
8 you.

9 A. Yes.

10 Q. It might be confusing to the jury so let me back up.
11 So before March of 2020, before the shooting, okay, you had a
12 pending drug charge against you from 2019, right?

13 A. Right.

14 Q. And that charge was pending against you in this
15 Solicitor's Office?

16 A. Okay.

17 Q. You were arrested in Lexington County?

18 A. Right.

19 Q. And those charges would have been handled by the
20 Eleventh Circuit Solicitor's Office, by Ms. Patterson's or Mr.
21 Pogue's office?

22 A. Okay.

23 Q. And then that charge is still out there. You
24 haven't pled guilty to it, you haven't been found guilty of
25 it. In March of 2020 the shooting happens, right?

1 A. Right.

2 Q. The charge is still going on. And then even after
3 that, you picked up more drug charges even while the first one
4 was pending and after this shooting.

5 A. Okay.

6 Q. And those charges were also handled by Ms.
7 Patterson's and Mr. Pogue's office, right?

8 A. I believe so.

9 Q. Okay. You had to come to court here in this
10 courtroom, in this court building, do you recall?

11 A. Yes. It was here.

12 Q. You may not remember the actual Solicitor, but you
13 had a lawyer for that?

14 A. Hank Burriss.

15 Q. So, Hank, Mr. Burriss was your lawyer. I know Hank
16 very well. You had a fine lawyer. So Mr. Burriss was your
17 lawyer, right?

18 A. Yes, sir.

19 Q. And we're gonna talk about what you told law
20 enforcement, but law enforcement did get a statement from you
21 in March of 2020, right?

22 A. Correct.

23 Q. So they knew that you knew something about what
24 happened in March of 2020, right?

25 A. Right.

1 Q. You weren't trying to hide. You may not have told
2 them the truth, but you told them that you were there,
3 right?

4 A. Where?

5 Q. You were there, you knew something about what
6 happened to Mr. Chavis?

7 A. Uhm, I mean, I wasn't at --

8 Q. Sure.

9 A. You know.

10 Q. Sure. You weren't there at the scene. We'll talk
11 about that momentarily, but you knew something happened. You
12 knew that Mr. Chavis got shot. You knew and based on your
13 testimony you were with Chris and you were with Daniel Jones
14 before he got shot, right?

15 A. Right.

16 Q. And you told law enforcement to some degree about
17 your involvement at that time, right?

18 A. Right.

19 Q. You might not have been truthful, but they knew you
20 were there, right?

21 A. I mean, not there but, you know, with him.

22 Q. Sure. Now, as we sit here today we know now that
23 the charges that were pending against you have been dismissed,
24 right?

25 A. I believe so.

1 Q. In fact, we know that the charges that you got after
2 the March shooting, the possession with intent to distribute,
3 theft of a controlled substance, those charges have been
4 dismissed, haven't they?

5 A. I believe so, yes, with Hank. I believe it was Hank
6 dismissed them.

7 Q. Sure. Now, that brings me up to this question. Do
8 you remember Ms. Patterson asked you whether or not they had
9 promised you anything or you had met with them and they
10 haven't promised you anything, right?

11 A. I remember.

12 Q. Before we took this break, do you recall the Judge
13 specifically telling you do not discuss your case with anyone?
14 Do you remember her telling you that?

15 A. Yes, sir.

16 Q. She made it very clear that you're to get off the
17 stand and not talk to anyone about anything related to your
18 case until your testimony?

19 A. Right.

20 Q. That you weren't even supposed to question anybody
21 about it, right?

22 A. Right.

23 Q. And, Jackie, we know that despite the Judge's ruling
24 you went up to Detective Medford right after she told you not
25 to say anything and you asked him, hey, how did I do?

1 A. I asked, did I do okay? Like not even speaking like
2 in general of just like my acting like just because I'm
3 nervous.

4 Q. Sure. So you went and you violated the Judge's
5 orders, but you felt comfortable enough to go up to him and
6 say, hey, did I do okay? You did that, right?

7 A. Yes.

8 Q. All right. So let's now go back to March 27th. I
9 want to make sure that this jury understands. You were dating
10 Chris Shumpert at the time, right?

11 A. Yes.

12 Q. You were 18 I think you testified?

13 A. I was 18.

14 Q. Chris was the same age?

15 A. Around about, yes, sir.

16 Q. So y'all both were young, right?

17 A. Both were young.

18 Q. And y'all knew Barry Chavis, right?

19 A. Yes, sir.

20 Q. It was normal for y'all to go over to Mr. Chavis'
21 trailer, right?

22 A. Yes, sir.

23 Q. I mean, it was kind of like the local hang out spot,
24 right?

25 A. Right.

1 Q. And it wasn't just the two of you, a lot of people
2 hung out at Mr. Chavis' place, didn't they?

3 A. Yes, sir.

4 Q. And you've already testified that you had a drug
5 addiction at the time?

6 A. I did.

7 Q. A lot of individuals at Mr. Chavis' house had drug
8 addictions, didn't they?

9 A. Yes, sir.

10 Q. A lot of people used drugs at Mr. Chavis' house,
11 didn't they?

12 A. Yes, sir. I did.

13 Q. Some of the individuals that were there, some of
14 y'all were friends, some of you guys were just meeting just in
15 passing, right?

16 A. Right.

17 Q. But either way, everyone felt comfortable enough
18 because, hey, Barry Chavis' house was the meeting place where
19 you could go have fun, do drugs, right?

20 A. Yeah. I wouldn't put it like that but...

21 Q. Yeah. Now, I want to take you back to the night
22 before. You've already testified that Jada loaned you some
23 money, right?

24 A. Correct.

25 Q. She loaned you \$50.00; is that right?

1 A. Right.

2 Q. And she loaned you that \$50.00 so that you and Chris
3 could stay in a hotel there off of Highway 302, right?

4 A. I believe so.

5 Q. Do you remember the name of that hotel?

6 A. I do not.

7 Q. But Chris didn't have any money, right?

8 A. Right.

9 Q. You didn't have any money?

10 A. I, I didn't.

11 Q. Sure. So you turned to Jada and she loaned you the
12 \$50.00 to stay in that hotel, right?

13 A. I believe so.

14 THE COURT: Let me get her, you have to speak up so
15 everybody can hear you.

16 THE WITNESS: I'm sorry.

17 BY MR. MYERS:

18 Q. Was it just you and Chris staying there that night
19 or was there anybody else?

20 A. I believe to my knowledge that all of us stayed
21 there that night but it could have just been me and him.

22 Q. So when you say all of you, who would be all of
23 you?

24 A. Me, Jada, Chris, Bubba.

25 Q. And Bubba would be David Payton?

1 A. David Payton, correct.

2 Q. That would have been Jada's boyfriend, right?

3 A. Yes, sir.

4 Q. So the four of you. Would you guys just have one
5 room or would it have been two?

6 A. One room with two beds.

7 Q. Do you remember what time y'all checked in?

8 A. I do not.

9 Q. Who would have checked in at the hotel?

10 A. Uhm, I don't know because we were, we were both
11 young.

12 Q. Right. And y'all were young and it was normal for
13 y'all to have to borrow money to actually stay in different
14 hotels, right?

15 A. Correct.

16 Q. Because, as you said, you all really didn't have a
17 place to stay.

18 A. No.

19 Q. So it was normal for y'all to just go around and
20 just stay in whatever hotel you could stay in, right?

21 A. Yeah.

22 Q. Now, y'all stayed at the hotel and Jada was
23 expecting for you to repay her the hundred dollars, right?

24 A. 50.

25 Q. \$50.00. You knew that, right? Chris knew that,

1 right?

2 A. Right.

3 Q. Now, at some point the following morning March 27th
4 now, you and Chris go to Barry's house to shower; is that
5 right?

6 A. I believe so. I don't really remember.

7 Q. All right. Isn't it also true that after y'all left
8 Barry's house and because you knew you owed Jada this money,
9 you had to get the money from somewhere, right?

10 A. Right.

11 Q. You had to borrow it from somewhere, right?

12 A. (Witness nodding head.)

13 Q. And isn't it true that Chris knew that you owed this
14 money, drove you to your dad's house where you got the money
15 from your dad?

16 A. I don't believe I went to my dad's house that day.

17 Q. You don't recall getting any money from your dad?

18 A. No. My dad really didn't give me money when I was
19 in addiction.

20 Q. So the fact that you had the money that led up to
21 the fight, who gave you that money, Jackie?

22 A. Uhm, I, I believe I had sold some weed to get that
23 money.

24 Q. So you sold some drugs to get the money?

25 A. Right.

1 Q. Or at least that's what you think?

2 A. I believe so. I mean, I was under the influence.

3 Q. Sure.

4 A. I don't really have a clear recollection but to my
5 knowledge that is correct.

6 Q. So it's possible then that you did also get that
7 money, that you could have gotten the money from your dad
8 because as you said things were kind of hazy?

9 A. I don't believe that I went to my dad's house to get
10 any money from him.

11 Q. Okay. But either way, either through your dad or
12 through the sale of illegal drugs you had more than \$50.00 on
13 you by the time you and Jada met, right?

14 A. Yes.

15 Q. And when y'all first met, it would have been there
16 off of Treemount Lane, right?

17 A. Right.

18 Q. And when she saw you, she was upset that you hadn't
19 given her the \$50.00, right?

20 A. Right.

21 Q. And now walk me through this. Jada has already
22 testified. Jada says that you knew you owed her this money
23 and she also said that you owed Steven Phillips some money.

24 A. I did.

25 Q. How much money did you owe Steven Phillips?

- 1 A. I don't know the amount but I know I owed him
2 money.
- 3 Q. So you and Jada got into this fight, right?
- 4 A. Yes.
- 5 Q. And what type of fight was it? Any instruments
6 used? Any knives? Any anything used?
- 7 A. No.
- 8 Q. Y'all were just fist fighting?
- 9 A. Fist fighting.
- 10 Q. Any blood?
- 11 A. Not that I remember.
- 12 Q. How long was the fight?
- 13 A. Maybe three to five minutes. It wasn't long.
- 14 Q. And she initiated the fight against you?
- 15 A. She brought up the idea of fighting, I didn't.
- 16 Q. Sure. And when y'all started fighting, were y'all
17 inside the house or were y'all outside?
- 18 A. We were outside in the yard.
- 19 Q. And at the time y'all were fighting Chris was
20 standing there, right?
- 21 A. Yes.
- 22 Q. Barry was standing there?
- 23 A. Right.
- 24 Q. You and Jada obviously were fighting. Steven
25 Phillips was there?

- 1 A. I believe so. Yes.
- 2 Q. And Bubba was there?
- 3 A. Right.
- 4 Q. So all of these individuals are around, y'all get
5 into this fight over the money and you told law enforcement
6 that she took more than the \$50.00 that she was owed, right?
- 7 A. Mm-hmm.
- 8 Q. Is that a yes?
- 9 A. Yes. Sorry. Yes.
- 10 Q. That didn't make you feel good, did it?
- 11 A. No. I wasn't happy about it.
- 12 Q. As a matter of fact, you were upset about that,
13 weren't you?
- 14 A. A little. Yeah. That was my friend.
- 15 Q. Yeah. I mean, and plus you had to go through great
16 lengths of almost getting arrested to get the money back,
17 right?
- 18 A. Yes, sir.
- 19 Q. Either that or it belonged to your daddy, right?
- 20 A. Yes.
- 21 Q. So she took more than the money that you owed to
22 her, right?
- 23 A. Correct.
- 24 Q. Now, when she took the money, did she also tell you
25 that she was taking the money that you owed to Steven

1 Phillips?

2 A. That was -- Now that you mention that, uhm, she did
3 say that.

4 Q. All right. And that still didn't make you feel
5 good, did it?

6 A. I mean, no, but I was, you know, owed money by
7 her.

8 Q. Right. You and Chris were dating at this time? You
9 were his girlfriend, he was your boyfriend, right?

10 A. Right.

11 Q. After she took the money from you, after y'all got
12 into this fight, Barry, Jada, Bubba and Steven, they left
13 Treemount, right?

14 A. In the truck?

15 Q. Yes. In Barry's truck.

16 A. Yes. In Barry's truck.

17 Q. You and Chris then followed them, right? Because
18 all Chris wanted to do was just help you get the money back
19 that they took from you, right, minus the \$50.00?

20 A. Right.

21 Q. That's all he wanted to do, right?

22 A. Correct.

23 Q. And y'all had just seen Barry a couple hours before
24 because y'all had just showered at his house, right?

25 A. I believe so.

1 Q. So when y'all come to Barry's truck, you stay in the
2 car, is that your testimony, and Chris gets out to talk to
3 Barry?

4 A. To my recollection or to my knowledge, yes.

5 Q. Now, you say that you had been, I know you said that
6 you were high at the time, you were under the influence,
7 right?

8 A. Yes, sir.

9 Q. What had you been using that day?

10 A. Heroin.

11 Q. So you had been using heroin that day?

12 A. Yes, sir.

13 Q. About what time in the morning did you use the
14 heroin?

15 A. Uhm, probably when I like woke up or something.

16 Q. So the first thing you did that morning you started
17 doing heroin?

18 A. Yeah.

19 Q. And so is it safe to say that you don't even really
20 remember the interaction between Chris and Barry Chavis on the
21 side of that road, do you?

22 A. To what I do remember, uhm, is what I said
23 earlier.

24 Q. You didn't testify though that Barry fired a shot at
25 Chris. Do you remember that?

1 A. I, I don't really remember. I mean...

2 Q. You just don't know? You just don't remember?

3 A. It definitely could have happened. I don't
4 remember.

5 Q. Okay. And prior to then, you never knew Chris to
6 carry any guns, did you?

7 A. No. I can't say that I do remember him doing
8 that.

9 Q. Now, in fact, I want to remind you that sometime
10 after this incident you spoke to law enforcement that day?

11 A. When we got picked up?

12 Q. Yes.

13 A. Yes, sir.

14 Q. And according to what you told Investigator Hart, he
15 asked you if you saw any guns or ammunition in the trunk of
16 the car when it was opened and she stated that she did not and
17 that Christopher knows better with me. And also you said that
18 you had never seen Christopher with any guns. Do you remember
19 telling Investigator Hart that?

20 A. I do remember that. I probably did say that because
21 I was scared.

22 Q. Sure. But either way or as you sit here now you've
23 also said that you've never seen Chris with any guns prior to
24 March 27th of 2020?

25 A. He didn't carry. It's not like he walked around

1 with one, no.

2 Q. All right. So, at some point now, and we now know
3 that after Chris and Barry confronted each other over Jada
4 taking your money, he then went and started calling for Daniel
5 Jones; is that right?

6 A. Yes, sir.

7 Q. Prior to this date, had you ever met Daniel Jones?

8 A. Yes.

9 Q. How many times before then had you known Daniel
10 Jones?

11 A. Not really. He was a mutual friend from like just
12 hanging out with Jada and Chris and David and Steven.

13 Q. Sure. Now, your testimony earlier was that y'all
14 eventually link up with Daniel Jones, right?

15 A. Yes.

16 Q. He gets into the car, right?

17 A. Yes.

18 Q. Now, you were clear, Ms. Patterson, she asked you
19 how Chris seemed and what was he saying. Do you remember her
20 asking you those questions?

21 A. I do remember. Yes.

22 Q. And your exact words were that they were talking
23 about trying to retaliate. Do you remember that?

24 A. I do.

25 Q. Now, Jada --

1 A. Jaqueline.

2 Q. Jaqueline. I'm sorry. All these names.

3 A. I know. It's two J's. It's confusing.

4 Q. So going back to the statement that you gave to law
5 enforcement when you were at the Camille Graham Correctional
6 Institution, they actually asked you about Chris' emotions and
7 at that point according to your testimony you said that
8 Shumpert was extremely upset that Chavis did not stick up for
9 them and assisted Ellison in leaving. Do you remember telling
10 them that?

11 A. I do remember saying that.

12 Q. And so the only thing that Chris was upset about is,
13 hey, man, Barry's our friend, Jada just stole this money and
14 he's sticking up for them, right?

15 A. Uhm, yeah.

16 Q. All right. And when Daniel Jones gets into the car,
17 you actually say, that she states that on the way there
18 Shumpert was telling Jones that they were going there to get
19 their belongings and scare Chavis. Shumpert was telling Jones
20 to keep anyone else there with Chavis back. At no mention
21 during your entire statement do you mention that they went
22 there to retaliate or do anything. Do you recall this
23 statement?

24 A. Uhm, I'm not gonna lie, I do, but like I have pushed
25 this down for like so long because it's just a part of my past

1 that I'm not proud of and I have tried to push memories and
2 everything down because this is a horrible thing that
3 happened.

4 Q. Absolutely.

5 A. And there are probably some things that I don't
6 remember. I'm sorry for cutting you off.

7 Q. No. No. I'm sorry. Were you done?

8 A. Yeah.

9 Q. I guess, we're just trying to get to the truth,
10 Jackie, as best we can. I just want to make sure that this
11 jury knows that in February of this year a month or so ago you
12 never mentioned anything about Chris picking up Daniel Jones
13 to retaliate for anything?

14 A. I mean, he was, you know, like he -- I can't speak
15 on how he felt because I don't know, but like from what it
16 seemed like he was upset that, uhm, that BJ picked him over
17 us.

18 Q. Sure. And being upset is one thing. But what
19 I want to make sure that I understand and this jury
20 understands is that at no time do you ever say that you picked
21 Daniel Jones up to retaliate?

22 A. I can see what you're talking about.

23 Q. Yes, ma'am. In fact, the only reason that Shumpert
24 said that he wanted to go over there was to get the belongings
25 that you and he had at Chavis' house and to scare Chavis?

1 A. I mean, I didn't - there was - I mean, I didn't go
2 into depth of like anything like, retaliate could be exactly
3 what I said earlier, I just didn't say the same exact words.

4 Q. Sure. I just -- Well, there's a big difference.

5 A. Yeah.

6 Q. It's a huge, huge difference and I just want to make
7 sure we understand that at the time that you say that Daniel
8 Jones was in the car, he was clear that the only thing that
9 they were going to do was scare Barry Chavis, right?

10 A. Can you please repeat that? I'm sorry.

11 Q. Yeah. That the only thing that Christopher told
12 Daniel Jones before they went over to Mr. Jones' house was to
13 scare Barry Jones -- Barry Chavis. I'm sorry.

14 A. Chavis. Uhm, are you asking me like --

15 Q. Yeah.

16 A. -- if that's what I think?

17 Q. No. That's what you told -- Not what you think,
18 what you told law enforcement according to the statement that
19 we have here.

20 A. Right. Uhm, I mean, that's, that's what, what like
21 I said. I didn't -- Let me put it like this: Uhm, I didn't
22 use the same exact words but in a round about, you know, like
23 retaliate, scare, you know. You know, I don't really see like
24 -- I can understand where you're coming from. I get your
25 point but, uhm, I just, you know, it's -- I don't know. What

1 do you mean like?

2 Q. Well, again, all I want -- I'm gonna read this.
3 Let's read it together.

4 MR. MYERS: May I approach, Your Honor?

5 THE COURT: You may.

6 BY THE WITNESS:

7 A. Okay.

8 BY MR. MYERS:

9 Q. Jada, I don't want to try and crowd you.

10 A. Jaqueline.

11 Q. I'm sorry.

12 A. Jaqueline.

13 Q. I'm sorry. I don't want to crowd you. Some people
14 say I talk loud and I promise you I won't hurt you.

15 A. Okay.

16 Q. So let's look at this. So according to this
17 statement --

18 A. Right.

19 Q. -- you told law enforcement, I want to make sure I
20 orient you to this thing, this is the statement that you gave
21 to the Deputy Solicitor Rhonda Patterson, Assistant Solicitor
22 Bradley Pogue, and was it Medford or was it Hart there?

23 A. Uhm, Medford.

24 Q. Medford. The one sitting next to --

25 A. Yeah.

1 Q. I can't pronounce the name. But according to what
2 you told them, they went back to discuss the events prior to
3 the shooting. Aiken states that after Ellison took her money,
4 Shumpert was extremely upset that Chavis did not stick up for
5 them and assisted Ellison in leaving. See that part?

6 A. Yeah. I see that.

7 Q. So what Chris was upset about is the fact that, you
8 know, look, man, we just showered at this man's house, he's
9 our friend and he just let Jada steal money from you. He was
10 upset about that, right?

11 A. Yeah.

12 Q. You were upset about it too, weren't you?

13 A. Yeah. You know, that was my friend that I owed
14 money.

15 Q. Sure. That's right. \$50.00.

16 A. \$50.00.

17 Q. And it says, she states she and Shumpert went to
18 Chaney's house looking for Jones in order to go and retrieve
19 some belongings at Chavis' house on Fish Hatchery Road. So at
20 this point all you're telling them is that, look, the whole
21 purpose of y'all going over there was to get money back or to
22 get belongings back?

23 A. Right. But I can't tell you what his intentions
24 were because I don't know what, you know, what he's thinking.

25 Q. Sure.

1 A. I can just say what I see --

2 Q. Sure.

3 A. -- in the situation, my perspective.

4 Q. Sure. Sure.

5 A. Right.

6 Q. And we'll talk about what you described to him in a
7 second. But she said that, she states that Chaney spoke to
8 Shumpert and advised him that Jones was not there. They then
9 went to Jones' grandmother's to pick him up and that is when
10 she saw the rifle. So let's stop right there. Prior to y'all
11 getting up with Daniel Jones, you had not seen any guns on
12 Chris' possession, right?

13 A. No.

14 Q. He didn't have any guns on him, no rifle, no pistol,
15 no nothing?

16 A. Mmm-mmm. No, sir.

17 Q. It wasn't until he got to Daniel Jones that you saw
18 guns --

19 A. Right.

20 Q. -- right? They then, or she states that on the way
21 there, Shumpert was telling Jones that they were going there
22 to get their belongings and scare Chavis. You see that?

23 A. I see that.

24 Q. So, according to you, the only intent that they ever
25 had was just to go over and scare Barry Chavis, right?

1 A. Mm-hmm.

2 Q. And the other thing is, is that Shumpert was
3 telling, well, Shumpert was telling Jones to keep anyone else
4 there with Chavis back. Aiken states that she felt that
5 Shumpert was acting crazy and out of control. Now, that's
6 important, isn't it, Jackie? That's important because
7 everybody that did drugs and all of that hung out at Barry
8 Chavis' house, right?

9 A. You could say that.

10 Q. So, when Chris would have gone there to get his
11 belongings, it would not have been out of the ordinary for
12 them to expect a group of individuals there, right?

13 A. I guess.

14 Q. Yeah. And these guns - and these guys had guns. I
15 mean, Barry used to have a gun. Steven Phillips used to have
16 a gun. All these guys totting guns. Would you know?

17 A. I wouldn't.

18 Q. Fair enough. But either way, according to the words
19 that you used to law enforcement, the only reason Christopher
20 Shumpert went over there was just to scare Barry Chavis and
21 all he wanted Mr. Jones to do was just keep everyone back,
22 right?

23 A. Mm-hmm. I mean, I can't really speak on what
24 happened because I wasn't there, you know, but that's just
25 what was said to my knowledge.

1 Q. Just let me ask you to clarify one thing here.

2 A. Okay.

3 Q. I think we read this and I apologize if this has
4 been asked and answered but, it's clear according to your
5 report, according to your statement one of the other things in
6 how you were describing how Chris was acting, is that Aiken
7 states that she felt that Shumpert was acting crazy and out of
8 control. That's what you told law enforcement.

9 A. I said that. You're right. You're correct. Uhm,
10 but I said he was acting nonchalant and, uhm, not whenever he
11 got back in the vehicle after.

12 Q. Oh, this was on the phone?

13 A. Nonchalant on the phone. He --

14 Q. Right.

15 A. -- was acting, you know --

16 Q. Yeah. He was acting --

17 A. -- angry.

18 Q. Right.

19 A. I would use that word --

20 Q. Right.

21 A. -- angry.

22 Q. Angry, crazy and out of control like he wasn't
23 himself?

24 A. Correct. Yeah.

25 MR. MYERS: Thank you, Your Honor. No further

1 questions.

2 THE COURT: Ms. Patterson.

3 MS. PATTERSON: Thank you, Your Honor.

4 REDIRECT EXAMINATION

5 BY MS. PATTERSON:

6 Q. Jaqueline, Mr. Myers was asking you about your
7 charge that you had pending before this incident on March 27th
8 of 2020. Do you remember that?

9 A. I do remember him saying that.

10 Q. And was I your prosecutor in that charge?

11 A. No, ma'am.

12 Q. Was Mr. Pogue your prosecutor in that charge?

13 A. No. The first time I've met any of you was in
14 Camille Graham Center when you came February 15th, I
15 believe.

16 Q. So that's the first time you've met either me or Mr.
17 Pogue, correct?

18 A. Correct.

19 Q. In fact, you were assigned another prosecutor in my
20 office, right?

21 A. I don't remember her name but yes. It wasn't you.

22 Q. And you, your daddy hired you a private attorney
23 Hank Burriss?

24 A. Yes, ma'am.

25 Q. And he represented you on those charges?

1 A. Correct.

2 Q. And do you remember discussing with anybody in my
3 office during the handling of your charges about this case?

4 A. No. I didn't get spoke to about this until February
5 15th of this year.

6 Q. So the facts of this case never came up in any of
7 those dealings --

8 A. No, ma'am.

9 Q. -- pertaining to those charges that you pled to or
10 that was dismissed?

11 A. That's correct.

12 Q. In fact, nobody in my office has made you any
13 promises regarding those charges, have they?

14 A. No, ma'am.

15 Q. And regarding Mr. Myers saying that you violated
16 Judge McCaslin's order, --

17 A. Right.

18 Q. -- again, how old are you, Jackie?

19 A. I'm 21.

20 Q. Are you nervous about being here?

21 A. Very.

22 Q. And what was your intention when you asked
23 Mr. Medford did you do okay?

24 A. Uhm, I have really bad anxiety and I just really
25 wanted to know if I was, you know, it wasn't really even about

1 the case in general because my answers are my answers but,
2 uhm, I do apologize to the Court for violating, uhm, your
3 order, Judge, but, uhm, it was really just about was I, you
4 know, speaking well like because I know I've been told
5 multiple times, hey, speak into the microphone. I'm just very
6 nervous. This is a lot for being brought back up.

7 Q. And was it your intention to do anything to try to
8 -- Strike that. And Mr. Myers asked you about BJ's house,
9 called it the hangout house, the drug house, things like that.
10 And you also stated when I asked you did y'all have to get
11 permission to go to BJ's house?

12 A. We definitely did. He did not like people just
13 pulling up. Like, yeah, we, people hung out there and stuff
14 like that, but he did have rules to his house and, uhm, like
15 I'm gonna be honest, you know, people did come out and hang
16 out, but he also had a time where he was like, yo, if you need
17 to leave, you need to leave and, uhm, you know, you respected
18 that because he was kind enough to let us come in and like be
19 there when we didn't have no place to go, you know, and I
20 respect that.

21 Q. And did you and BJ, did y'all have a lot of
22 belongings at his house?

23 A. Uhm, not, not many. Not many. I don't even
24 remember what I even had there or what Chris had there, uhm.
25 Right. Yeah.

1 Q. Because where was most of your belongings?

2 A. In Chris' vehicle.

3 Q. And where at in his vehicle?

4 A. Uhm, in the trunk, I believe. On the back seat.

5 Q. And did Chris ever contact law enforcement to help
6 him collect his belongings at BJ's house?

7 A. No, ma'am.

8 Q. He just took it upon himself to go seek out Daniel,
9 to get guns and go to BJ's house?

10 A. Yes, ma'am.

11 Q. And did you know Daniel to always have guns?

12 A. Uhm, I didn't like know of him to just like always
13 carry, but I know like through communication with others and
14 in hearing them that he could get them.

15 Q. So was it Chris' idea to go find Daniel because he
16 knew Daniel had guns?

17 A. I could say - I mean, yeah.

18 Q. Because Chris has a brother, don't he?

19 A. He does.

20 Q. Has a twin brother, don't he?

21 A. A twin.

22 Q. But he didn't go and find his brother to go help him
23 just scare BJ, did he? Or did he go look for his brother?

24 A. Uhm, I, I don't recall.

25 Q. But you recall him looking for Daniel?

1 A. Yes.

2 Q. And you stated, did your daddy, would your daddy
3 give you money during your addiction?

4 A. No. Uhm, he, I mean, he might have helped me out a
5 time or two, but I didn't go to him and ask for money. That
6 was a pride thing for me. I didn't, I didn't like doing
7 that.

8 Q. So it was very unlikely your dad was the one who
9 gave you the money that Jada --

10 A. Very unlikely.

11 Q. That you owed her?

12 A. Right.

13 Q. And owed Steven?

14 A. Yes. I didn't even remember that until a few months
15 ago. Yeah.

16 Q. And you stated and Mr. Myers was asking you about
17 this, Chris was upset that BJ picked Jada and Bubba over you
18 and Chris?

19 A. Yeah. That is correct. Yeah.

20 Q. This made him upset?

21 A. To my understanding, yeah.

22 Q. And what made you feel like he was upset? What was
23 he - how was his demeanor?

24 A. Uhm, you know, he was just, you know, angry and
25 just, I mean, not himself and he was just angry.

1 Q. He was angry?

2 A. Yeah.

3 Q. And then you talked about that telephone call, him
4 being nonchalant when he was telling his mom what happened?

5 A. I mean, he, he was still had like anger, like upset
6 in his voice, but it was just more like a nonchalant type of
7 way he said it, you know, like it was like, I guess it really
8 didn't resonate with him that that just happened, yeah, if
9 that makes sense.

10 Q. Jaqueline, when we came to meet with you in the
11 beginning of February, did you already have your release
12 date?

13 A. I did. It was March 15th.

14 Q. As a matter of fact, you told us that date, didn't
15 you?

16 A. I did.

17 Q. Okay. So we had nothing to do with your release
18 date?

19 A. No.

20 Q. And when you asked Investigator Medford did you do
21 okay, he didn't respond to you, did he?

22 A. He did not. He said, I can't discuss anything with
23 your case, and I said, you're right. I apologize, and that
24 was how that conversation went.

25 MS. PATTERSON: Thank you, Jaqueline.

1 THE WITNESS: Yes, ma'am.

2 RECROSS EXAMINATION

3 BY MR. MYERS:

4 Q. Jackie, I don't want to go down a rabbit hole
5 because you testified that when you woke up that morning using
6 heroin, right?

7 A. Yes, sir.

8 Q. And the prosecutor has already said it and if
9 there's gonna be subsequent testimony that Barry Chavis shot
10 at Christopher Shumpert, you don't recall that, do you?

11 A. I can't say that. I'm not gonna, I'm not gonna lie.
12 I don't recall that happening --

13 Q. Sure.

14 A. -- but it could have.

15 Q. Sure.

16 A. I just don't remember.

17 Q. Certainly someone getting shot at or hearing a gun
18 shot is a startling event, right?

19 A. Correct. I agree.

20 Q. And guns generally tend to make loud noises --

21 A. They do.

22 Q. -- right? Not remembering something like that
23 certainly is bigger than not remembering whether or not you
24 borrowed money from your dad?

25 A. Yeah.

1 Q. Now, because you were using drugs that day, you
2 testified that you didn't want to call law enforcement because
3 you didn't want that heat on you, right?

4 A. Uhm, yes, that's correct.

5 Q. Chris --

6 A. Me and him.

7 Q. Yeah.

8 A. We were dating at the time, you know.

9 Q. Yeah.

10 A. Mm-hmm.

11 Q. He knew you were using drugs because he was using
12 drugs with you?

13 A. Right.

14 Q. So the fact that law enforcement wasn't called had
15 nothing to do other than, hey, man, you're high, I'm high, we
16 don't want to call law enforcement.

17 A. Yes, sir.

18 MR. MYERS: Thank you. No further questions.

19 MS. PATTERSON: May the witness be excused?

20 THE COURT: Ms. Aiken, you're excused.

21 THE WITNESS: Yes, ma'am.

22 THE COURT: You want to call your next witness.

23 MS. PATTERSON: May we approach?

24 (Side bar off the record.)

25 THE COURT: I'm going to let the jury go to the jury

1 room real quick. Remember, don't talk about the case
2 amongst yourselves. Thank you.

3 (Whereupon, the jury entered the jury room at 11:20
4 a.m.)

5 THE COURT: Y'all come back.

6 (Short break.)

7 THE COURT: All right. The State ready to proceed?

8 MR. POGUE: Yes, ma'am, Your Honor.

9 THE COURT: The defense?

10 MR. MYERS: Yes, ma'am.

11 THE COURT: Let's bring the jury in.

12 (Whereupon, the jury entered the courtroom at 11:45
13 a.m.)

14 THE COURT: All right. Mister Foreman, is the jury
15 ready?

16 FOREMAN: Yes, Your Honor.

17 THE COURT: Be seated please. Call your next
18 witness.

19 MR. POGUE: Thank you, Your Honor. The State calls
20 David Payton.

21 Thereupon,

22 DAVID ALAN PAYTON

23 after having been first duly sworn, testified as follows,

24 THE CLERK: Please have a seat. Once you're seated,
25 state your full name spelling your last please.

1 THE WITNESS: My name is David Alan Payton.

2 DIRECT EXAMINATION

3 BY MR. POGUE:

4 Q. Mr. Payton, you go by Bubba, don't you?

5 A. Yes, sir.

6 Q. All right. Do you mind if I call you that?

7 A. I don't mind.

8 Q. Okay. Bubba, you nervous about testifying today?

9 A. Not really.

10 Q. Okay. Let me ask you this: Where were you staying
11 in March of 2020, do you remember?

12 A. Fish Hatchery Road.

13 Q. Fish Hatchery. Do you remember whose house that
14 was?

15 A. BJ's.

16 Q. BJ. Is that your friend that was murdered on March
17 27th?

18 A. Yes, sir. It was.

19 Q. Okay. And how long had you been staying there, do
20 you recall? When March 27th, 2020 rolled around, how long had
21 you been staying there approximately?

22 A. One to two months.

23 Q. One to two months. Okay. And who were you staying
24 there with?

25 A. I was staying there with BJ and my girlfriend

1 Jada.

2 Q. Okay. And how long had you been dating Jada at the
3 time, do you remember?

4 A. Uhm, probably right at six months, something like
5 that probably, not a year.

6 Q. And you and Jada, y'all have a son together, don't
7 you?

8 A. Yes, sir.

9 Q. And at the time on March 27th, I think you said it
10 was you and BJ and Jada that were living there?

11 A. Yes, sir.

12 Q. Y'all had been there about a month. Do you know
13 whether anybody else, you know, stayed over there from time to
14 time or came over there earlier that morning?

15 A. Jaqueline and Chris.

16 Q. Okay. Who is Jaqueline and who is Chris?

17 A. Chris, we've always been friends, but Jaqueline and
18 Chris.

19 Q. Try and speak into the microphone. So when you say
20 Chris, you're referring to the defendant Christopher
21 Shumpert?

22 A. Yes, sir.

23 Q. Okay. And when you say Jaqueline, are you referring
24 to his girlfriend at the time?

25 A. His girlfriend, yes.

1 Q. Jaqueline Aiken?

2 A. Yes.

3 Q. Okay. And did you know them at the time as well?

4 A. Yes, sir.

5 Q. Okay. And did y'all hang out from time to time?

6 A. Yes, sir.

7 Q. Okay. And how long had you known them?

8 A. I've known them for a few years. We went to school
9 and we was all around the same age group and hung out with
10 them.

11 Q. Okay. And so you say that they came over there, or
12 excuse me, they were staying there that night or there that
13 morning of March 27th?

14 A. Yes, sir.

15 Q. Okay. Did they take showers there that morning?

16 A. Yes, sir.

17 Q. Okay. Now, did they stay there all day or did they
18 end up leaving at some point?

19 A. They left that morning.

20 Q. Okay. All right. And do you know anything -- Let
21 me just go ahead and clear the air in regard to this. You and
22 Jaqueline and Jada, were y'all engaged in drug use at the
23 time?

24 A. Yes, sir. We did use.

25 Q. Okay. All right. And also as we'll just go ahead

1 and get it out of the way. You do have pending charges right
2 now in Richland County; is that right?

3 A. Yes, sir.

4 Q. And you've got a possession of meth, possession of
5 stolen vehicle over 2000 times two, two counts, driving under
6 suspension and a possession of marijuana. Does that sound
7 right?

8 A. Yes, sir.

9 Q. Okay. Then you've also got in regard to convictions
10 you've got, from 2021 you've got a possession of meth, a
11 burglary third first offense, a receiving stolen goods over
12 2000 and a use of vehicle without permission with intent to
13 deprive from 2022. Does that sound right?

14 A. Yes, sir. That's right.

15 Q. Okay. All right. Let me ask you this: Has anybody
16 from our office ever promised you anything or told you what to
17 say?

18 A. No, sir.

19 Q. Have we ever talked about any of your pending
20 charges in regards to the facts of this case?

21 A. No, sir.

22 Q. Prior to March 21st, about a week ago, I guess a
23 week ago to the day, had you ever spoken to anybody in our
24 office about this case?

25 A. No, sir.

1 Q. Okay. So back to what we were talking about. So,
2 Jaqueline, I believe you said Jaqueline and the defendant left
3 BJ's that morning, correct?

4 A. Mm-hmm. Yes, sir.

5 Q. Okay. Now, do you know anything about Jada loaning
6 Jaqueline money?

7 A. Yes, sir.

8 Q. Okay. Do you recall about how much that was?

9 A. \$50.00.

10 Q. Okay. And when they left that morning, did she
11 still owe Jada that money?

12 A. Yes, sir.

13 Q. Okay. After they left, later that day, do you know
14 whether Jada tried to contact Jaqueline?

15 A. Yes, sir.

16 Q. Do you recall if she tried to contact her
17 repeatedly?

18 A. Yes, sir.

19 Q. And was she ever able to get in touch with
20 Jaqueline?

21 A. No, sir.

22 Q. Okay. Later that afternoon, did you and/or Jada or
23 BJ ever leave to go anywhere?

24 A. Yes, sir. We left and, well, we figured they was
25 hanging out over there on Treemount so we went by there.

1 Q. Is that Lane's house you're talking about on
2 Treemount?

3 A. Yes, sir.

4 Q. Okay. So who drove y'all over there?

5 A. BJ.

6 Q. So BJ drove. Did he drive his truck?

7 A. Yes, sir. He drove his truck.

8 Q. Okay. All right. Is that a Dodge Dakota?

9 A. Yes, sir.

10 Q. And it was BJ driving and you and Jada were in the
11 truck?

12 A. Yes, sir.

13 Q. All right. And y'all went over to Lane's. What
14 happened when you all got to Lane's on Treemount Drive?

15 A. Uhm, Chris and Jaqueline was there and Jada was
16 specifically saying asked for her money back and they got into
17 a physical altercation.

18 Q. Hold on just a second. Slow down a little bit. You
19 say the defendant and Jaqueline, his girlfriend were there at
20 Lane's?

21 A. Yes, sir.

22 Q. And what happened when y'all got out of the
23 vehicle?

24 A. Jada and Jaqueline got into a physical altercation
25 about the \$50.00 and she did get her money back from her and

1 then we left.

2 Q. Okay. When you say "we left", do you recall Steven
3 showing up at Lane's house --

4 A. He was there --

5 Q. -- when y'all were there?

6 A. He was there also when we got there.

7 Q. Okay. All right. And when you say "we left", so
8 after they got in the fight and Jada took money that she
9 believed she was owed back from Jaqueline, y'all got back into
10 BJ's truck?

11 A. Yes, sir.

12 Q. Okay. Who y'all got back into BJ's truck? Was it
13 just the three of y'all or was Steven getting in the truck
14 too?

15 A. Steven got in the truck as well.

16 Q. Okay. So y'all got back into the truck. What
17 happened after y'all got back into the truck?

18 A. Uhm, we left going back to BJ's and like midways
19 down Treemount, halfway down Treemount, uhm, Chris come up
20 behind us, got in front of us in his vehicle, comes to a
21 complete stop which brought us to a stop.

22 Q. You say Chris was driving his vehicle. Do you
23 recall what kind of vehicle that was?

24 A. A Chevy Malibu.

25 Q. Okay. Black?

1 A. It was black, dark blue.

2 Q. And you say he pulled around y'all when y'all were
3 traveling down Treemount?

4 A. Yes, sir. He went around us and got in front of us
5 and slammed on brakes and as he stopped, we had to come to a
6 complete stop.

7 Q. And what happened after that?

8 A. Well, then he hopped, Chris hopped out of his
9 vehicle and was coming up to BJ's truck with the intentions to
10 like mess it up really and BJ --

11 Q. So the defendant got out of his vehicle after he
12 blocked BJ's truck --

13 A. Mm-hmm.

14 Q. -- and came towards the truck?

15 A. Mm-hmm.

16 Q. Did he, did he come out the truck, did he have
17 anything in his hands?

18 A. I can't really - I can't recall.

19 Q. Okay.

20 A. But he definitely had the intentions of --

21 Q. Okay.

22 A. -- beating the truck up.

23 Q. Okay. So what happened after that, after he starts
24 coming at the truck?

25 A. BJ, BJ pulled out a firearm and shot one shot, one

1 shot at the ground, a warning shot and as Chris was, you know,
2 getting back in the vehicle and just drove.

3 Q. Now, just to be clear, BJ, did he point the gun at
4 the defendant?

5 A. No, sir. He did not.

6 Q. Was he trying to shoot the defendant?

7 A. No, sir.

8 Q. What was he trying to do?

9 MR. MYERS: Objection. Calls for speculation.

10 MR. POGUE: Your Honor, I believe I'm asking him
11 what he observed. I'm not asking him to speculate on
12 anything. What was he trying to do.

13 THE COURT: Well, he can testify to what he saw.

14 MR. POGUE: Okay. So I'll rephrase the question.

15 BY MR. POGUE:

16 Q. When BJ put the gun out of the window, where did he
17 point the gun?

18 A. The ground.

19 Q. Okay. And what did he do after he fired, after he
20 pointed the gun at the ground?

21 A. He asked Chris, he told Chris to get in the car and
22 told him to leave.

23 Q. And what happened after he pulled the gun out and
24 fired it, I believe you said, into the ground and told him to
25 leave?

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1 A. Chris got back in the vehicle and left and we went
2 back to BJ's house.

3 Q. Okay.

4 A. But BJ never pointed no firearm or nothing like that
5 in his direction or nothing like that.

6 Q. So he didn't point -- Did he, did he point the gun
7 at the defendant?

8 A. No, sir. Mmm-mmm.

9 Q. So after that you say that the defendant does get
10 back in his vehicle and leaves?

11 A. Yes, sir.

12 Q. What do y'all do after that?

13 A. We went back to BJ's house.

14 Q. Okay. So when y'all got back to BJ's, just to
15 clarify, who's in the vehicle? Who's in the car again? It's
16 you.

17 A. Me, BJ, Jada and Steven.

18 Q. Okay. And so y'all get back to BJ's. And when
19 y'all get back to BJ's, what are y'all, I mean, are you all
20 expecting them to show up? Are you all still upset about
21 anything, or did you think it was over at that point in
22 time?

23 A. Pretty much we thought it was over.

24 Q. Okay. So what happened after y'all got back to
25 BJ's?

1 A. Approximately 45 minutes after we got back, Chris
2 and Daniel pulled back up with firearms, hopped out, put,
3 Chris put the firearm to BJ's face and told him --

4 Q. Hold on a second. When you say approximately 45
5 minutes, do you know how much time passed or was it just some
6 amount of time? Are you guessing or do you know?

7 A. It was, I know it was approximately like 45 minutes,
8 an hour.

9 Q. All right.

10 A. It wasn't long.

11 Q. Okay. So you say the defendant pulled back up at
12 BJ's sometime after y'all get back?

13 A. Yes, sir.

14 Q. Who's in the vehicle when they pull up?

15 A. Him and Daniel.

16 Q. Okay.

17 A. Chris and Daniel.

18 Q. Okay. So do you - were you inside or were you
19 outside? Like did you hear a commotion? Like what
20 happened?

21 A. I was outside on the front porch.

22 Q. Okay. All right. So when you see them pull up,
23 what happens next?

24 A. Chris got out with a pistol and put it in BJ's face
25 and asked, told him, how does that feel now?

1 Q. Okay. And what happened after that?

2 A. They exchanged some words. BJ asked him to leave
3 and then as Chris walked back to his vehicle, he turned around
4 and fired off a couple shots, a couple shots and I want to say
5 about the third or fourth shot hit BJ and then as BJ was
6 falling in front of his truck, Daniel started shooting the
7 truck up from the back to the front, to the back of his truck
8 and --

9 Q. Okay. Hold --

10 A. -- there was real --

11 Q. Hold on. Stop right there because you're giving a
12 lot of information and I want to make sure I understand what
13 you're saying. So do both the defendant and Daniel get out of
14 the vehicle when they pull up?

15 A. Yes, sir.

16 Q. Okay. And what kind of gun did the defendant have,
17 do you remember?

18 A. He had a handgun, pistol.

19 Q. Okay. So he had a handgun. What kind of gun did it
20 look like that the, that his accomplice Daniel Jones had?

21 A. It was a AR rifle.

22 Q. Okay. And who was driving just to be clear?

23 A. Chris was driving.

24 Q. So he got out on the driver's side?

25 A. Yes, sir.

1 Q. And Daniel Jones got out on the passenger side?

2 A. Yes, sir.

3 Q. Okay. And I believe your testimony was that the
4 defendant approached BJ?

5 A. Yes, sir.

6 Q. BJ was in his front yard near his truck, is that
7 what you said?

8 A. Yes, sir.

9 Q. All right. So did Daniel stay where he was at that
10 point next to the passenger side?

11 A. Yes, sir.

12 Q. Okay. So they exchange words. What happened
13 next?

14 A. BJ asked him to leave and as Chris was walking back
15 to his vehicle, he turned around and like I say fired off
16 three or four shots.

17 Q. Now, was he firing at the ground or was he firing in
18 the direction of BJ?

19 A. Uh, I might say he was, it was in the direction of
20 BJ.

21 Q. Okay. All right. And how about, you said I think
22 after a couple of shots, Daniel Jones started firing from
23 where he was standing as well?

24 A. Yes.

25 Q. Was he standing next to his vehicle, near his

1 vehicle, he being BJ?

2 A. BJ was, he was --

3 Q. When they were shooting at him, was he, was he near
4 his vehicle?

5 A. Yeah. He was near his vehicle.

6 Q. Okay. Have you got the laser pointer up there,
7 Bubba?

8 A. (Indicating.)

9 Q. Okay. I'm gonna show you State's Exhibit 3. Do you
10 recognize where that is?

11 A. Yes, sir.

12 Q. Okay. And so point to me about where you think the
13 car was just approximately about where the car was that the
14 defendant was driving when they pulled up and where they
15 stopped.

16 A. The car was approximately right here.

17 Q. Okay. And so the defendant got out of the driver's
18 side and Daniel Jones got out on the passenger side. Where
19 was BJ when they started firing?

20 A. He was approximately right here.

21 Q. Okay. And where were the defendant and Daniel Jones
22 just approximately about where were they?

23 A. Chris was about right here, the car is in the middle
24 of them, Daniel Jones was right here on this side of the
25 tree.

1 Q. Okay. All right. So after -- Did they, did they
2 fire once or twice or was it like a number of shots?

3 A. It was definitely a number of shots.

4 Q. Okay. So what happened after they were, after they
5 stopped firing?

6 A. Uh, they hopped back in the vehicle and reversed out
7 but as they was reversing, they continued shootin'.

8 Q. Okay. All right. And after they leave, what
9 happened next?

10 A. After they left, me and Jada ran to assist BJ.

11 Q. Okay. Let me rewind. I forgot to ask you. Did BJ
12 have a gun on him at the time?

13 A. No, sir.

14 Q. The gun that he used when he was in the truck, he
15 didn't have that gun on him at the time?

16 A. No, sir. It was --

17 Q. Where --

18 A. It was in the door of the truck.

19 Q. Okay. All right. Did anybody that was outside at
20 the time when they started firing have any weapons? Was
21 anybody armed?

22 A. No, sir.

23 Q. All right. So you said you and Jada were the first
24 ones to get to BJ?

25 A. Yes, sir.

1 Q. Okay. Describe, you know, what he looked like or
2 where he was. Was he face up, face down?

3 A. He was in front of, in front of his truck. He was
4 kind of, I would say face down. We rolled him over and, uhm
5 --

6 Q. When you got to him, he was face down and y'all
7 rolled him over?

8 A. Right. (Witness nodding head.)

9 Q. All right. Can you describe his wounds that he
10 had?

11 A. I know that his jaw was pretty much ripped off.
12 And, uhm, that's really the only wound I could actually
13 physically see because I was --

14 Q. Was he, was he bleeding a lot?

15 A. Yes, sir.

16 Q. Okay. Do you recall whether anybody tried to stop
17 the bleeding?

18 A. Yes, sir. Steven took his shirt off to try to, he
19 gave it to Jada to, you know, pretty much stop the bleeding.
20 I ran inside to grab a bunch of towels.

21 Q. Was 911 called at that point?

22 A. Yes, sir.

23 Q. So you were there when law enforcement and EMS and
24 fire rescue got there?

25 A. Yes, sir.

1 Q. Okay. Were you ever asked by law enforcement what
2 happened?

3 A. Yes, sir.

4 Q. And did you give a statement to law enforcement
5 about what happened?

6 A. Yes, sir.

7 Q. Okay. Did you give both oral and written?

8 A. Yes, sir.

9 MR. POGUE: No further questions, Your Honor.

10 THE COURT: Thank you. Mr. Myers.

11 CROSS EXAMINATION

12 BY MR. MYERS:

13 Q. Good afternoon, Mr. Payton.

14 A. Good afternoon.

15 Q. You said they call you Bubba --

16 A. Yes, sir.

17 Q. -- is that right? Is it all right if I call you
18 Bubba too?

19 A. That's fine.

20 Q. I know a lot of Bubba's. A common name. So I want
21 to talk a little bit. BJ was your friend, right?

22 A. Yes, sir.

23 Q. He allowed you and Jada to stay in his house,
24 right?

25 A. Yes, sir.

1 Q. Probably didn't charge you anything by way of rent,
2 did he?

3 A. No, sir.

4 Q. Y'all folks just basically just there just, hey,
5 man, we need a place to stay and we got no place else to go,
6 he would let you stay there, right?

7 A. Yes, sir.

8 Q. You've already testified that back then you were on
9 drugs, right?

10 A. Yes, sir.

11 Q. How old were you back then, 18?

12 A. I was 20.

13 Q. 20. All right. So you're 23 now.

14 A. Now I'm 22. I'll be 23 in August.

15 Q. All right. So you were living there rent free,
16 right, you and Jada, right?

17 A. Yes, sir.

18 Q. And because you were using some drugs back then, and
19 we've already heard testimony that a lot of people were using
20 drugs back at BJ's house, right? Right?

21 A. I mean, I mean, yeah.

22 Q. Yeah. I think your drug of choice was ice and
23 heroin; is that right?

24 A. No, sir.

25 Q. What was your drug of choice?

1 A. Ice and weed.

2 Q. Ice and weed. Ice, that's the same thing as
3 methamphetamine?

4 A. Yes, sir.

5 Q. Now, were they pills or were you smoking it or were
6 you shooting it or what?

7 A. Smoking it.

8 Q. Smoking it?

9 A. Smoking.

10 Q. All right. So, you were using it pretty heavily
11 back then?

12 A. Uhm, I wouldn't say heavily, but I was using it.

13 Q. All right. Now, going back to the actual date --
14 Well, before that, we've heard testimony, Bubba, that Jada
15 loaned Jaqueline \$50.00 for the hotel room, right?

16 A. Yes, sir.

17 Q. Were you with them when they stayed at this hotel
18 room?

19 A. No, sir.

20 Q. Who all stayed at the hotel room?

21 A. You talking besides Jaqueline and Chris?

22 Q. Yeah.

23 A. Just Jaqueline and Chris as far as I know.

24 Q. Just the two of them?

25 A. Mm-hmm.

1 Q. So if there was testimony that you and Jada stayed
2 there, that wouldn't be true?

3 A. No, sir.

4 Q. So but we know that Jada loaned Jackie the money for
5 she and Chris to stay at the hotel.

6 A. I don't even recall what the money was, what she
7 loaned her money for. I just know she loaned her \$50.00.

8 Q. All right. Do you recall giving, or seeing Jada
9 give Jackie the \$50.00?

10 A. Yes, sir.

11 Q. Where did, where did Jada get the money from?

12 A. She gets money from her parent or her grandma or
13 something like that.

14 Q. All right. Now, over the time spent -- And she gave
15 Jackie that money the day before Barry was shot?

16 A. No, sir. The same morning.

17 Q. So the same morning?

18 A. Yes, sir.

19 Q. So the same morning that she loaned this money and
20 then the same morning she wants that money back?

21 A. Yeah. Because Jada had an agreement that Jaqueline
22 was supposed to be coming right back.

23 Q. All right. So --

24 A. Coming right back.

25 Q. So --

1 A. She know, she knew Jada needed the money for other
2 stuff that she needed.

3 Q. All right. Were you with Jackie when she left to go
4 get the money to bring it back to Jada?

5 A. No, sir.

6 Q. Did Jada tell her at all where she had to go to get
7 the money from?

8 A. Did Jada say where she had to get the money from?

9 Q. Yeah. Did, did Jackie say, hey, I gotta go get this
10 --

11 MR. POGUE: Your Honor, I'm gonna object.

12 BY THE WITNESS:

13 A. No. I can't say --

14 THE COURT: Go ahead.

15 MR. POGUE: I'm gonna object to the question trying
16 to elicit hearsay.

17 THE COURT: All right.

18 BY MR. MYERS:

19 Q. That's fair, Bubba. You wouldn't know. Do you know
20 where Jada -- Do you know where Jackie would have gone to
21 borrow the money to pay Jada?

22 A. We was all at BJ's house that morning.

23 Q. Okay.

24 A. Like I said, Chris and Jaqueline stayed at BJ's
25 house the night before, woke up, we was all there at the same

1 house still, all right? Jada and Jaqueline, they, Jaqueline
2 asked Jada to borrow the money so therefore she borrowed the
3 money at BJ's house, never left to go nowhere or nothing like
4 that as far as like to get the money, no.

5 Q. All right. So at some point though they left and
6 then that's when y'all met them back up on Treemount Lane,
7 right?

8 A. Uhm, I would say it was a couple hours --

9 Q. So --

10 A. -- a couple hours, a few hours afterwards.

11 Q. So, according to your testimony, both Chris and
12 Jackie are at Barry's house with you and Jada, right?

13 A. (Witness nodding head.)

14 Q. And according to you, Jada gives to Jackie \$50.00,
15 right?

16 A. Right.

17 Q. And so that same day, not the day before, but
18 according to your testimony the same day, Jada, or Jackie and
19 Christopher later then go to Treemount Lane, right?

20 A. Say that one more time.

21 Q. After Jada gave --

22 A. Gave money to Jaqueline.

23 Q. -- Jackie the money, Chris and Jackie then leave and
24 y'all don't link up again until Treemount Lane --

25 A. Correct.

1 Q. -- right?

2 A. Correct.

3 Q. But before Chris and Jackie left, according to you,
4 she told Jada that she was leaving and coming right back with
5 the money?

6 A. Correct.

7 Q. So there was no hotel stay involved?

8 A. No.

9 Q. Okay. So at some point though several hours later
10 you and Jada then link back up with Chris and Jackie on
11 Treemount, right?

12 A. We really left. We figured they was over there
13 hanging out because we couldn't get in touch with them on the
14 phone.

15 Q. Sure. And when y'all rolled up, when I say y'all, I
16 mean you, Jada, Steven Phillips and Barry Chavis.

17 A. No. Me, Jada and Steven. I mean Barry, BJ. Steven
18 was already there.

19 Q. So Steven was already there so just the three of
20 you?

21 A. Yes. Just me, Jada and BJ.

22 Q. So, how did you know Steven was already there?

23 A. I didn't.

24 Q. All right. So he just, he was just, he just
25 happened to have been there when y'all popped up?

1 A. Yes, sir.

2 Q. All right. So when y'all get there, that's when
3 Jada and Jackie had this fight over the money?

4 A. Mm-hmm.

5 Q. Isn't it true that Jada actually took more than the
6 \$50.00 that was owed to her?

7 A. I don't recall.

8 Q. You don't know?

9 A. I don't recall. I just recall that she got her
10 \$50.00 that was owed to her.

11 Q. But you do recall seeing them fight?

12 A. Yes, sir.

13 Q. It was all over \$50.00?

14 A. Yes, sir.

15 Q. Chris Shumpert didn't do anything to instigate or
16 start the fight between the two of them, did he?

17 A. No, sir.

18 Q. He didn't do anything to promote the fight and say,
19 hey, you need to get her, or you need to fight her, you need
20 to do anything and he didn't do anything to start that
21 fight?

22 A. No, sir.

23 Q. That was just between Jada and Jackie, right?

24 A. Yes, sir.

25 Q. And after the fight, you, Barry, Steven Phillips and

1 Jada, y'all get into Barry's car and y'all leave Treemount,
2 right?

3 A. Yes, sir.

4 Q. Now, according to your testimony now is that at some
5 point the two cars stop and Chris gets out of his car,
6 right?

7 A. Yes, sir.

8 Q. Where were you sitting in Barry's car?

9 A. In the passenger seat.

10 Q. The front passenger seat?

11 A. Mm-hmm.

12 Q. What kind of car was this?

13 A. Dodge Dakota.

14 Q. So is that like the extended cab? What kind of car
15 is this?

16 A. Two doors, but it has the three seats in the front
17 and the two seats in the back.

18 Q. So do you have to open two doors or you just open,
19 or is it a four door or two door?

20 A. It's just like I want to say it was three door.

21 Q. Three?

22 A. Like two front doors and one on the side I
23 believe.

24 Q. All right. So when Chris walks up to the car, your
25 testimony is that he approached the driver's side, Barry's

1 side, Barry was sitting there at the time?

2 A. Yes, sir.

3 Q. Now, I want to go back a little bit. You said that
4 you were already under, you had been under the influence at
5 that time and we've heard testimony that there was heroin use
6 starting in that morning. Had you used that day?

7 A. No. I don't, I've never used heroin.

8 Q. Had you used any drug that day?

9 A. I used ice.

10 Q. All right. So you popped some ice pills that day?

11 A. No. I smoked.

12 Q. You smoked?

13 A. Yeah.

14 Q. What did you smoke that day?

15 A. Ice.

16 Q. Ice. So you were high off of ice that day?

17 A. Yeah, but I wasn't under the influence where I
18 couldn't comprehend what was going on or nothing like that.

19 Q. So you smoked ice and you said, hey, I wasn't under
20 the influence of it though. That's your testimony?

21 A. No. That's not what I said.

22 Q. So what are you saying?

23 A. Yes. I used ice that morning.

24 Q. All right. And you had smoked ice that morning.
25 How much ice did you smoke that morning?

- 1 A. Less than a, less than a gram.
- 2 Q. Good Lord, that's a lot, isn't it?
- 3 A. No. Less than half a gram, .2.
- 4 Q. By yourself?
- 5 A. You make it sound like it's a lot.
- 6 Q. Yeah. I think so.
- 7 A. Mmm-mmm.
- 8 Q. So were you smoking by yourself?
- 9 A. You might say. Yeah.
- 10 Q. Okay. And so by the time this interaction between
- 11 Chris, Barry and Jada and Jackie, you were under the influence
- 12 and your testimony is that Chris comes up to Barry's car,
- 13 right?
- 14 A. Yes.
- 15 Q. And you testified earlier that you don't recall him
- 16 having anything in his hands?
- 17 A. I mean, not specifically, no.
- 18 Q. Okay. And you testified that you heard and saw
- 19 Barry pull out his gun, right?
- 20 A. (Witness nodding head.)
- 21 Q. He fired it at Chris, right?
- 22 A. No. He did not fire at Chris. He fired at the
- 23 ground. He didn't point, he didn't point in Chris' direction
- 24 at all.
- 25 Q. So the window of this Dakota, it ain't but so big,

1 right?

2 A. Yes.

3 Q. Chris is walking up to this Dakota, right, when
4 Barry pulled the gun out?

5 A. Chris was in the front of the Dakota.

6 Q. So he was in the front?

7 A. Yes, because he got in front of the truck, slammed
8 on the brakes, hopped out and was coming to the truck. It
9 wasn't on the driver's side, he was in front of the truck.

10 Q. So as he was approaching the driver's side --

11 A. He wasn't approaching the driver's side.

12 Q. Well, come down here for me.

13 A. He was approaching the front of the truck, in front
14 of the hood of the truck.

15 Q. Sure. Let's act this out, Bubba. Come on down here
16 if you would.

17 A. (Witness complies.)

18 Q. Now, Bubba, this is the Dakota truck. I know this
19 is a bad rendition of a Dakota truck, but this is the Dakota
20 truck, all right? I'm the driver. I'm Barry Chavis, okay?
21 And your testimony is that you would have been seated to the
22 right?

23 A. Mm-hmm.

24 Q. Where would everybody else have been?

25 A. Jada was in the middle and Steven was in the back.

1 Q. In the middle where?

2 A. In between me and BJ.

3 Q. Oh, I see. So she wasn't in the back, Jada. So it
4 was you, Jada, I'm sorry, Barry, Jada and you.

5 A. (Indiscernible.)

6 COURT REPORTER: Judge, I can't hear what's going
7 on.

8 THE COURT: All right. Y'all are gonna have to talk
9 a little bit louder for the --

10 BY MR. MYERS:

11 Q. Take your seat back, Bubba. Let's get --

12 THE COURT: -- court reporter.

13 BY THE WITNESS:

14 A. Barry was in the driver's seat.

15 BY MR. MYERS:

16 Q. I got you. Let's go a little further. See that man
17 right there, he's taking down everything. He had difficulty
18 hearing us, all right? So if I'm understanding, this is the
19 driver's seat?

20 A. The driver's seat and then you got Jada and then
21 me.

22 Q. All right. And Steven Phillips was in the back?

23 A. Yeah.

24 Q. Now, if you're Chris Phillips, where would Chris
25 Phillips have been?

1 A. Chris?

2 Q. Yeah. I'm sorry. Chris Shumpert.

3 A. Yeah. He got out of his vehicle and was coming to
4 in front of the truck so he was basically eye to eye with
5 BJ.

6 Q. All right. And so BJ, he had a gun, right?

7 A. And he pointed it out the window and started
8 shooting at the ground.

9 Q. Well, wait a minute. Don't get ahead of me here.
10 Don't get ahead of me. But he had a gun. You knew that
11 belonged to BJ?

12 A. Yes.

13 Q. And BJ oftentimes guns, right?

14 A. No.

15 Q. All right. So, BJ, according to you, pulled out his
16 gun, and how did he pull, what hand, what arm? You switch
17 places now. You be BJ.

18 A. He pulled it and then he pointed it directly at the
19 ground, fired off one shot, put the gun back in the truck.

20 Q. So he fired a shot?

21 A. Right at the ground --

22 Q. All right. And what did Chris --

23 A. -- as Chris was walking up.

24 Q. Okay. And there's no dispute that Barry pulled that
25 gun out and he fired that gun?

1 A. What do you mean no dispute? Like I said, he fired
2 out one warning shot --

3 Q. Right.

4 A. -- to stop Chris from fucking up his, or messing up
5 his truck.

6 Q. Right. As a result of that, what did Chris do?

7 A. Chris turned around, got back in his vehicle and
8 pulled off.

9 Q. Might have scared him, right? You ever been shot
10 at?

11 A. Uh, no, sir.

12 Q. And according to you, Barry pulled that gun out.
13 How many rounds did he have in the gun?

14 A. I don't, I don't recall.

15 Q. Could have been more than one?

16 A. I assume so.

17 Q. The gun that he had, did it have a clip?

18 A. Yep.

19 Q. Were you with him earlier in the day when he had
20 previously fired the gun?

21 A. No. He never - I have never really - he never
22 really pulled it out like that.

23 Q. Sitting here today do you know how many bullets were
24 in the clip?

25 A. No, sir.

1 Q. Did he have to chamber a round before he fired?

2 A. No, sir.

3 Q. So as soon as he pulled it out, he was at the ready,
4 he was ready to shoot?

5 A. I mean, I assume so.

6 Q. All right. And you've never been shot at before --

7 A. No, sir.

8 Q. -- you just testified, right? You don't know what
9 it's like to be shot at.

10 A. I mean, until this incident.

11 Q. All right. Now, at some point or after this
12 shooting, you then say that y'all go back to Barry's house,
13 right? Is that right?

14 A. Yep.

15 Q. Now, when - had you ever met Daniel Jones before?

16 A. Yes.

17 Q. When did you meet Daniel Jones?

18 A. In school.

19 Q. Where did y'all go to school by the way?

20 A. At Fulmer Middle School I believe.

21 Q. Fulmer. All right. So you've known him since
22 middle school?

23 A. Yes. Chris, too. I've known, like I said, we all
24 went to school together, around the same age group.

25 Q. Okay. So when they showed up at that time, your

1 testimony is that Chris had the handgun; is that right?

2 A. Yes.

3 Q. Specifically the handgun, right?

4 A. Yes.

5 Q. Nine millimeter; is that right?

6 A. I don't recall what caliber it was. I don't know,
7 but I know it was a handgun, yes.

8 Q. It was a pistol?

9 A. Yes.

10 Q. He never had the AR-15, did he?

11 A. Chris? No.

12 Q. The only person that had that AR-15 was Daniel
13 Jones, wasn't it?

14 A. Yes, sir.

15 Q. Now, do you know what bullets actually killed Barry
16 Chavis?

17 A. Uh, me personally I don't.

18 Q. All right. And you say that you were seated over on
19 the porch; is that right?

20 A. Yes, sir.

21 Q. So you weren't standing in proximity of Chris and
22 Daniel when they showed up?

23 A. Explain, can you explain a little better?

24 Q. I'm sorry. As far as proximity is concerned, when
25 they walked up, you were off to the porch; is that right?

1 A. I was more off to the side there.

2 Q. Off to the side. How many other people were on that
3 scene when Chris and Daniel showed up?

4 A. Me, Steven, Jada, BJ, Kevin and Todd.

5 Q. So about eight or nine people there?

6 A. About five or six.

7 Q. Five or six. But when they pulled up, the only
8 individual they were talking to was BJ?

9 A. Yes, sir.

10 Q. They weren't talking to you?

11 A. No, sir.

12 Q. They didn't even look over in your direction,
13 right?

14 A. I mean, they looked in my direction but they never
15 spoke to me.

16 Q. All right. And you are sure that at no time Chris
17 Phillips ever took possession - or Chris Shumpert ever took
18 possession of that AR-15?

19 A. No. He never had possession of an AR-15.

20 Q. Did you see when they drove away?

21 A. Yes.

22 Q. Did you hear gunshots after they drove away?

23 A. Yes.

24 Q. What kind of gunshots did you hear when they drove
25 away?

1 A. A gunshot's a gunshot.

2 Q. You couldn't tell whether or not it was a handgun?

3 A. It was a handgun because Chris had the handgun out
4 the driver's side window so he was shooting as he was backing
5 up.

6 Q. You say that was Chris?

7 A. As he was backing up he was shooting out the
8 window.

9 Q. You're sure about that?

10 A. I'm positive.

11 MR. MYERS: Thank you. No further questions.

12 MR. POGUE: Just a few, Your Honor.

13 THE COURT: Go ahead.

14 REDIRECT EXAMINATION

15 BY MR. POGUE:

16 Q. The defense asked you whether the defendant did
17 anything to promote the fight between Jada and Jaqueline. Did
18 BJ do anything to promote the fight between Jada and
19 Jaqueline?

20 A. No, sir.

21 Q. Okay. Do you keep a log book of how much drugs you
22 do and when you do them on what day?

23 A. No, sir.

24 Q. Okay. Do you remember how much drugs you did three
25 years ago?

DAVID PAYTON - REDIRECT BY MR. POGUE

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1 A. No, sir.

2 Q. Okay. You said that you had never been fired at or,
3 you know, fired at near until this incident occurred?

4 A. Yes, sir.

5 Q. And how were you feeling when Chris and Daniel were
6 firing at BJ?

7 A. Uhm, scared, of course, but especially when I seen
8 BJ fall, I noticed BJ was hit and I can't even explain the
9 feeling.

10 MR. POGUE: No further questions.

11 THE COURT: Any follow up?

12 MR. MYERS: No, ma'am, Your Honor, no follow up.

13 THE COURT: May I excuse this witness?

14 MR. POGUE: Yes, ma'am.

15 THE COURT: You can be excused. Call your next
16 witness. I would like to break for lunch at one. Do you
17 have a witness that can get us there?

18 MS. PATTERSON: Yes, ma'am. Possibly. The State
19 calls Corey Chaney.

20 Thereupon,

21 COREY CHANEY

22 after having been first duly sworn, testified as follows,

23 THE CLERK: Please have a seat. Once you're seated,
24 state your full name spelling your last please.

25 THE WITNESS: Corey Chaney, C-h-a-n-e-y.

1 DIRECT EXAMINATION

2 BY MS. PATTERSON:

3 Q. Good afternoon, Mr. Chaney. How are you?

4 A. Pretty good.

5 Q. Good. Mr. Chaney, where do you live, what area?

6 A. It's South Congaree, [REDACTED] Earline Drive.

7 Q. [REDACTED] Earline Drive?

8 A. Yes, ma'am.

9 Q. And who do you live at that address with?

10 A. My wife and my 17 year old daughter.

11 Q. What's your wife's name?

12 A. Jessica.

13 Q. And does Jessica have any children?

14 A. Uh, yes, ma'am. Three of them.

15 Q. And what are her children's names?

16 A. Dustin Jones, Daniel Jones and Elizabeth Harter.

17 Q. You said Daniel Jones, that's her son?

18 A. Yes, ma'am.

19 Q. And do you know the defendant Christopher

20 Shumpert?

21 A. Yes, ma'am.

22 Q. And how do you know Christopher Shumpert?

23 A. He was a buddy of Daniel Jones'.

24 Q. Would Christopher come over to your house sometimes

25 to see Daniel?

- 1 A. Uh, yes, ma'am.
- 2 Q. And was Daniel living with you in March of 2020?
- 3 A. He was living between us and his grandmother's
- 4 house.
- 5 Q. And where did his grandmother live?
- 6 A. She stays in Gaston. It's about probably three or
- 7 four minutes from my house.
- 8 Q. And do you remember her address?
- 9 A. Yes. Uh, [REDACTED] Bachman Road.
- 10 Q. Bachman Road?
- 11 A. Yes, ma'am.
- 12 Q. Now, I'm gonna take you back to March 27th of 2020.
- 13 A. Yes, ma'am.
- 14 Q. Do you remember Christopher Shumpert coming to your
- 15 house?
- 16 A. Yes, ma'am. I do.
- 17 Q. Do you remember what time of the day this was?
- 18 A. It was mid afternoon.
- 19 Q. And do you remember how he got there?
- 20 A. Yes, ma'am. He was driving.
- 21 Q. And what was he driving?
- 22 A. A black Malibu.
- 23 Q. Was anyone with him?
- 24 A. Yes, ma'am.
- 25 Q. Who was with him?

1 A. Jaqueline, I think it's Atkins.

2 Q. Jaqueline Aiken sound correct?

3 A. Yes, ma'am.

4 Q. And who did you know her to be?

5 A. All I knew is that was his girlfriend at the time.

6 Q. And when they got to your house, what, if anything,
7 did Chris tell you?

8 A. He was upset and he asked me if I would ride with
9 him because BJ, BJ's girlfriend stole a hundred dollars from
10 Jaqueline.

11 Q. And did he tell you why he wanted you to ride with
12 him?

13 A. Yes, ma'am. He said that, uh, BJ's girlfriend stole
14 a hundred dollars from them and that BJ had shot at him on the
15 dirt road when he confronted him.

16 Q. Okay. So he said that BJ's girlfriend stole a
17 hundred dollars from who?

18 A. From Jaqueline.

19 Q. From Jaqueline?

20 A. Yes, ma'am.

21 Q. And who confronted who first?

22 A. I guess Jaqueline confronted the girlfriend and then
23 Chris was there. I mean, I'm not like sure exactly. He just
24 told me that the money was stolen and they confronted BJ about
25 it.

- 1 Q. And they confronted BJ about it?
- 2 A. Yes, ma'am.
- 3 Q. Meaning him and Jaqueline?
- 4 A. Yes, ma'am.
- 5 Q. Did he tell you how he confronted BJ?
- 6 A. He did not.
- 7 Q. Did he tell you about anything about being on a
- 8 road?
- 9 A. Oh, yes, ma'am. He did say that when he did see BJ,
- 10 that BJ was on a little dirt bike and that they was on a dirt
- 11 road in his car and that's when I guess they confronted him
- 12 and, uhm, I guess that's when he said BJ shot at him.
- 13 Q. And did he say that anything, that he did anything
- 14 specifically before BJ shot at him?
- 15 A. No, ma'am.
- 16 Q. Did you give law enforcement a statement?
- 17 A. Yes, ma'am. I did.
- 18 Q. And so what, if anything, he told you about going
- 19 with him to confront BJ?
- 20 A. He asked me if I would ride with him or if I knew
- 21 anyone that has a gun that he could use.
- 22 Q. So he asked you specifically about a gun --
- 23 A. Yes, ma'am. He did.
- 24 Q. -- that he could use to confront BJ?
- 25 A. Yes, ma'am.

1 Q. And did he ask you -- What, if anything, did you say
2 to him?

3 A. I told -- Well, he asked me if I would ride with him
4 or if I knew somebody who had a gun and then he asked me where
5 my son was and I told him that he didn't need to get involved
6 with it like that, that he needed to call the police and not
7 to involve my son in it.

8 Q. So you told him he didn't need to get involved --

9 A. Yes, ma'am.

10 Q. -- with a gun?

11 A. Yes, ma'am.

12 Q. And to not involve your son Daniel?

13 A. Yes, ma'am.

14 Q. Okay. And then I think you said you told him to
15 call the police?

16 A. Yes, ma'am.

17 Q. Why did you tell him to call the police?

18 A. I told him if there's shooting, there ain't no point
19 in losing your life over a hundred dollars.

20 Q. So based on the conversation you had with Chris, was
21 it your belief that they were going over to shoot BJ?

22 A. I figured that they were just going to try to like
23 intimidate him or something. I didn't think that they were
24 going to shoot. You know what I'm saying? Like honestly, I
25 didn't even think that it was gonna go any further than just

1 finding them and maybe going to fight them. Like I didn't, I
2 mean, I don't really...

3 Q. But how was Chris acting when he came to you
4 house?

5 A. He was upset.

6 Q. He was upset?

7 A. Yes, ma'am.

8 Q. Was Jaqueline upset?

9 A. Yes, ma'am. They was both yelling.

10 Q. And they were yelling?

11 A. Yes, ma'am.

12 Q. Were you able to have a conversation with them?

13 A. I mean, we were talking but it was like they were in
14 a hurry to leave.

15 Q. And yet you told him that you were not gonna go with
16 him?

17 A. Oh, no, ma'am.

18 Q. And not to get your son involved?

19 A. Yes, ma'am.

20 Q. And to call the police?

21 A. Yes, ma'am.

22 Q. Do you remember anything about Chris saying he
23 chased BJ down the road?

24 A. I don't know if -- I mean, I mean, when they was on
25 the dirt road I guess when they had their confrontation.

1 Q. If I show you your statement --

2 A. Yes.

3 Q. -- would it refresh your memory?

4 A. Yes, ma'am. It's been a while ago. It's been three
5 years.

6 Q. Yes, sir. You can just take a moment. Is that your
7 statement?

8 A. Yes, ma'am. It is.

9 Q. Just take a moment to review it.

10 A. (Witness complies.) Okay. Yes, ma'am.

11 Q. And what, if anything, did BJ tell you that he did
12 prior to Barry shooting at him?

13 A. Uhm, you mean Chris?

14 Q. I meant Chris.

15 A. Yes, ma'am.

16 Q. I'm sorry.

17 A. Uhm, well, I mean, he said that he chased him. I
18 mean, I don't know if he meant like chased him in a car
19 because I don't even know what dirt road they're talking about
20 but, I mean, I figured that as in chased he meant -- You know
21 what I'm saying? -- just pulled up on him real quick.

22 Q. But in your statement you said that Chris told you
23 --

24 A. Yes. He did say he chased him down the road.

25 Q. -- he chased Barry down the road until Barry shot at

1 him?

2 A. Yes, ma'am.

3 Q. And then what, if anything, did Chris ask you about
4 the gun?

5 A. He just asked me if I had any like a pistol or
6 anything that he could use or if I knew anyone that would have
7 something that he could borrow.

8 Q. So you said some guns in your statement, so that
9 means you knew he was looking for --

10 A. Well, he, he was looking for anything he could get
11 his hands on at the time.

12 Q. And then he asked you to go with him?

13 A. Yes, ma'am.

14 Q. Then in your statement you said you told him, no, I
15 sent him away?

16 A. Yes, ma'am. I got, I got, well, at the time she
17 wasn't 17, but yeah, I got other kids and, you know, I'm not
18 getting myself involved in nothing like that.

19 Q. Did you send him away because you thought there was
20 gonna be trouble?

21 A. Yes, ma'am. I mean, that's, I mean, I've seen, I
22 told him to call the police and not to involve my son because
23 I knew that it was gonna involve something but I didn't think
24 it was gonna be nothing like this.

25 Q. And, Mr. Chaney, did your home on [REDACTED] Earline Drive

1 --

2 A. Yes, ma'am.

3 Q. -- did it have a camera?

4 A. Uh, yes, ma'am.

5 Q. And what kind of camera system did you have?

6 A. It's a, it was a Zumimall home surveillance
7 system.

8 Q. And was this something that you set up personally?

9 A. Yes, ma'am.

10 Q. And how did you set this up?

11 A. It's, uh, it's one like when you get it, you have to
12 install the app and open the back of the camera and then scan
13 the QR code and it automatically sets everything up through
14 satellite and the Internet and all of that.

15 Q. So the date and the time will automatically be set
16 up?

17 A. Yes, ma'am. It's all set up through the
18 satellite.

19 Q. And was there any way for you to ever go in and
20 change or alter the time or the date?

21 A. No, ma'am. You can't. The only thing you can do is
22 view or delete the videos or like the main set you can't
23 operate it, like you can't change the date or time or anything
24 like that.

25 Q. And where specifically on your house is this camera

1 angled?

2 A. It's sitting to my left at my carport pointing at my
3 front door, my front yard.

4 Q. And do you remember meeting Detective Hart?

5 A. Uh, yes, ma'am.

6 Q. And did you give him a SD card --

7 A. Yes, ma'am.

8 Q. -- with the camera footage?

9 A. Yes.

10 Q. I'm gonna show you what's been marked as State's
11 Exhibit number 6 and ask you to take a look at this.

12 (Proffering.)

13 A. (Witness complies.) Yes, ma'am.

14 Q. Did you have an opportunity to review this?

15 A. Uhm, yes, ma'am. I did.

16 Q. And what was it, what was contained in this CD?

17 A. This was the video of Chris and Jaqueline pulling up
18 to my house that day.

19 Q. That day. And that would be March 27th of 2020?

20 A. Yes, ma'am.

21 Q. And this is the footage that you gave to Detective
22 Hart?

23 A. Yes, ma'am.

24 Q. Okay. And is this your initials?

25 A. Yes, ma'am.

1 Q. And your date that you viewed it?

2 A. Yes, ma'am.

3 MS. PATTERSON: Your Honor, at this time we move
4 State's Exhibit number 6 into evidence.

5 THE COURT: Any objection?

6 MR. BELL: No objection, Your Honor.

7 THE COURT: It's admitted.

8 BY MS. PATTERSON:

9 Q. And I'm gonna show you what's been marked as State's
10 Exhibit number 7 and ask you to take a look at it.

11 A. Yes, ma'am.

12 Q. And do you recognize what's depicted in this
13 picture?

14 A. Yes, ma'am.

15 Q. And what does this picture show?

16 A. That is me talking to Chris and Jaqueline in my
17 front yard.

18 Q. Okay. And does this fairly and accurately represent
19 your front yard on that day?

20 A. Yes, ma'am.

21 Q. You walking up to the car?

22 A. Yep.

23 Q. Does it look like it's been changed or altered in
24 any way?

25 A. No, ma'am. Not at all.

COREY CHANEY - DIRECT BY MS. PATTERSON

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1 MS. PATTERSON: Your Honor, at this time we move
2 State's Exhibit number 7 into evidence.

3 THE COURT: Any objection?

4 MR. MYERS: None, Your Honor.

5 THE COURT: It's admitted.

6 BY MS. PATTERSON:

7 Q. And with respect to State's Exhibit number 7, and
8 this is just a still shot from the video and again, this was
9 on March 27th of 2020, and that's you in the photograph?

10 A. Yes, ma'am.

11 Q. And whose car are you walking up to?

12 A. That's Chris Shumpert's.

13 Q. And do you remember about how long you had a
14 conversation with him out in your yard?

15 A. It wasn't long. Probably a couple minutes.

16 Q. And then after they left, did you ever see them
17 again that day?

18 A. No, ma'am. Not that day.

19 Q. Did you see Daniel that day?

20 A. Uhm, I don't think I did.

21 Q. And did law enforcement respond to your house again
22 on that day?

23 A. Yes, ma'am. They came back out there, I guess,
24 after that night after, uh, Chris and Daniel were arrested.

25 Q. And when they came back to your home, did either you

1 or your wife give them permission to search your home?

2 A. Yes, ma'am. We both did.

3 Q. And would that have been the same evening or over
4 into the morning after Chris and Jaqueline came to your house
5 looking for Daniel?

6 A. Yes, ma'am.

7 Q. And again, you never saw Daniel that day?

8 A. No, ma'am. We were, we were gone early in the
9 day.

10 MS. PATTERSON: Thank you, Mr. Chaney. Answer any
11 questions the defense may have.

12 THE COURT: Mr. Bell.

13 MR. BELL: Thank you, Your Honor.

14 CROSS EXAMINATION

15 BY MR. BELL:

16 Q. Mr. Chaney, my law partner needs to rest his singing
17 voice so I've just got a couple questions for you.

18 A. All right.

19 Q. The prosecutor asked you if Mr. Shumpert came over
20 to your house and asked if y'all had guns he could use; is
21 that correct?

22 A. Yes, sir.

23 Q. Now, when someone says guns that they could use, did
24 you believe that he was asking for guns to go shoot somebody
25 with?

1 A. I didn't, I mean, honestly I don't think, I didn't
2 think that he would be the type of person, uh, to do that so I
3 figured he was using it more like an intimidation thing. I
4 figured if he pulled it out, that he was just trying to scare
5 him.

6 Q. And Chris had already told you that BJ had actually
7 fired at him already --

8 A. Yes.

9 Q. -- not too long ago, right?

10 A. Yes, sir.

11 Q. So it's fair to say that someone who had just been
12 shot at by someone may feel the need to secure themselves with
13 a firearm --

14 A. Yes, sir.

15 Q. -- is that true?

16 A. Yes, sir.

17 Q. Now, you mentioned that when they first came over to
18 your house, Chris and Jackie, that they were upset and
19 yelling; is that right?

20 A. Yes, sir.

21 Q. Seemed excited?

22 A. No. They wasn't excited. They were upset.

23 Q. Upset. Were they scared?

24 A. They were more like mad than scared.

25 Q. Angry?

1 A. Yes, sir.

2 Q. Okay. And you said very little time elapsed between
3 the time that they came over to your house and the time they
4 theft; is that right?

5 A. Yes, sir.

6 Q. And then according to Chris again, very little time
7 had also elapsed since BJ had shot at them just prior to them
8 coming over to your house?

9 A. Yes.

10 Q. And then after they came and told you about that,
11 asked if you did have any guns they might be able to keep on
12 them, they then left very quickly as well, right?

13 A. Yes, sir.

14 Q. All during this period of time they were upset or
15 angry and yelling --

16 A. Yes.

17 Q. -- is that right?

18 A. Yep.

19 Q. Okay. And again, you did not believe that they were
20 leaving with the intention of shooting firearms at someone?

21 A. No.

22 MR. BELL: Thank you.

23 REDIRECT EXAMINATION

24 BY MS. PATTERSON:

25 Q. Mr. Chaney, you didn't go over to BJ's house with

1 Chris and Jaqueline, did you?

2 A. No, ma'am. I don't even know where BJ lives.

3 Q. So you don't know what happened once they got there,
4 do you?

5 A. No.

6 Q. And they left your house. You didn't go with them,
7 did you?

8 A. No. I didn't even know they had my son with them
9 until after the fact.

10 Q. And so you don't know where they went?

11 A. No, ma'am.

12 Q. Or what they did?

13 A. No, ma'am.

14 Q. Or what they were feeling once they left your
15 house?

16 A. No, ma'am.

17 MS. PATTERSON: Thank you.

18 RECROSS EXAMINATION

19 BY MR. BELL:

20 Q. With that said, you also have no idea what BJ did
21 once Chris and Daniel got to their house, correct?

22 A. No.

23 MR. BELL: Thank you.

24 THE COURT: May I let Mr. Chaney down?

25 MS. PATTERSON: Yes, ma'am. Thank you, Mr. Chaney.

1 THE COURT: Mr. Chaney, you're excused. Thank you
2 for coming.

3 THE WITNESS: All right. Thank you.

4 THE COURT: Do we have another witness?

5 MS. PATTERSON: May we approach, Your Honor?

6 THE COURT: Sure.

7 (Side bar off the record.)

8 THE COURT: All right. Mister Foreman, ladies and
9 gentlemen of the jury, I'll let y'all break for lunch.
10 If you will be back in the jury room at ten till two
11 because I plan to start right at 2:00, okay? In the jury
12 room. Remember, no talking about this case and no
13 research. Okay. Thank you.

14 (Whereupon, the jury was released for lunch break at
15 12:40 p.m.)

16 THE COURT: All right. Let me just ask scheduling
17 wise where are we? I need to know if we're gonna stay
18 late tonight.

19 MS. PATTERSON: Uhm, we're actually going to
20 regroup, we may get through two more of the lengthier
21 witnesses today so we may need - it won't be too late,
22 maybe 5:30.

23 THE COURT: Okay. Everybody okay? All the lawyers
24 are all right with staying a little bit late? Okay.
25 Good. All right. That way we'll be on schedule.

ROY WILLIAMS - DIRECT BY MR. POGUE

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1 MS. PATTERSON: Yes, ma'am.

2 THE COURT: All right. Thank you all. We are in
3 recess then until 2:00 we'll start back.

4 (Lunch break.)

5 THE COURT: All right. State ready?

6 MR. POGUE: Yes, ma'am.

7 THE COURT: Defense?

8 MR. MYERS: Yes, ma'am.

9 THE COURT: Let's bring the jury in.

10 (Whereupon, the jury entered the courtroom at 2:05
11 p.m.)

12 THE COURT: Mister Foreman, jury ready?

13 FOREMAN: Yes, ma'am.

14 THE COURT: Please be seated. Call your next
15 witness.

16 MR. POGUE: Thank you, Your Honor. The State calls
17 Roy Williams.

18 Thereupon,

19 ROY WILLIAMS

20 after having been first duly sworn, testified as follows,

21 THE CLERK: Please have a seat. Once you're seated,
22 state your full name spelling your last please.

23 THE WITNESS: It's Roy Williams, W-i-l-l-i-a-m-s.

24 DIRECT EXAMINATION

25 BY MR. POGUE:

1 Q. Good afternoon, Mr. Williams. Are you currently
2 employed or are you retired?

3 A. I'm retired.

4 Q. Okay. And where were you employed -- Well, let me
5 ask you this: How long have you been retired?

6 A. From the Lexington County Sheriff's Department.
7 I've been retired for three years.

8 Q. Okay. And so back on March 27th and 28th, 2020, you
9 were employed with the Lexington County Sheriff's
10 Department?

11 A. Yes. I was.

12 Q. And in what capacity were you employed there?

13 A. Investigator.

14 Q. Okay. Just very briefly just kind of go over what
15 your law enforcement background is for the jury?

16 A. 29 years over three agencies, all County Sheriff's
17 Department, Spartanburg County Sheriff's Office, Lexington
18 County. About half of that 29 years working the road, the
19 other half investigations.

20 Q. Okay. And were you involved in portions of this
21 particular investigation?

22 A. Yes. I was.

23 Q. Okay. And where did you respond to on March 28th,
24 2020?

25 A. I responded to the Heath Short's home, is the uncle

1 of Daniel Jones, [REDACTED] Archwood Street in Gaston.

2 Q. Okay. And were you able to make contact with
3 Mr. Short when you got there?

4 A. Yes. I was.

5 Q. Okay. And who is Mr. Short? You said that's Daniel
6 Jones' uncle?

7 A. It's his uncle.

8 Q. Okay. All right. And you were able to make contact
9 with him when you got there?

10 A. Yes.

11 Q. All right. And did Mr. Short provide you with a
12 written statement?

13 A. Yes. He did.

14 Q. Okay. And after providing that written statement to
15 you, what happened after that?

16 A. He took me inside his home and showed me a gun that
17 he was holding for Daniel in a safe in his bedroom.

18 Q. Okay. And at that point in time did you get, need
19 to get a search warrant?

20 A. No. He provided written consent for me to search,
21 to go inside and retrieve the gun.

22 Q. So he consented to the search of his home and the
23 collection of that gun?

24 A. He did.

25 Q. Okay. And did you document the gun as it laid in

1 the safe?

2 A. I took a picture of it.

3 Q. Okay. Did you also take photographs of the gun
4 later when you submitted it into evidence?

5 A. I did.

6 Q. All right. Get them in numerical order here. All
7 right. So I'm handing you up what's marked as State's
8 Exhibits 9, 10, 11, and 12 for ID purposes. If you wouldn't
9 mind, just take a look at those images and tell me if you
10 recognize them.

11 A. (Witness complies.) Yes. I do.

12 Q. And what are they images of?

13 A. Of the pistol that I retrieved from the safe.

14 Q. Okay. And are these images fair and accurate
15 reflections of the gun as it laid in the safe and the gun as
16 you documented it prior to submitting it into evidence?

17 A. Yes.

18 MR. POGUE: Your Honor, at this time the State would
19 move State's Exhibits 9 through 12 into evidence.

20 MR. MYERS: Without objection.

21 THE COURT: They're admitted then.

22 MR. POGUE: Permission to publish.

23 THE COURT: Yes, sir.

24 BY MR. POGUE:

25 Q. All right. Do you have the laser pointer up there

1 with you at the witness stand? All right. This is State's
2 Exhibit 9. What are we looking at here?

3 A. That's the safe and that's the pistol right there.

4 Q. Okay. So is the door to the safe kind of just ajar
5 a little bit there? Is that what that is?

6 A. Yes. It is.

7 Q. Okay. And those bullets with the gun that's sitting
8 on top, those are all inside the safe?

9 A. Correct.

10 Q. And the FolderScan?

11 A. Yes.

12 Q. Okay. All right. And is that how, that's how the
13 gun, where the gun was when he opened the safe for you?

14 A. Yes. It was.

15 Q. All right. State's Exhibit 10, is that the gun you
16 collected?

17 A. Yes.

18 Q. Okay. And what kind of gun was that, do you
19 recall?

20 A. I'm not sure.

21 Q. State's Exhibit 11, is that the magazine that was in
22 the gun?

23 A. Yes. It was.

24 Q. Okay. State's Exhibit 12, is that the underneath of
25 the label on the magazine that was in the gun?

1 A. Yes.

2 Q. Okay. And from that logo, can you tell what brand
3 pistol that is? It's okay if you can't.

4 A. No.

5 Q. All right. I'm now handing you up what's marked as
6 State's Exhibit 8. Would you mind taking a look at that item
7 and tell me if you recognize it?

8 A. (Witness complies.) Yes. I do.

9 Q. And what is it?

10 A. It's a FNS.

11 Q. Is that the gun that you collected from the safe
12 from Mr. Short?

13 A. Yes. It is.

14 Q. And from the time you collected the gun to the time
15 -- Well, let me ask you this: You submitted it into
16 evidence?

17 A. I did.

18 Q. Okay. And it was in your sole care, custody and
19 control the whole time?

20 A. Yes.

21 Q. Does it have any unique serial number on it?

22 A. Yes. It do.

23 Q. Can you read that off to the Court please.

24 A. Yes. G Gulf, K kilo, 0071389.

25 MR. MYERS: No objection.

1 THE COURT: It's admitted.

2 MR. POGUE: Your Honor, at this time the State moves
3 to admit State's Exhibit 8.

4 THE COURT: Without objection it's admitted.

5 MR. POGUE: Permission to publish, Your Honor.

6 THE COURT: You may.

7 MR. POGUE: This is the magazine.

8 BY MR. POGUE:

9 Q. Mr. Williams, or Detective Williams, do you want me
10 to call you detective or Mr. civilian now? How do you want me
11 to address you now?

12 A. Call me Rob.

13 Q. That sounds good too. Rob, also on that same day on
14 March 28th, did you happen to go down to Charleston?

15 A. I did.

16 Q. And why did you go down to Charleston?

17 A. For the autopsy of the victim.

18 Q. And where was that?

19 A. At MUSC in Charleston.

20 Q. And did you attend the autopsy?

21 A. I did.

22 Q. All right. And at the autopsy were there any
23 fragments that were collected, projectile fragments from the
24 victim's body?

25 A. Yes.

1 Q. And were they given to you?

2 A. They were.

3 Q. And from the time that they were given to you, did
4 you ever submit them after that into evidence?

5 A. I did.

6 Q. And were they that entire time in your sole care,
7 custody and control?

8 A. Yes.

9 Q. I'm handing up to you State's Exhibit 22. Do you
10 recognize that item?

11 A. Yes. I do.

12 Q. Does it have your initials on it?

13 A. It does.

14 Q. And is that the projectile fragments that you
15 collected from the autopsy?

16 A. Yes. They are.

17 Q. And that you submitted into evidence?

18 A. Yes.

19 MR. POGUE: No further questions, Your Honor.

20 THE COURT: Mr. Myers.

21 MR. MYERS: Just very briefly.

22 CROSS EXAMINATION

23 BY MR. MYERS:

24 Q. How are you, Mr. Williams?

25 A. I'm fine. How are you?

1 Q. Good. Thank you. Congratulations on your
2 retirement.

3 A. Thank you.

4 Q. Hope to be there one day. Roy, I just want to make
5 sure I'm clear for the jury. He, Short, came to you, right?

6 A. I went to his house.

7 Q. You went to his house?

8 A. Yes.

9 Q. And just a little bit about Mr. Short is that he
10 described himself as Daniel Jones' uncle, right?

11 A. Yes.

12 Q. He was no relation to Chris Shumpert?

13 A. No. Not that I know of.

14 Q. And according to what he told you, you learned that
15 a firearm was in his house?

16 A. Correct.

17 Q. He told you that Daniel Jones specifically told you
18 to hide, that he wanted him to hide this weapon?

19 A. He wanted him to hold it for him.

20 Q. Right. And according to Mr. Short, he did, but the
21 only person he had any interaction with --

22 MR. POGUE: Your Honor, I'm gonna object again to
23 this as hearsay that he elicited from the witness.

24 MR. MYERS: I haven't even gotten the question out
25 yet.

1 MR. POGUE: He's asking what Short told him.

2 MR. MYERS: No, I wasn't.

3 THE COURT: Well, just rephrase it and let's move
4 on.

5 MR. MYERS: All right.

6 BY MR. MYERS:

7 Q. So in accordance to what you learned was it that,
8 was Chris Shumpert, in your assessment of this case, did Chris
9 Shumpert in any way contact anyone about hiding that
10 firearm?

11 MR. POGUE: Objection, Your Honor. That's
12 speculation and hearsay.

13 BY MR. MYERS:

14 Q. Based on your investigation. You were one of the
15 investigators, right?

16 THE COURT: I'll allow it. Go ahead.

17 BY THE WITNESS:

18 A. I was assisting. I was just basically doing what
19 the other investigators wanted me to do.

20 BY MR. MYERS:

21 Q. Yes, sir. Based on your investigation of what you
22 were told to do, you went and you retrieved this firearm from
23 Mr. Short's house?

24 A. Yes. I mean, I was given information that he lived
25 somewhere on Archwood Street and so I was able to locate that

1 home.

2 Q. Okay. Were you asked to perform any fingerprint
3 analysis on that gun?

4 A. Personally, no.

5 Q. Did anybody instruct you to do any sort of forensic
6 examination on that gun?

7 A. I really can't recall.

8 Q. So the sole basis of your testimony is that
9 basically you collected, that a gun was found in Mr. Short's
10 residence; is that right?

11 A. Yes. I retrieved it.

12 MR. MYERS: No further questions.

13 THE COURT: Any redirect?

14 MR. POGUE: Nothing from the State.

15 THE COURT: Okay. May I excuse Investigator
16 Williams?

17 MR. POGUE: Yes, ma'am.

18 THE COURT: Okay. Call your next witness.

19 MS. PATTERSON: The State calls Agent Patrick Ward.
20 Thereupon,

21 PATRICK WARD

22 after having been first duly sworn, testified as follows,

23 THE CLERK: Please have a seat. Once you're seated,
24 state your full name spelling your last please.

25 THE WITNESS: Patrick Ward, W-a-r-d.

1 DIRECT EXAMINATION

2 BY MS. PATTERSON:

3 Q. Agent Ward, where are you currently employed?

4 A. The South Carolina Law Enforcement Division.

5 Q. And is that commonly known as SLED?

6 A. It is.

7 Q. And how long have you been employed with SLED?

8 A. Since the beginning of November almost five
9 months.

10 Q. And what is your title at SLED?

11 A. I'm a crime scene investigator.

12 Q. And where were you employed prior to working at
13 SLED?

14 A. The Lexington County Sheriff's Department.

15 Q. And what was your title at the Lexington County
16 Sheriff's Department?

17 A. Also as a crime scene investigator there.

18 Q. And how long have you been a crime scene
19 investigator?

20 A. This June will be five years.

21 Q. And can you tell us a little bit about your law
22 enforcement experience?

23 A. I began law enforcement in 2008 with the Town of
24 Lexington Police Department. I was a patrolman there for two
25 years. I then actually left law enforcement for four years,

1 went back to school, and then came back to the Sheriff's
2 Department in 2014 where I began as a patrolman again. After
3 being on the road for about a year, I went to be a school
4 resource officer in 2016. I was there for two and a half
5 years and then in, I then went on to be a crime scene
6 investigator, that was 2018.

7 Q. And what type of training did you have to undertake
8 to become a crime scene investigator?

9 A. I had to apply for the position. I was interviewed.
10 I had a practical essentially so there were other individuals
11 who put in for the same position. Once I was promoted into
12 the position, I've taken numerous classes since then. I have
13 over 400 hours of crime scene related training.

14 Q. And are you required to get any type of yearly
15 certifications or training?

16 A. I don't have any mandatory certifications on an
17 annual basis right now, but I do at SLED have to have certain
18 certifications.

19 Q. What type of certifications do you have at SLED?

20 A. At SLED we are required blood stain pattern analysis
21 and shooting incident reconstruction as well as some training
22 in latent print analysis.

23 Q. Shooting incident reconstruction. And about how
24 many crime scenes would you say that you've processed in your
25 career?

1 A. At this point probably over 200.

2 Q. And when I say processed a crime scene, what does
3 the crime scene investigator, what is your duty when you
4 respond to a crime scene?

5 A. When I respond to a crime scene, when I first arrive
6 on scene, I will make contact with, usually the officer who
7 notified me, usually a supervisor and try to get more, more of
8 a better understanding of what the scene is like, of what kind
9 of evidence that they have located, the location of any
10 victims or suspect. Usually there will be a walk through with
11 any responding officers who first arrived on scene so
12 basically a fact gathering mission when I first arrive on
13 scene.

14 Q. And do you, in fact, collect any evidence if it's
15 located?

16 A. Yes. I do.

17 Q. And at any time do you try to reconstruct what may
18 have happened based on the evidence present and what the
19 witnesses may have provided?

20 A. Yes. Usually there is some form of trying to locate
21 additional items of evidence so you'll try to figure out where
22 in an incidence of a shooting where those shots may have been
23 fired from. If there's any blood stains on scene, that
24 usually will help us to determine where any movement may have
25 occurred or anybody may have been wounded.

1 MS. PATTERSON: Your Honor, at this time the State
2 would move Agent Patrick Ward as expert in crime scene
3 investigation and evidence collection.

4 THE COURT: Any objection?

5 MR. BELL: None, Your Honor.

6 THE COURT: All right. Ladies and gentlemen of the
7 jury, this witness is going to be qualified as an expert
8 in the field of crime investigation?

9 MS. PATTERSON: Crime scene investigation and
10 evidence collection.

11 THE COURT: All right. Normally when a person
12 testifies, they can only testify to what they heard, they
13 saw, what they did. The exception to that rule is an
14 expert witness. They're allowed to give their opinion.
15 Now, they can give their opinion, but that does not mean
16 you must accept it. You can give it the weight that you
17 see fit. Go ahead.

18 BY MS. PATTERSON:

19 Q. Agent Ward, were you involved in the case State of
20 South Carolina versus Christopher Shumpert?

21 A. Yes, ma'am. I was.

22 Q. And can you tell the jury what time that you were
23 called out to the scene and by whom?

24 A. On the evening of March 27th, 2020 I was called by
25 at the time Sergeant Anderson of the Lexington County

1 Sheriff's Department major crimes at approximately 9:09 p.m.

2 I'm sorry. 8:09 p.m.

3 Q. And what time did you arrive?

4 A. I arrived at a little under an hour later at 9:07
5 p.m.

6 Q. And do you know what type of call out this was?
7 What type of crime scene this was gonna be?

8 A. I did. I was informed that it was a homicide
9 investigation involving a shooting incident.

10 Q. And can you describe the address that you responded
11 to?

12 A. The initial scene that I responded to was [REDACTED] Fish
13 Hatchery Road in Gaston, South Carolina.

14 Q. And what type of residence was this?

15 A. It was a single wide mobile home.

16 Q. And what type of entranceway did you have to take to
17 get to the home?

18 A. When I arrived on scene, I had to pull into a dirt
19 sandy driveway. The front yard was also the same sandy
20 area.

21 Q. Were the weather conditions as such that it would
22 have impeded any evidence collection or anything?

23 A. No, ma'am. That evening it was clear and I believe
24 it was a little over 70 degrees, if I can find that, 75
25 degrees fahrenheit.

1 Q. So as a crime scene investigator, what is the first
2 thing that you do when you arrive at the scene?

3 A. When I first arrive on scene, I make contact with
4 the responding officers to try to obtain additional
5 information regarding suspect, victims, any items of evidence,
6 where they might be located in the scene. I also make sure
7 that the scene has been secured. In this instance it was. It
8 had yellow crime scene barrier tape had already been roped off
9 in the front yard of the area or the residence, then I will
10 also speak with the detective to make sure that a search
11 warrant is being obtained. Typically they're already doing
12 that when I'm en route. Then we will begin to do an initial
13 walk through of the scene with responding officers and
14 detectives. They'll point out where those items of evidence
15 may be located, where the victim may be located.

16 Q. All right. And with regards to this particular
17 scene, what area did you do a walk through?

18 A. We did a initial walk through of the front yard of
19 the residence.

20 Q. And why in particular the front yard?

21 A. The front yard was where the vast majority of the
22 evidence was located as far as the cartridge cases and the
23 victim himself was located in the front yard.

24 Q. And as you're doing this walk through, what, if
25 anything, did you notice?

1 A. When I first, during the first initial walk through,
2 they pointed out that responding officers had marked cartridge
3 cases in the front yard with scrap pieces of paper. They had
4 already located the cartridge cases and items that were
5 pertinent to the case. The victim himself was located. When
6 facing the residence, he was over to the left side on the
7 ground in front of a Dodge Dakota truck.

8 Q. And so did you go over and did you assess the
9 condition of the victim?

10 A. I did.

11 Q. And before we talk about how the victim appeared,
12 what, if anything, did you notice about the area surrounding
13 the victim?

14 A. I observed that the victim was laying in, it was a
15 suspected pool of blood. I had been told that he had been
16 rolled over by people that were on scene at the time of the
17 incident, but he was basically right there on the ground in
18 front of the truck.

19 Q. Did you notice a blood path?

20 A. I did not.

21 Q. So the blood was confined. I think you described it
22 as a pool of blood?

23 A. Yes, ma'am.

24 Q. And did you notice any injuries on the victim?

25 A. I did.

1 Q. And where in particular did you notice -- How many
2 injuries did you notice?

3 A. I observed approximately three or four injuries on
4 his body.

5 Q. And were you able to identify an entrance, any
6 entrance wounds?

7 A. I did. Just based upon the trauma that we observed
8 with the Coroner's Office, there appeared to be a suspected
9 gunshot entrance wound to his right back which exited out the
10 right front of his torso and he had a significant wound on his
11 chin as well. There was also what we perceived as a suspected
12 gunshot wound to his right buttocks which also exited out the
13 front of his right thigh.

14 Q. And regarding that first injury, you said it was a
15 big exit wound to what part of his body?

16 A. There was a what we perceived as a suspected gunshot
17 entrance wound to his right back and a large what appeared to
18 be an exit wound right around his collarbone on his right
19 side, and then another wound to his chin.

20 Q. Based on your training and experience, what kind of
21 caliber weapon would that indicate may cause that injury?

22 A. Typically when we, when I have seen that it's been a
23 rifle round, a high powered rifle.

24 Q. And where again did you see the second injury?

25 A. On his right buttocks.

1 Q. And were you able to locate an exit wound?

2 A. I was to the front of his right thigh.

3 Q. And based on your training and experience what type
4 of caliber weapon would probably cause that type of injury?

5 A. Any rifle or pistol could cause that, but at the
6 time we perceived that to be, appeared to be more consistent
7 with a pistol caliber gunshot wound.

8 Q. And were there any weapons or casings found near the
9 victim?

10 A. No, there were not.

11 Q. Let me back up for a minute. Can you explain to the
12 jury what is a cartridge casing?

13 A. A cartridge case is a component of an intact bullet.
14 A bullet or a cartridge will consist of usually four things,
15 the bullet itself which is the projectile, the powder inside
16 the cartridge case, the cartridge case, and then on the back
17 of the cartridge case would be a primer.

18 Q. And so is the casing ejected from a gun --

19 A. Yes.

20 Q. -- when it's fired?

21 A. Yes.

22 Q. And there was none surrounding the victim?

23 A. No.

24 Q. And did you search the victim's pockets or anything
25 on his body?

1 A. Yes. We and the Lexington County Coroner's Office
2 did search his person.

3 Q. And what, if anything, was found in his pockets?

4 A. As far as I can remember he may have had some keys
5 which were not collected but we did find a cell phone.

6 Q. And when you're working a crime scene, are you
7 working in - do you have a partner? Are you working with
8 someone?

9 A. Typically, yes, on a homicide scene I would have a
10 second person there.

11 Q. And who was your second person during this search?

12 A. Sergeant Jamie Johnson.

13 Q. And are you guys working in unison with each
14 other?

15 A. Yes.

16 Q. And when you're processing a crime scene, do you, or
17 you and your partner take a lot of photographs?

18 A. Yes, ma'am.

19 Q. So I've selected just certain ones because I do know
20 you take a lot of photographs. Now, you did a walk through of
21 the crime scene and you talked to law enforcement so based on
22 that information, did you have an idea of what type of
23 potential cartridge cases that you would be looking for during
24 the search of [REDACTED] Fish Hatchery Road?

25 A. Yes, ma'am.

1 Q. And what type of shell casings were you expecting to
2 find?

3 A. I was advised that cartridge cases head stamped
4 FC300 BLK which 300 Blackout as well as cartridge cases head
5 stamped Blazer nine millimeter Luger which is a nine
6 millimeter Luger pistol round. Those were the two that they
7 had located in the front yard.

8 Q. And I'm gonna show you what's been marked as State's
9 Exhibits 13 through 21, and ask you just to take a moment and
10 look through those photographs.

11 A. (Witness complies.)

12 Q. And do you recognize what's depicted in State's 13
13 through 21?

14 A. I do.

15 Q. And what is shown in these photographs?

16 A. Those are images of the exterior of the front yard
17 of the scene as well as the proximate locations of the
18 cartridge cases and close up photographs of the cartridge
19 cases themselves.

20 Q. And do they fairly and accurately represent the
21 crime scene on March 27th of 2020?

22 A. Yes. They do.

23 Q. Have they been changed or altered in any way?

24 A. No, ma'am.

25 MS. PATTERSON: Your Honor, at this time we move

1 State's Exhibits 13 through 21 into evidence.

2 THE COURT: Any objection?

3 MR. BELL: None, Your Honor.

4 THE COURT: They're admitted.

5 BY MS. PATTERSON:

6 Q. And let's start with State's Exhibit 13. And
7 there's a pointer up there if you don't mind using it. And I
8 think you said that patrol officers had identified casings
9 located at the scene and had already marked them?

10 A. Yes, ma'am.

11 Q. But do you as a CSI investigator, do you go back and
12 do you mark them in a particular way?

13 A. We do. Especially on this evening there was some
14 wind so the scrap pieces of paper had blown off of the items
15 of evidence.

16 Q. And can you tell us just what are we looking at
17 generally in this photograph?

18 A. This is a image, this is the front of the residence
19 so you're kind of viewing in a westerly direction. These are
20 markers indicating the cartridge cases that were head stamped
21 300 Blackout or 300 BLK.

22 Q. And do you see the truck in this photograph that you
23 were able to locate the victim in front of?

24 A. Yes. It's this gray Dodge Dakota parked here.

25 Q. And again, where was the victim's body located?

1 A. He was directly in front of the vehicle so you can't
2 see him from this angle, but he's right in front of the
3 hood.

4 Q. And placards 1 through -- Which placards indicate a
5 FC 300 Blackout cartridge casings?

6 A. Those would be markers 1 through 6 as well as marker
7 19 and marker 26.

8 Q. And again, can you point out to the jury where on
9 these photographs that they are located?

10 A. Right in this general area here.

11 Q. And what are the other placards in the far upper
12 left?

13 A. The placards located along the left side of the yard
14 in front of the residence, those were cartridge cases stamped
15 Blazer nine millimeter Luger.

16 Q. And do you know how many -- Let's just zoom in a
17 little bit here. With respect to the cartridge cases that you
18 have identified as the 300 Blackout in State's 14, excuse me,
19 in State's 14, these are identified as which type of cartridge
20 casing again?

21 A. Those were the nine millimeter, Blazer nine
22 millimeter Luger cartridge cases.

23 Q. So those were the nine millimeter Luger cartridge
24 casings?

25 A. Yes, ma'am.

1 Q. And again, on this picture where are they located?

2 A. The Blazer nine millimeter Luger brass was located
3 along the left side of the tree essentially.

4 Q. And were all those kind of collected together?

5 A. Yes.

6 Q. And how many of those did you collect from that
7 area?

8 A. Of the nine millimeter there were 13.

9 Q. 13. And again, they all were confined in that
10 area?

11 A. That's correct.

12 Q. And State's 15, is that just another photograph of
13 the nine millimeter Luger?

14 A. Yes, ma'am.

15 Q. And State's 16, is that just another photograph?

16 A. I'm trying to see the numbers on it, but yes, I
17 believe so. Yes. Those are the Blazer nine millimeter
18 Lugers.

19 Q. And where would the truck have been positioned in
20 relation the this photograph?

21 A. In that photograph it would have been located more
22 to the right. There was an enclosed trailer here and the
23 truck was pointing toward the opening of the trailer.

24 Q. And each of these indicated where the nine
25 millimeter Lugers were?

1 A. Yes, ma'am. That's correct.

2 Q. Now we're gonna skip over to State's Exhibit 18.
3 Which cartridge casings were these identified to be?

4 A. Those were the cartridge cases head stamped 300
5 BLK.

6 Q. And again, what side of, where in State's 13 are
7 those located again?

8 A. In this area.

9 Q. And like the nine millimeter Luger, were these
10 confined all in the same area?

11 A. Yes, ma'am. They were.

12 Q. State's 20, what does this indicate?

13 A. That is a close up photograph of marker 1 which was
14 a cartridge case head stamped 300 BLK.

15 Q. Now, do you make a diagram to assist you with your
16 findings at a crime scene?

17 A. Yes, ma'am.

18 Q. And what is the purpose of these diagrams?

19 A. The diagram is a visual representation of the crime
20 scene that assists with just understanding the layout of the
21 scene itself, where different items of evidence were located
22 as well as for purposes like today, for court purposes, so
23 everyone has a better understanding of what the scene looked
24 like.

25 Q. I'm going to show you what's been marked as State's

1 Exhibit 44 and ask you take a look at this.

2 A. (Witness complies.)

3 Q. Do you recognize what's in this exhibit?

4 A. Yes. I do.

5 Q. And what is it?

6 A. That is a crime scene diagram that I finished after
7 completing the scene and the report.

8 Q. Okay. And does it look like it's been changed or
9 altered in any way to change any of your findings?

10 A. The only thing that has changed is the colors of
11 certain markers but that's essentially it.

12 Q. And did you have an opportunity to review the
13 markers, the color changes in the markers?

14 A. Yes. I did.

15 Q. And do they still reflect the findings as you
16 documented on March 27th of 2020?

17 A. Yes.

18 MS. PATTERSON: Your Honor, we move State's Exhibit
19 44 into evidence.

20 THE COURT: Any objection?

21 MR. BELL: None, Your Honor.

22 THE COURT: It's admitted.

23 MS. PATTERSON: Your Honor, permission for the
24 witness to step down.

25 THE COURT: He may.

1 BY MS. PATTERSON:

2 Q. I'll let you stand over there. Just keep your voice
3 up so the court reporter can hear you. And what is this
4 legend? What is the purpose for this legend on your
5 diagram?

6 A. That's to show where the different items of evidence
7 are on the diagram.

8 Q. And I know we saw photographs, but this shows a big
9 picture of everything. Again, can you point out where the
10 victim was lying?

11 A. This is where the Dodge Dakota truck was parked.
12 The victim was lying just in front of the truck on the
13 ground.

14 Q. And what does this indicate?

15 A. That's the tree that you may have seen in the images
16 directly in front of the deck.

17 Q. And again, where were all of the FN, the nine
18 millimeter, the Blazer nine millimeter Luger cartridge casings
19 found?

20 A. The Blazer nine millimeter cartridge cases were all
21 located here in the green markers.

22 Q. And what about the 300 Blackout?

23 A. Those are indicated with the red markers here.

24 Q. And that's to the right of what you described as the
25 tree?

1 A. Yes, ma'am.

2 Q. And again, would you indicate the pool of blood that
3 you saw the victim lying in?

4 A. I did, I did place a representation on the
5 diagram.

6 Q. Now, were these items collected?

7 A. Yes, ma'am.

8 Q. And I'm going to show you what's been marked as
9 State's Exhibit 45 and ask you to take a look at this
10 (proffering.)

11 A. (Witness complies.)

12 Q. Do you recognize this?

13 A. I do.

14 Q. And what do you recognize this to be?

15 A. That is an envelope containing items of evidence
16 that's been sent to SLED for analysis.

17 Q. Were these items that you collected at [REDACTED] Fish
18 Hatchery Road?

19 A. Yes, ma'am.

20 Q. And how do you recognize them?

21 A. It's a, I recognize my supervisor at the time Jamie
22 Johnson's initials.

23 Q. And you were with her during the collection of
24 this?

25 A. Yes, ma'am.

1 Q. Now, after you photographed and collected the items
2 that we've just went over, did you collect any other items
3 from outside of [REDACTED] Fish Hatchery Road?

4 A. I did.

5 Q. And what other items did you collect?

6 A. When we arrived on scene, while we were on scene
7 deputies located a pistol magazine near the entrance to the
8 driveway that was partially covered over with sand.

9 Q. I'll show you State's Exhibit 34 and 35. Do you
10 recognize what's in those photographs?

11 A. I do.

12 Q. And what's depicted in those photographs?

13 A. It's a photograph of a metal pistol mag with
14 cartridges loaded inside of it.

15 Q. And did you put that placard beside that magazine?

16 A. I did.

17 Q. And what was the placard number?

18 A. Marker 25.

19 Q. And do these pictures fairly and accurately
20 represent the collection of, the location and collection of
21 that magazine --

22 A. Yes, ma'am.

23 Q. -- identified by your placard number?

24 A. Correct.

25 MS. PATTERSON: Your Honor, at this time we move

1 State's Exhibit 34 and 35 into evidence.

2 THE COURT: Any objection?

3 MR. BELL: No objection.

4 THE COURT: Admitted.

5 BY MS. PATTERSON:

6 Q. In State's 34, can you point out to the jury what
7 we're looking at?

8 A. This is the body of the pistol magazine. You can
9 make out the bullet of one of the cartridges loaded inside the
10 magazine there.

11 Q. State's 35, is that a better picture of it once it
12 was uncovered?

13 A. Yes, ma'am.

14 Q. And where again, point out to the jury where this
15 was located.

16 A. It was located approximately here near the entrance
17 to the yard.

18 Q. And again, did you collect that?

19 A. Yes. I did.

20 Q. And did you collect any other items of evidence
21 outside in the yard?

22 A. We did locate projectile fragments as well as a
23 fired projectile, a bullet in the front yard near the vicinity
24 of the truck.

25 Q. I'm going to show you State's 29 through 33 and ask

1 you to take a look at that.

2 A. (Witness complies.)

3 Q. Do you recognize what is in State's 29 through 33?

4 A. I do.

5 Q. And what is indicated in these photographs?

6 A. Those are photographs of some bullet fragments as
7 well as a fired bullet that was located in the front yard.

8 THE COURT: Is there any objection to those being
9 entered?

10 MS. PATTERSON: Sorry.

11 MR. BELL: None, Your Honor.

12 THE COURT: They're entered. I mean admitted.

13 MS. PATTERSON: I apologize, Your Honor.

14 THE COURT: No. That's okay. I'm sitting here
15 thinking maybe I've lost my mind.

16 BY MS. PATTERSON:

17 Q. So State's 21, is that just a far away view of the
18 fragment that was collected?

19 A. Yes, ma'am.

20 Q. And what about State's 30?

21 A. That's a close up of the bullet fragment that we
22 located.

23 Q. Okay. In State's 22, what does that show?

24 A. That was a fired bullet that we located in the front
25 yard as well.

1 Q. Okay. So you identified that as a bullet?

2 A. It was a mostly intact slightly deformed bullet.

3 Q. Were you able to identify what type of caliber
4 weapon that was fired from?

5 A. I'm not an expert so I can't definitively say what
6 caliber it was. It appeared to be consistent with a pistol
7 bullet.

8 Q. And again, where was 22 located?

9 A. 22 was located in the front yard south of the truck
10 so it wasn't directly underneath the truck but kind of maybe
11 several feet away from the vehicle.

12 Q. And what's indicated in State's 32?

13 A. That's marker 24 just under the driver side door.
14 That was a bullet fragment.

15 Q. And is this just another angle of that?

16 A. Yes, ma'am. It's located right here.

17 Q. And again, that was beside the victim's truck or the
18 truck that the victim was found in front of?

19 A. That's correct.

20 Q. Let's go back to the collection of the magazine.

21 Once you collected the magazine, did you, State's 46, are you
22 able to identify this or what's in this?

23 A. Yes. There appear to be four rifle or pistol
24 magazines.

25 Q. And is the magazine that you collected, is that

1 contained in there?

2 A. Yes. It is.

3 Q. Which would have been marker 25?

4 A. That's correct.

5 Q. Okay. How do you recognize that that's in there?

6 A. On the exterior of the box there's a label
7 indicating that item 25 which is marker 25 a pistol magazine
8 is inside.

9 Q. And you collected that?

10 A. I did.

11 Q. Okay. Do you see your initials on there?

12 A. Those are not my initials, but the items of evidence
13 should be located inside. That's Brenda Snelgrove's
14 initials.

15 Q. Okay.

16 A. Essentially they packaged them like that to send off
17 for analysis to SLED.

18 Q. And so what did you do with the magazine after you
19 collected it?

20 A. When I collected the magazine, after processing the
21 scene, documenting it, Lexington County does have a lab that
22 we can do latent print analysis so I took the magazine back to
23 the lab and attempted to get latent prints off of the magazine
24 itself as well as the cartridges inside.

25 Q. And were you able to collect any latent prints from

1 the magazine?

2 A. After I - I did not get any latent prints on the
3 magazine just due to it being buried in sand, but when I did
4 remove the cartridges and processed those, four of them I did
5 find ridge detail on the cartridge themselves.

6 Q. On the cartridge themselves. Okay. And State's 47,
7 do you recognize that?

8 A. I do.

9 Q. And what is that?

10 A. These are the nine millimeter, Blazer nine
11 millimeter cartridges from the magazine.

12 Q. And are those the ones that you took out of the
13 magazine?

14 A. Yes, ma'am.

15 Q. And do you see your initials on those?

16 A. I do.

17 Q. And what did you do with these after you collected
18 them?

19 A. After I collected the cartridge cases and processed
20 them for latent prints, I did have to photograph the
21 cartridges, the ridge detail on the cartridges themselves.
22 Those photographs would have been sent off to our Lexington
23 County's latent print examiner and he determined there wasn't
24 enough detail to make an identification.

25 Q. So there wasn't enough detail, but you attempted to

1 make an identification?

2 A. That's correct.

3 MS. PATTERSON: Your Honor, at this time we move
4 State's Exhibit number 47 into evidence.

5 THE COURT: Are you moving 46 too?

6 BY MS. PATTERSON:

7 Q. Agent Ward, I think you said in State's Exhibit 46,
8 your magazine item that you collected was in here?

9 A. Yes, ma'am.

10 MS. PATTERSON: At this time we move State's Exhibit
11 46 into evidence.

12 THE COURT: Any objection?

13 MR. BELL: Your Honor, we object at this time due to
14 foundation. Our understanding is that particular item
15 contains multiple other items inside of it. I think that
16 those items need to be individually, have their
17 foundation laid, identified and potentially marked on
18 their own before we just enter a box of multiple items.

19 THE COURT: All right. Let me see the lawyers just
20 for a second.

21 (Side bar off the record.)

22 MS. PATTERSON: Your Honor, at this time we move
23 State's Exhibit 46 in as a Court's exhibit.

24 THE COURT: Any objection?

25 MR. BELL: None, Your Honor.

PATRICK WARD - DIRECT BY MS. PATTERSON

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1 THE COURT: It's admitted.

2 BY MS. PATTERSON:

3 Q. Agent Ward, open that exhibit and pull out the
4 magazine that you collected at [REDACTED] Fish Hatchery.

5 A. (Witness complies.)

6 THE COURT: Ms. Patterson, I think we need to put a
7 sticker on there for Court's Exhibit number 1.

8 MS. PATTERSON: Your Honor, I am having the court
9 reporter mark it as Court's Exhibit number 1.

10 (Whereupon, Court's Exhibit #1 marked for
11 identification.)

12 THE COURT: Okay. Any objection?

13 MR. BELL: No objection.

14 MS. PATTERSON: And then the magazine will be
15 State's Exhibit 46.

16 THE COURT: Okay. Perfect. Is there any objection
17 to the exhibit number 46?

18 MR. BELL: No, Your Honor.

19 THE COURT: Then it's admitted.

20 BY MS. PATTERSON:

21 Q. So this was the one that was found in the sand at
22 [REDACTED] Fish Hatchery?

23 A. That's correct.

24 Q. And the cartridge cases found in that magazine, what
25 was they stamped as?

1 A. They were head stamped Blazer nine millimeter
2 Luger.

3 Q. And were these the same as the ones that was found
4 that you described earlier as being recovered at [REDACTED]?

5 A. They had the same head stamp, yes.

6 Q. So they had the same head stamp. Now, let's go back
7 to the Dodge Dakota truck that you found the victim in front
8 of. What, if anything, did you do at the scene to assist you
9 -- First of all, let me ask you this: What is trajectory
10 rods?

11 A. A trajectory rods are basically just sticks,
12 sometimes colorful different color coded sticks that we will
13 stick in bullet holes to help determine the path of a bullet
14 through an object.

15 Q. And why is that important for you to do at a crime
16 scene?

17 A. Flight path rods give us a better understanding of
18 where the shots may have originated from.

19 Q. And I'm gonna show you State's 24, 25, 26, 27, and
20 28. Do you recognize what's in those photographs?

21 A. I do.

22 Q. And what is shown in these photographs?

23 A. Those are images of the driver's side of the Dodge
24 Dakota truck as well as the area where the victim was found.

25 MS. PATTERSON: Your Honor, at this time we move --

1 BY MS. PATTERSON:

2 Q. Do they fairly and accurately represent the scene as
3 it was on March 27th of 2020?

4 A. Yes. They do.

5 MS. PATTERSON: Your Honor, at this time we move
6 State's Exhibits 24 through 28 into evidence.

7 THE COURT: Any objection?

8 MR. BELL: No objection, Your Honor.

9 THE COURT: They're admitted.

10 BY MS. PATTERSON:

11 Q. I think we've already talked about item 22 earlier.
12 Again, just remind us what that is.

13 A. That was the location of where the fired bullet was
14 found.

15 Q. Okay. And where is the truck?

16 A. That's actually my leg right there.

17 Q. And item 25, what are we looking at?

18 A. That's the driver side of the Dodge Dakota truck.
19 You can see there's a couple of flight path rods, actually
20 three flight path rods with one up here that is protruding out
21 of the side of the truck.

22 Q. And the way you have the trajectory rods positioned
23 in this photograph, does it appear that these shots were fired
24 towards the ground or towards the truck?

25 A. From the angle of the trajectory rods, it appeared

1 that were roughly parallel with the ground coming from the
2 rear of the truck to the front.

3 Q. And which direction were they coming from?

4 A. They would have been coming from the right side of
5 the image.

6 Q. And what does 26 show us?

7 A. That's an image of the, this is the driver's, front
8 driver's side door and these are two flight path rods that
9 were placed through the bullet defects.

10 Q. And do you have an opinion as to what type of
11 caliber weapon would have caused that?

12 A. Just judging from the bullet defects, I can't
13 definitively say if it was a rifle or a pistol but just a
14 projectile.

15 Q. So you can't tell?

16 A. Not for sure. I'm not an expert in that.

17 Q. Okay. In State's 27, what, if anything, is this
18 showing?

19 A. This is showing some additional suspected bullet
20 defects on the front driver's side door. You have one here,
21 another here, as well as one here. These did not perforate
22 through the door. This one did perforate and basically the
23 projectile lodged in the wheel well of the truck.

24 Q. And I know you can't tell what type of caliber
25 weapons caused this, the defects to the truck, but were they

1 all positioned on the same side of the truck?

2 A. Yes, ma'am. They were.

3 Q. So they wasn't like sprayed all over the truck?

4 A. No, ma'am.

5 Q. It was all confined?

6 A. That's correct.

7 Q. And State's 28, what are we looking at?

8 A. That's a photograph of where the victim was located
9 when we arrived on scene.

10 Q. And although I don't see a rod in this photograph,
11 do you see a defect in this photograph?

12 A. There was a bullet defect on the front driver's side
13 corner of the hood here.

14 Q. I'm gonna show you State's 23. Do you recognize
15 what's in that photograph?

16 A. I do.

17 Q. What's in that photograph?

18 A. That's another image of a flight path rod that we
19 stuck through the bullet defects located at the front driver's
20 side corner of the vehicle.

21 Q. And is that the condition that you found the truck
22 in on March 27th of 2020?

23 A. Yes. It is.

24 Q. Has it been changed or altered in any way?

25 A. No, ma'am.

1 MS. PATTERSON: Your Honor, we move State's Exhibit
2 23 into evidence.

3 THE COURT: Any objection?

4 MR. BELL: None, Your Honor.

5 THE COURT: It's admitted.

6 BY MS. PATTERSON:

7 Q. And this might be a better photograph to explain to
8 the jury again trajectory rods in relation to where you found
9 the victim.

10 A. Yes, ma'am. The victim would have been located on
11 the ground in front of the truck. The flight path rod was
12 stuck through these two bullet defects.

13 Q. And again, you can't tell what type caliber weapon
14 caused these bullet defects?

15 A. No, ma'am.

16 Q. Now, with regards to these defects, would they be
17 consistent as they were coming from an angle?

18 A. Yes, ma'am. I believe so.

19 Q. Instead of like a straight path?

20 A. That's correct.

21 Q. And did you find anything else in the yard at [REDACTED]
22 Fish Hatchery Road associated with this shooting?

23 A. As far as I remember I don't believe we did find
24 anything additional.

25 Q. And did you search the inside of the victim's

1 residence?

2 A. Yes. We did.

3 Q. And what was the purpose of that search?

4 A. Just looking for additional items of evidence.

5 Q. And what, if anything, did you find inside the
6 residence?

7 A. In the victim's bedroom which was located to the
8 right of the front door as you came in we did locate several
9 boxes of ammunition as well as a .22 rifle and another pistol
10 magazine.

11 Q. And where did you find these items again?

12 A. I was told it was the victim's bedroom.

13 Q. And so just to be clear, can you identify on this
14 diagram where the victim's bedroom was located?

15 A. On the right side of the residence here.

16 Q. Okay. And what does item 29 indicate?

17 A. Marker 29 was the .22 Winchester rifle.

18 Q. And did you find anything in the yard consistent
19 with that rifle being shot out in the yard during your
20 search?

21 A. No, ma'am.

22 Q. And what does item 28 indicate?

23 A. 28, those were boxes of ammunition that we found, a
24 .22 long rifle and I believe a .45 Colt.

25 Q. Were there any evidence located in the yard of these

1 items being used in this incident?

2 A. No, ma'am.

3 Q. Okay. And what about item 30?

4 A. That was a pistol magazine. Those were all located
5 on the dresser along the wall.

6 Q. So they were inside the victim's room but there was
7 nothing in the yard recovered to indicate that any of these
8 items had been involved in the shooting?

9 A. No, ma'am.

10 Q. And did you collect those items?

11 A. Yes. We did.

12 Q. And what was the purpose of you collecting those
13 items?

14 A. I was advised that there were people residing in the
15 residence who were federally prohibited from being around
16 firearms or ammunition.

17 Q. Is that the only reason you collected those items?

18 A. Yes, ma'am.

19 Q. And did you respond to Bachman Road in relation to
20 this incident?

21 A. Yes. I did.

22 Q. And what was the purpose of you going out to Bachman
23 Road?

24 A. I was advised that investigators had responded there
25 to the residence looking for additional items of evidence and

1 that they had located fired cartridge cases in the backyard
2 near a pond that were supposedly the same head stamps as those
3 found on scene.

4 Q. And I'm gonna show you State's Exhibits 36 through
5 39. Do you recognize what's in those photographs?

6 A. Yes. I do.

7 Q. And what's depicted in those photographs?

8 A. Marker 31 is showing some cartridge cases that are
9 head stamped 300 Blackout, and marker 32 is showing a set of
10 cartridge cases stamped Blazer nine millimeter Luger.

11 MS. PATTERSON: Your Honor, at this time we move
12 State's Exhibits 36 through 39 into evidence.

13 THE COURT: Any objection?

14 MR. BELL: No, ma'am.

15 THE COURT: They're admitted.

16 BY MS. PATTERSON:

17 Q. And do you know whose address this was?

18 A. I was told it was a family member. I'm not exactly
19 sure whose address it was off the top of my head.

20 Q. And do you know what family member of?

21 A. I can't definitively say off the top of my head.

22 Q. And what again is shown in this photograph?

23 A. Marker 31 is marking the location of some cartridge
24 cases head stamped 300 Blackout. This is actually a pond back
25 here.

1 Q. And how many -- Maybe this will be a better picture.
2 It's a close up. And about how many of the cartridge cases
3 were found?

4 A. In total we found six cartridge cases head stamped
5 FC 300 BLK as well as four cartridge cases head stamped Blazer
6 nine millimeter Luger.

7 Q. And the nine millimeter Luger, did you do a placard
8 for those?

9 A. Yes, ma'am. Marker 32.

10 Q. And is that what we are seeing in State's 38 as well
11 as 39?

12 A. Correct.

13 Q. And again, how many of those cartridge cases did you
14 find?

15 A. Four of the nine millimeter.

16 Q. And did you collect them?

17 A. Yes, ma'am.

18 MS. PATTERSON: Your Honor, may we approach?

19 THE COURT: You may.

20 (Side bar off the record.)

21 BY MS. PATTERSON:

22 Q. Agent Ward, I'm gonna hand you what we'll mark as
23 Court's Exhibit number 2 and ask you to open up that package.

24 A. (Witness complies.)

25 Q. And can you locate the casings that you collected

1 from Bachman Road?

2 A. These two items here.

3 Q. And this is exhibit 45. Can you look at this and
4 tell us specifically what this is that you collected from
5 Bachman Road?

6 A. These are six cartridge cases head stamped FC 300
7 BLK.

8 Q. And do you recognize them by your initials?

9 A. Yes. I do.

10 Q. And have they been changed or altered in any way?

11 A. No, ma'am.

12 MS. PATTERSON: Your Honor, at this time we move
13 State's Exhibit 45 into evidence.

14 THE COURT: Any objection?

15 MR. BELL: No, Your Honor.

16 THE COURT: It's admitted. And are we marking that
17 as Court's Exhibit number 2?

18 MS. PATTERSON: Court's Exhibit number 2, yes,
19 ma'am.

20 THE COURT: Thank you. Any objection to the Court's
21 Exhibit?

22 MR. BELL: No, ma'am.

23 THE COURT: Thank you.

24 (Whereupon, Court's Exhibit #2 marked for
25 identification.)

1 BY MS. PATTERSON:

2 Q. In State's 48, do you recognize that?

3 A. I do.

4 Q. And what is that?

5 A. These are four cartridge cases head stamped Blazer
6 nine millimeter Luger.

7 Q. From Bachman Road?

8 A. That's correct.

9 Q. And your initials?

10 A. Yes.

11 MS. PATTERSON: Your Honor, at this time we move
12 State's Exhibit 48 into evidence.

13 THE COURT: Any objection?

14 MR. BELL: No, Judge.

15 THE COURT: It's admitted.

16 BY MS. PATTERSON:

17 Q. Now, were you also involved with another search of
18 the Dodge Dakota truck?

19 A. Yes, ma'am.

20 Q. And where was that search conducted?

21 A. That was conducted at the Lexington County Sheriff's
22 Department. The truck was towed from the scene to the impound
23 lot there.

24 Q. And did you observe anything differently during this
25 search than you did during the search when the truck was

1 located a [REDACTED] Fish Hatchery Road?

2 A. Nothing was changed to the exterior of the vehicle,
3 however, we did do a more thorough search of the interior and
4 tried to recover any bullet fragments or projectiles.

5 Q. Okay. And were you able to recover anything from
6 the tires?

7 A. We did not recover anything from the tire.

8 Q. What about the wheel well?

9 A. We did recover two projectile fragments from the
10 driver's side front wheel well.

11 Q. And when you say wheel well, what are you
12 describing?

13 A. The area, the enclosure around the front tire.

14 Q. And were you able to indicate a path direction from
15 recovery of those items?

16 A. They did appear to be from the rear of the vehicle
17 toward the front.

18 Q. And did you recover any other fragments from the
19 truck?

20 A. We did. We recovered three projectile fragments
21 from the front driver's side door after removing the door
22 panel and also a projectile fragment from the front driver's
23 side floorboard.

24 Q. And were you able to tell anything about the
25 trajectory of these?

1 A. Those did appear to be as well from the rear of the
2 vehicle toward the front.

3 Q. And were they like at an angle path as well?

4 A. Yes, ma'am.

5 Q. And did you locate a weapon inside the vehicle?

6 A. I did.

7 Q. And where was this weapon located?

8 A. There was a pistol wedged in between the driver's
9 seat and the center seat of the front, I believe, the front
10 seat of the vehicle.

11 Q. And I'm showing you State's Exhibit 40 and 41. Do
12 you recognize what's in those photographs?

13 A. I do.

14 Q. What's in those photographs?

15 A. That is a Cobra CA380 pistol.

16 Q. And this was, again, where was it found?

17 A. It was located in between the front driver's seat
18 and the middle seat of the front, I believe it's a bench
19 seat.

20 Q. And do these pictures reflect the recovery and
21 location of the gun, I think you searched it April 10th?

22 A. April the 7th.

23 Q. April 7th of 2020?

24 A. Yes, ma'am.

25 Q. Does it look like this has been changed or altered

1 in any way?

2 A. No, ma'am.

3 MS. PATTERSON: Your Honor, at this time we move
4 State's Exhibit 40 and 41 into evidence.

5 THE COURT: Any objection?

6 MR. BELL: No objection, Your Honor.

7 THE COURT: It's admitted.

8 BY MS. PATTERSON:

9 Q. In State's 40, can you identify where you found the
10 gun?

11 A. Located right here.

12 Q. So it was tucked tight between the seats?

13 A. That's correct.

14 Q. And what position did you take this photograph?
15 What was this photograph taken?

16 A. Essentially the butt of the gun is facing towards
17 the back of the seat barrel down.

18 Q. And again, what kind of weapon was that?

19 A. It was a .380 pistol.

20 Q. And did you find anything at [REDACTED] Fish Hatchery Road
21 to indicate that that weapon had been used that night?

22 A. No. I did not.

23 Q. Let me show you State's 42 and 43. What's in those
24 photographs?

25 A. Those are images of a fired projectile fragment from

1 the front driver's side floorboard.

2 Q. This is what you noticed during the search on April
3 7th of the Dodge Dakota?

4 A. That's correct.

5 MS. PATTERSON: Your Honor, at this time we move
6 State's Exhibits 42 and 43 into evidence.

7 THE COURT: Any objection?

8 MR. BELL: No objection, Your Honor.

9 THE COURT: They're admitted.

10 BY MS. PATTERSON:

11 Q. And I know it's kind of hard to see, so can you
12 point out to the jury what is depicted in this photograph?

13 A. This is the approximate location of the projectile
14 fragment. That's just a photograph of the projectile in my
15 hand just for a better close up shot.

16 THE COURT: I wanted to ask about 47 because this is
17 the only thing I have not admitted and I was gonna ask
18 you before you sat down if, just so my records are right,
19 I'm not sure that I said it's admitted and I wanted to
20 make sure it's admitted without objection.

21 MS. PATTERSON: Your Honor, I think it's gonna be
22 admitted without objection. At this time we move State's
23 Exhibit 47 which is the 16 cartridge fragments from the
24 Blazer nine millimeter Luger.

25 THE COURT: I mean, you said it and I wrote it down,

1 I just, we got side tracked on the side bar and I don't
2 think we admitted it. I want to make sure it's without
3 objection.

4 MR. BELL: No objection, Your Honor.

5 THE COURT: Then it's admitted.

6 MS. PATTERSON: Thank you.

7 BY MS. PATTERSON:

8 Q. We're almost done, Agent Ward, I promise you. I'm
9 gonna show you State's Exhibit 49. I know we talked about it,
10 but I failed to get it entered. Can you take a look at 49?
11 Do you recognize what's in State's 49?

12 A. I do.

13 Q. And what do you recognize this to be?

14 A. Those are the fired projectile fragments and, I'm
15 sorry, bullet fragments and the fired bullet located on the
16 scene.

17 Q. Okay. So these were located at the [REDACTED] Fish
18 Hatchery Road address?

19 A. That's correct.

20 Q. And you recognize your initials?

21 A. I do.

22 Q. And did you package them up and submit them into
23 evidence?

24 A. Yes. I did.

25 MS. PATTERSON: Your Honor, at this time we move

1 State's Exhibit 49 into evidence.

2 THE COURT: Any objection?

3 MR. BELL: No, Your Honor.

4 THE COURT: They're admitted.

5 BY MS. PATTERSON:

6 Q. In State's 50, can you take a moment to look at
7 that.

8 A. (Witness complies.)

9 Q. Do you recognize what's in State's 50?

10 A. I do.

11 Q. And what do you recognize it to be?

12 A. Those are the projectile fragments recovered from
13 the Dodge Dakota.

14 Q. This is the one found in the wheel well?

15 A. Those would be everything located in the truck.

16 Q. Okay. And do you recognize your initials?

17 A. I do.

18 Q. Did you submit them in for evidence.

19 A. Yes. I did.

20 MS. PATTERSON: Your Honor, at this time we move
21 State's Exhibit 50 into evidence.

22 THE COURT: Any objection?

23 MR. BELL: No, ma'am.

24 THE COURT: They're admitted.

25 MS. PATTERSON: Thank you, Agent Ward. Please

1 answer any questions Mr. Bell may have.

2 THE COURT: All right. Mr. Bell, before you start,
3 let me just check with the jury because we've been
4 sitting here for almost two hours. I think I'm gonna
5 give y'all a break. I hate to do it, but this is gonna
6 be the perfect time for them to get a break. Remember,
7 no talking about the case amongst yourselves.

8 (Whereupon, the jury entered the jury room at 3:40
9 p.m.)

10 (Short break.)

11 (Whereupon, the jury entered the courtroom at 3:55
12 p.m.)

13 THE COURT: Please be seated. Can I see the lawyers
14 just for a second.

15 (Side bar off the record.)

16 THE COURT: Mister Foreman, jury ready?

17 FOREMAN: Yes, Your Honor.

18 THE COURT: Go ahead, Mr. Bell.

19 MR. BELL: Thank you, Your Honor.

20 CROSS EXAMINATION

21 BY MR. BELL:

22 Q. Agent Ward, you tired of sitting up there yet?

23 THE COURT: And I'm gonna remind him that you're
24 still under oath.

25 BY MR. BELL:

1 Q. All right, agent, so you've been qualified as an
2 expert in crime scene investigation; is that right?

3 A. Yes, sir.

4 Q. And you've spent the majority of your law
5 enforcement career investigating scenes trying to reconstruct
6 scenes and basically put together a puzzle; is that right?

7 A. Yes, sir.

8 Q. And one of the most important things of trying to
9 put together a crime scene puzzle is the sanctity of the
10 original crime scene; is that correct?

11 A. That's correct.

12 Q. You want a crime scene that's been unmanipulated,
13 undisturbed, as pure and as present to the actual crime as you
14 possibly can; is that right?

15 A. Yes, sir.

16 Q. The only crime scene that you are able to document
17 and investigate is the one that is present when you arrive on
18 a scene, right?

19 A. Correct.

20 Q. In this case from reading your report, I think your
21 response time was sometime around 9:10 or 9:15 p.m., is that
22 about right, on March 27th?

23 A. 58 minutes.

24 Q. Excuse me.

25 A. It was 58 minutes from the time of the call until I

1 arrived.

2 Q. Okay. And you didn't have a chance to sit down and
3 start actually documenting the scene until after a lot of the
4 other pedestrians and bystanders and EMS personnel and so
5 forth finally cleared the area; is that right?

6 A. Yes, sir. There were those individuals present in
7 the scene.

8 Q. And so they're around and they're essentially
9 disturbing the crime scene until they've gotten out of that
10 area; is that right?

11 A. That's correct.

12 Q. And then that's when you go through and you try and
13 put it all back together?

14 A. Yes, sir.

15 Q. Okay. Now, I'm gonna do the reverse from what the
16 State did and we're gonna start from the inside and work our
17 way outside, okay?

18 A. Okay.

19 Q. One of the things that was mentioned is that you did
20 a search of the residence at some point; is that correct?

21 A. Yes, sir.

22 Q. And you mentioned that you found several items in
23 what was described to you as the victim's bedroom; is that
24 right?

25 A. Yes, sir.

1 Q. Those items were ammunition, a pistol magazine, and
2 some other items; is that right?

3 A. Yes, sir. A .22 rifle.

4 Q. .22 rifle. And the ammunition you described as
5 being several boxes of .22 ammunition and some .45 ammunition;
6 is that right?

7 A. Yes, sir.

8 Q. Did you locate a weapon that would have belonged to
9 a .45 caliber handgun or firearm?

10 A. No, sir.

11 Q. Don't know where that was?

12 A. No, sir.

13 Q. Didn't locate that in a vehicle or in an outhouse or
14 anywhere in that building?

15 A. No, sir.

16 Q. Okay. So the .22 rifle, the .22 ammunition that you
17 discussed, that ammunition you believe to be belonging to that
18 rifle that you found; is that right?

19 A. That's correct.

20 Q. Also inside of the house you found a book bag with
21 some drug paraphernalia in it; is that right?

22 A. I don't believe that was inside the house. I
23 believe that was Bachman Road.

24 Q. Okay. Bachman Road?

25 A. Yes, sir.

1 Q. All right. And so a stun gun was not located inside
2 of the house that you recall?

3 A. No, sir.

4 Q. All right. Now, dealing with ammunition, you also
5 mentioned that there was a pistol magazine that was recovered;
6 is that right?

7 A. Yes, sir.

8 Q. Did you locate the gun that that pistol magazine
9 went to?

10 A. No, sir.

11 Q. What kind of pistol magazine was it?

12 A. I believe it was a Walther. I don't remember
13 exactly what pistol it went to, but I do remember it was a
14 Walther manufactured magazine.

15 Q. Any idea what caliber that magazine would have
16 held?

17 A. I would have to see the photograph. My mind says
18 .22 caliber but I can't definitively say.

19 Q. Do you recall, was there ammunition loaded in it at
20 the time that you observed it?

21 A. I don't believe it did. I can check my notes.

22 Q. But you didn't recover a Walther pistol or firearm,
23 right?

24 A. No, sir.

25 Q. And you didn't recover any sort of .45 caliber

1 firearm, right?

2 A. No, sir.

3 Q. You did, however, recover a Cobra .380 pistol from
4 out of the victim's vehicle; is that right?

5 A. That's correct.

6 Q. And that .380 is the one that you testified as
7 State's Exhibit 41 to be located between the seat of this
8 vehicle; is that correct?

9 A. That's correct.

10 Q. Now again, you can only testify that what's in
11 State's 41 was located in that position at the time that you
12 arrived and observed the scene; is that right?

13 A. Yes, sir.

14 Q. You have no idea what transpired up until the time
15 that you laid your eyes on that firearm?

16 A. No, sir.

17 Q. Now, going back into the house, one of the things in
18 your report that you located was a shell casing laying on top
19 of a jacket that was on the floor in the victim's bedroom; is
20 that correct?

21 A. That's correct.

22 Q. Did you collect that casing?

23 A. We did not. We examined it and determined it was
24 not involved in the incident.

25 Q. What kind of casing was it?

1 A. It was a - we did not get a photograph of the head
2 stamp, but it was not a nine millimeter Blazer cartridge
3 case.

4 Q. It was a .380, wasn't it?

5 A. I don't know what caliber it was.

6 Q. And a .380 would be the same caliber as the pistol
7 that was located in that vehicle in State's 41?

8 A. Yes. It would be.

9 Q. And you also testified to recovering projectile
10 fragments that you identified as item 24 in your crime scene
11 diagram. Do you have your laser pointer up there with you?

12 A. I do.

13 Q. Could you, if you're able to see that, could you
14 circle where 24 is?

15 A. (Witness complies.)

16 Q. And again, you identified that that was a projectile
17 fragment that was located on the ground below the door of that
18 vehicle; is that right?

19 A. That's correct.

20 Q. And you collected that and sent it off for forensic
21 analysis?

22 A. Yes, sir.

23 Q. And again, a fragment is something that indicates
24 that the bullet struck something and then fractured into
25 multiple pieces and fell on the ground, is that right?

1 A. Yes.

2 Q. And as the crime scene investigator, as an expert
3 who reviewed reports in this case, are you familiar with what
4 the firearms expert's conclusion was on that fragment?

5 A. I'm not aware. I have not read the report.

6 Q. So you are not aware that that was determined to be
7 a .380 fragment?

8 A. I can't say what it was. I haven't read the
9 report.

10 Q. The proper person to testify to that would be the
11 firearms expert from SLED?

12 A. Yes, sir.

13 Q. I certainly give deference to your long career in
14 crime scene investigation, but you're not an expert in
15 pathology and you're not an expert in firearms analysis; is
16 that right?

17 A. Correct.

18 Q. The people that should testify about pathology or
19 wounds to the body should be the pathologist who will be
20 qualified as an expert; is that right?

21 A. That's correct.

22 Q. And the person that should best testify about tool
23 marks, bullet fragments, and firearms should be the firearms
24 expert; is that accurate?

25 A. Yes, sir.

1 Q. So when you testify and say that in examining the
2 victim's body one of the bullet wounds appear to be consistent
3 with a pistol, that's not really your expertise to say,
4 correct? That would be better suited for a pathologist or a
5 firearms expert?

6 A. Yes.

7 Q. And again, on your original direct from the State,
8 you said that the wound could be from a rifle or a pistol,
9 correct?

10 A. It's possible.

11 Q. Okay. You also mentioned that some fragments were
12 recovered outside of the one we've discussed in placard 24, I
13 believe that those would be 21 through 23, is that accurate,
14 for additional bullet fragments.

15 A. Yes, sir.

16 Q. Again, just for the jury because my eyesight isn't
17 so good either, could you just circle where 21 and 23 are?

18 A. There's marker 21, and 23 is against the
19 residence.

20 Q. Again, these are bullet fragments that you located
21 and recovered?

22 A. Yes, sir.

23 Q. Which means a projectile struck something and then
24 disintegrated or broke into pieces?

25 A. That's correct.

1 Q. Now, these green circles on the corner of the
2 building that you have diagramed, is that what we call a
3 reference point?

4 A. Yes, sir. That's a point from which I took a
5 measurement from that reference point to an item of
6 evidence.

7 Q. And do you know approximately how far placard 23 was
8 from the reference point that's over on the left side of this
9 diagram?

10 A. Yes, sir.

11 Q. How far would that have been?

12 A. I don't have the exact measurement in front of me
13 but it was several feet.

14 Q. Several feet?

15 A. Yes, sir.

16 Q. Do you know how many feet it was from placard 23 to
17 the victim's body?

18 A. Several feet.

19 Q. Several feet.

20 A. Again, I don't have the measurements in front of
21 me.

22 Q. And again, in regards to 21 which was the other
23 projectile fragment recovered, how far was that from the
24 victim's body?

25 A. That was further away from the body approximately

1 half way between the nine millimeter cartridge cases and his
2 body.

3 Q. So we can agree that regardless of what caliber the
4 fragments from 21 and 23 turn out to be, if any, they were
5 several feet from where the victim was on the ground?

6 A. Correct.

7 Q. Again, fragmentation can occur for multiple reasons,
8 right?

9 A. Yes, sir.

10 Q. Potentially if one strikes a tree, it can fragment;
11 is that right?

12 A. Potentially.

13 Q. Striking a metal surface it could fragment into
14 pieces; is that right?

15 A. Yes, sir. Usually a hard surface.

16 Q. Striking a vehicle it could potentially fragment?

17 A. Yes, sir.

18 Q. Now, in your experience as a crime scene
19 investigator, pistols when fired typically travel slower than
20 a rifle; is that accurate?

21 A. That's correct.

22 Q. The projectile moves slower than a rifle; is that
23 right?

24 A. Yes, sir.

25 Q. And so typically we do not see penetration wounds

1 and exit wounds from pistols; is that right?

2 A. It just depends on the construction of the bullet.
3 We do see penetration wounds all the time that perforate
4 through the whole body.

5 Q. And typically when you have penetrating wounds from
6 a pistol that create an exit wound, it typically is a shot
7 that happened within close proximity, correct?

8 A. It can be any distance as long as it has enough
9 energy to perforate the body.

10 Q. So that's a general way of saying you're not sure if
11 it has X amount of energy it could penetrate through the body;
12 is that right?

13 A. Yes, sir.

14 Q. But one of the telltale signs of a pistol or a
15 firearm being close to someone when it is fired is what we
16 call stippling around the wound; is that correct?

17 A. Correct.

18 Q. Did you observe stippling around the wounds?

19 A. I did not.

20 Q. You've already testified that you identified what
21 you thought were ridges on some of the cartridges in the
22 magazine that you recovered, but ultimately you were unable to
23 make any identification; is that right?

24 A. Yes, sir.

25 Q. Now, one thing I may have missed you testifying to

1 on direct is, did you also attempt to collect touch DNA
2 samples?

3 A. We did try to do touch DNA off of the cartridge
4 cases recovered in the front yard.

5 Q. Anything else?

6 A. As far as I remember, that's the only thing we did
7 touch DNA on besides the firearms themselves.

8 Q. So you did do touch DNA on the firearms
9 themselves?

10 A. Yes, sir.

11 Q. And that would include the Diamondback 300 Blackout
12 AR-15 style rifle and then, of course, the FNS nine millimeter
13 pistol that we heard discussed; is that right?

14 A. Yes, sir.

15 Q. Okay. And you basically take fancy Q-Tips and you
16 swab various parts of the firearms and then you submit them
17 for analysis; is that correct?

18 A. That's correct.

19 Q. Now, do you happen to have any idea what happens to
20 those swabs after you have collected them and submitted
21 them?

22 A. They would be submitted into evidence control and
23 then from there they'll be taken to SLED DNA for analysis.

24 Q. Based on your review as an expert in crime scene
25 investigation in this case, are you aware of whether any of

1 Chris Shumpert's DNA was located on the 300 Blackout rifle?

2 A. I'm not sure. I haven't read the report.

3 Q. And would you be aware of whether his DNA was
4 located on the pistol?

5 A. I'm not aware.

6 Q. So the person to testify to that would be whoever
7 the DNA expert would be?

8 A. That's correct.

9 MR. BELL: Agent, your 15 minutes of fame is just
10 about over. I appreciate your cooperation. No further
11 questions.

12 THE COURT: Any redirect?

13 MS. PATTERSON: Just briefly.

14 REDIRECT EXAMINATION

15 BY MS. PATTERSON:

16 Q. Referring to Court's Exhibit number 52, I'm gonna
17 take out what's been marked as State's Exhibit 51 and 52 and
18 ask you to take a look at these.

19 A. (Witness complies.)

20 Q. Do you recognize what's in State's 51 and 52?

21 A. I do.

22 Q. And what do you recognize to be in State's 51?

23 A. 51 is a cartridge cases head stamped as FC 300

24 BLK.

25 Q. Are these the cases that you recovered on Fish

1 Hatchery Road?

2 A. Yes. That's correct.

3 Q. And take a look at 52. What do you recognize to be
4 contained in 52?

5 A. Those are the cartridge cases head stamped Blazer
6 nine millimeter Luger.

7 Q. That you collected from [REDACTED] Fish Hatchery Road?

8 A. Yes, ma'am.

9 Q. And did you package them up and submit them into
10 evidence?

11 A. Yes. I did.

12 MS. PATTERSON: Your Honor, at this time we move
13 State's Exhibits 51 and 52 into evidence.

14 THE COURT: Any objection?

15 MR. BELL: No objection, Judge.

16 THE COURT: They're admitted.

17 BY MS. PATTERSON:

18 Q. So just to be clear, the gun that you located in the
19 Dodge Dakota truck is State's 41. When you recovered it, was
20 it covered in any blood or anything suspicious?

21 A. No, ma'am.

22 Q. And did it seem to be -- And again, there was
23 nothing found at [REDACTED] to indicate that that gun was used at
24 the scene?

25 A. No, ma'am.

1 Q. And when you got to the scene, it was already taped
2 off and secured with crime scene tape?

3 A. That's correct.

4 Q. And just to clear up something Mr. Bell asked you.
5 I think Mr. Bell asked you about State's 24 that you collected
6 which was right below the truck and he asked you if you was
7 aware that it was a .380 projectile?

8 A. I've never heard that.

9 Q. Okay. And the firearms expert would be the one to
10 be able to definitively identify what that was identified to
11 be?

12 A. That's correct.

13 MS. PATTERSON: Thank you, Agent Ward.

14 THE COURT: Mr. Bell.

15 MR. BELL: Thank you, Judge.

16 RECROSS EXAMINATION

17 BY MR. BELL:

18 Q. Luminol is a forensic spray that can help you detect
19 invisible blood or other bodily fluids; is that right?

20 A. That's correct.

21 Q. Something that you normally use in your crime scene
22 investigation duties?

23 A. Occasionally, yes.

24 Q. Was any luminol sprayed on that pistol to try to
25 detect if there was any blood or blood remnants on it?

1 A. No, sir.

2 Q. Were any touch DNA swabs done on that pistol?

3 A. No, sir.

4 Q. Again, I'm referring to that .380 pistol that was
5 shot earlier in the day by Barry Chavis and located in his
6 vehicle, did you do any touch DNA?

7 A. No, sir.

8 Q. So you don't know if any of the other individuals on
9 the scene may have handled it after Barry Chavis that
10 evening?

11 A. I don't know.

12 MR. BELL: Your Honor, as a housekeeping matter,
13 this diagram apparently being displayed as a
14 demonstrative is marked as Court's Exhibit 3.

15 THE COURT: Any objection?

16 MS. PATTERSON: No objection.

17 MR. BELL: No further questions, Your Honor.

18 (Whereupon, Court's Exhibit #3 marked for
19 identification.)

20 THE COURT: Okay. I'll let the agent be excused
21 then.

22 MS. PATTERSON: Yes, ma'am. Thank you.

23 THE COURT: All right. Ladies and gentlemen of the
24 jury, I'm gonna let you go for the day. This is our kind
25 of our schedule that we're planning on so don't hold me

1 to it. I just hope it works. I think I'll be ready for
2 closing charge on Thursday hopefully early morning so
3 that is the plan.

4 Now, let me tell y'all, y'all are not to talk about
5 this case at all, or do any research. You can't even
6 talk about it amongst yourselves. I think I've said that
7 at least a dozen times now. So, you know, make sure you
8 abide by that and I'll have my morning questions for you
9 again tomorrow, but let's start at 9:00. Remember, don't
10 do any research, don't watch TV. Hear something about
11 this case, turn the TV off. Don't call your friends and
12 tell them about this case, nothing. Okay. Hope y'all
13 have a good evening. I'll see you in the jury room at a
14 quarter to nine in the morning. I'm gonna start - we
15 started almost on time today, 9:02. We'll start on time
16 tomorrow. Thank you. Have a good evening.

17 (Whereupon, the jury was adjourned for the day at
18 4:30 p.m.)

19 THE COURT: All right. Court's adjourned until 9:00
20 in the morning. Anything that I need to take up with the
21 lawyers before I let you go?

22 MS. PATTERSON: No, ma'am.

23 MR. MYERS: No, ma'am. Nothing from the defense.

24 THE COURT: I'll have jury charges hopefully emailed
25 to y'all maybe, maybe tonight so y'all have plenty of

1 time to look over them and we'll do a charge conference.

2 Okay. All right. Everybody have a good evening.

3 (Whereupon, court was adjourned for the day.)

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1 March 29, 2023

2 (In Chambers Hearing.)

3 THE COURT: Okay. We are on the record. I'm in my
4 office with all of the lawyers and Mr. Pinholster who is
5 the foreman of the jury in this case. It came to my
6 attention yesterday that, and I want to make sure, that
7 nobody has discussed this case even up to right now in
8 that jury room.

9 FOREMAN: No, ma'am.

10 THE COURT: Perfect. Any other questions you would
11 like me to ask?

12 MS. PATTERSON: No, Your Honor.

13 MR. BELL: No, Your Honor.

14 THE COURT: And I'll just tell you while I've got
15 you in here. If you have any questions, all you've got
16 to do is write it on a note pad and I'll answer anything
17 that I can. But I'll tell you, you really can't ask any
18 question because you haven't heard all the case yet. But
19 if you do have anything --

20 FOREMAN: Well, that's one question that we had
21 yesterday that we asked the bailiffs and that was, if we
22 did have a question in this process, can we write it down
23 and can it be given to me and given to you or do we have
24 to wait until the very end?

25 THE COURT: You can -- If it's about the case, you

1 probably ought to wait until the very end and let me
2 charge the law and listen to the whole case. Your answer
3 might be there, you just haven't heard it yet. But
4 afterwards you're more than welcome to send me a note.
5 You can send me a note anytime, but really if it's about
6 the case you probably want to listen to all the testimony
7 first. We're almost there but not quite. Does that
8 answer everybody's question?

9 MS. PATTERSON: Yes, ma'am.

10 MR. BELL: Yes, ma'am.

11 THE COURT: Thank you, Mr. Pinholster.

12 FOREMAN: Can I share with the group what we
13 discussed?

14 THE COURT: Anybody have any objection to that?

15 MS. PATTERSON: No, ma'am.

16 MR. BELL: No, ma'am.

17 THE COURT: Just exactly what I said. I just want
18 to make sure that nobody is discussing this case
19 beforehand. It's an important case and I want to make
20 sure the defendant gets a fair trial.

21 FOREMAN: Understood.

22 THE COURT: Okay. Thank you. Off the record.

23 (Chambers hearing concluded.)

24 BAILIFF: All rise.

25 THE COURT: Please be seated. All right. The State

1 ready?

2 MR. POGUE: Your Honor, I believe so. Yes, ma'am.

3 THE COURT: How about the defense? Can I bring the
4 jury in?

5 MR. MYERS: Judge, one housekeeping matter is that
6 Mr. Del Kirby is under my subpoena. Mr. Kirby was a
7 witness that was identified by the State but not on their
8 witness list. We subpoenaed him so he's under our
9 subpoena. Under the sequestration order he has not been
10 allowed in the courtroom. The State approached me. The
11 family has a desire for him to sit with the family. He's
12 Mr. Chavis' uncle. I see no problem allowing him to come
13 in and sit with the family, so I guess what I'm asking is
14 for one exception under the sequestration order.

15 THE COURT: Is he going to testify then?

16 MR. MYERS: I don't know. That's my problem. He's
17 my witness. We haven't heard everything that the State
18 will put up so that's kind of like the conundrum that
19 we're in is whether or not, hey, should he be in here
20 while he's still under my subpoena, we do not know
21 whether or not we're going to call him.

22 THE COURT: But he has not been in here?

23 MR. MYERS: He has not. No, ma'am.

24 THE COURT: Any objection to him being allowed in
25 the courtroom?

1 MS. PATTERSON: No objection from the State, Your
2 Honor.

3 THE COURT: Then it's granted.

4 MR. MYERS: Thank you, Your Honor.

5 THE COURT: Let's bring the jury in. In light of
6 our meeting this morning, I don't think I need to ask my
7 regular question unless y'all want me to.

8 MS. PATTERSON: Yes, ma'am, maybe.

9 THE COURT: Then I will.

10 (Whereupon, the jury entered the courtroom at 9:10
11 a.m.)

12 THE COURT: Good morning, Mister Foreman. The jury
13 ready?

14 FOREMAN: Yes, Your Honor.

15 THE COURT: All right. Let me ask my morning
16 question. Has anyone tried to approach you about this
17 case or have you talked to anyone about this case or have
18 you done any research? If so, please raise your hand.
19 No hands raised. Perfect. You may call your next
20 witness.

21 MR. POGUE: Thank you, Your Honor. The State calls
22 Agent Hinton.

23 Thereupon,

24 RICHARD HUNTON, III

25 after having been first duly sworn, testified as follows,

1 THE CLERK: Please have a seat. Once you're seated,
2 state your full name spelling your last please.

3 THE WITNESS: Richard Hunton the Third. The last
4 name is H-u-n-t-o-n.

5 DIRECT EXAMINATION

6 BY MR. POGUE:

7 Q. Good morning, agent. Where are you currently
8 employed?

9 A. South Carolina Law Enforcement Division commonly
10 referred to as SLED.

11 Q. Okay. And what capacity are you employed at SLED?

12 A. I work on what we call our tracking team, it's a K9
13 unit.

14 Q. And how long have you been doing that?

15 A. For about seven years.

16 Q. Okay. So in March of 2020 you were also employed in
17 that same capacity, you are now on the tracking team?

18 A. Yes, sir.

19 Q. Okay. And did you ever become involved in this
20 particular case?

21 A. Yes, sir. We assisted with the arrest of Mr.
22 Shumpert.

23 Q. The defendant in this case?

24 A. Yes, sir.

25 Q. Okay. And at what time did you respond and where

1 did you respond to?

2 A. Approximately 11:57 p.m. on the night of the 27th of
3 March we responded to a location close to [REDACTED] Frontage Drive
4 in Aiken County.

5 Q. Okay. When you say we responded to, where were you
6 when you responded? Like where do you, where do you stay?

7 A. In Columbia at my residence, yes, sir.

8 Q. Okay. So when you say you responded, you left
9 Columbia just shortly before midnight, is that right --

10 A. Yes, sir.

11 Q. -- on the 27th?

12 A. Yes, sir.

13 Q. And you said y'all met in an area near [REDACTED] Frontage
14 Drive. Who did you meet with?

15 A. Investigators from Lexington County fugitive,
16 investigators from Lexington County, fugitive investigators
17 from SLED and then some Aiken County deputies.

18 Q. Okay. And this is at, the [REDACTED] Frontage Drive
19 location that you said y'all met near, that's in Aiken
20 County?

21 A. Yes, sir.

22 Q. Okay. All right. And what did y'all discuss at
23 that point?

24 A. Uhm, we discussed the suspect, his charges and his
25 possible location at [REDACTED] Frontage Drive.

1 Q. Okay. And [REDACTED] Frontage Drive, is that a hotel or a
2 motel?

3 A. Yes, sir.

4 Q. Okay. And did y'all, subsequently after meeting up
5 close to the location, did y'all actually respond to the
6 motel?

7 A. Yes, sir. We moved there and surrounded it.

8 Q. Okay. And were you all able to gather information
9 with regard to which room the defendant was in?

10 A. So I didn't, but investigators from Lexington and
11 from SLED went in and talked to the management there and they
12 told us that a couple matching the description of Mr. Shumpert
13 and a female he was with had checked in shortly before we got
14 there.

15 Q. If you left Columbia shortly before midnight, this
16 would have been, I guess, sometime around one a.m. after you
17 met up there?

18 A. Yes, sir.

19 Q. And how long had it been before the defendant had
20 checked into the motel before you arrived there?

21 A. I'm not positive. I'd say a short time. I didn't
22 get that from the investigators. They would have figured that
23 out from the hotel staff.

24 Q. Okay. So after y'all were able to obtain the
25 potential location of the room number for the defendant, what

1 did y'all do next?

2 A. Uh, so we pulled up, uhm, and Aiken County, because
3 that's the county we were in, we pulled up in unmarked Tahoe,
4 turn the blue lights on. We were out surrounding the room.
5 Made sure he couldn't escape if he tried to flee, and turned
6 blue lights on and had the deputy call out over the public
7 address system or loud speaker on the Tahoe, state his name,
8 say you're under arrest, you need to come out and surrender
9 peacefully, something to that effect.

10 Q. And was, the defendant did come out and complied?

11 A. Yes, sir.

12 Q. Y'all placed him in custody at that point?

13 A. Yes, sir.

14 Q. All right. After you placed him into custody, did
15 y'all sit him down somewhere? Was there a search or anything
16 like that that took place?

17 A. We did a protective sweep of the room to make sure
18 no other occupants were in the room that could hurt us. There
19 was a female located inside and she was detained. We set Mr.
20 Shumpert down on the curb out to the side of the room out the
21 front, it was a first floor room while the Lexington and Aiken
22 deputies figured out how we were gonna approach the search
23 warrant for that location because it's a Lexington case but it
24 was in Aiken County.

25 Q. Okay. And when you placed him down there on the

1 curb, at any point in time had you been informed why he was
2 under arrest or anything like that?

3 A. I'm not positive. I did not inform. I usually
4 leave that to the investigators.

5 Q. But you never, you were never present during Miranda
6 Warning or anything?

7 A. No, sir.

8 Q. So when he was on the curb, were you asking him any
9 questions? Was anybody else asking, interrogating him, asking
10 him any questions?

11 A. No, sir. I was just standing there off to the side
12 with him to make sure he didn't jump up and run off.

13 Q. And did he ever make any statements when he was
14 sitting there on the curb?

15 A. Yes, sir. He made one statement. He was kind of
16 looking around at what was going on and he said out of the
17 blue, if you don't find a gun in my room, will you let me go?
18 And asked me that question. It struck me as odd because I
19 didn't ask him a question.

20 MR. POGUE: No further questions.

21 THE COURT: Mr. Myers or Mr. Bell.

22 CROSS EXAMINATION

23 BY MR. MYERS:

24 Q. Good morning, agent.

25 A. Good morning.

1 Q. How you doing, sir?

2 A. Good. How are you, sir?

3 Q. Now, I've just got a couple questions. You said
4 that you were with the SLED tracking team; is that right?

5 A. Yes.

6 Q. Now, was it necessary -- What made it necessary to
7 use the K9 unit for this?

8 A. So we get, uhm, we get requested from local, state
9 and federal fugitive investigators based on the severity of
10 the crimes of the people that they're looking for, in this
11 case it was a shooting and a murder warrants that Mr. Shumpert
12 was wanted on and they requested our assistance. Sometimes
13 these fugitives will flee from us. We use our blood hounds or
14 K9's to track them if they flee from investigators, if they
15 barricade inside a house, we can use our patrol K9's to go
16 inside and find them so that we do not put ourselves at risk
17 before having to go in.

18 Q. As an agent from SLED with your experience, you're
19 familiar with the term arrest without incident, right?

20 A. Yes, sir.

21 Q. So when we say arrest without incident, that means
22 that the individual pretty much went peacefully, right?

23 A. Yes.

24 Q. You didn't have to worry about a barricade, right?

25 A. No.

1 Q. You didn't have to worry about pulling out the
2 dogs?

3 A. No, sir.

4 Q. You didn't have to worry about an exhaustive
5 search?

6 A. Correct.

7 Q. You guys showed up, he basically went, no issues
8 whatsoever?

9 A. Yes, sir.

10 Q. The reason, and I want to go back to how y'all found
11 him there in Aiken County. Prior to his arrest, were you
12 aware of his living arrangements?

13 A. No, sir.

14 Q. Were aware as to whether or not it was customary for
15 him to actually stay in hotels?

16 A. No, sir.

17 Q. You tracked him because there was a credit card
18 transaction, was it not?

19 A. I don't know how the investigators figured it out he
20 was there, sir.

21 Q. Do you know whether or not the room was paid for by
22 cash or card?

23 A. No, sir. I did not go to the front office.

24 Q. Sure. Certainly based on your experience an
25 individual who doesn't want anybody to track him wouldn't use

1 a credit card, would they?

2 MR. POGUE: I'm gonna object to speculation on that,
3 Your Honor.

4 THE COURT: You want to rephrase it, Mr. Myers.

5 MR. MYERS: Sure.

6 BY MR. MYERS:

7 Q. If someone wanted to be traced, based on your
8 experience as a tracking officer, what's easier to track, cash
9 or credit card?

10 A. I would say credit card, sir, but I generally work
11 with dog stuff and tracking people on foot versus finding with
12 credit cards or any other means.

13 Q. That's right. That's right. I got you. And the
14 other individual that was with Mr. Shumpert you say was a
15 female?

16 A. Yes, sir.

17 Q. Do you remember who that was?

18 A. No, sir.

19 Q. Was she arrested that day?

20 A. I'm not sure. I don't believe so but I'm not
21 sure.

22 Q. Did she put up a fight at all?

23 A. No, sir.

24 Q. Other than Mr. Shumpert just going peacefully out,
25 was anything else said in addition to what you've already

1 testified to?

2 A. No, sir.

3 MR. MYERS: No further questions. Thank you, Your
4 Honor.

5 THE COURT: Any redirect?

6 MR. POGUE: Very quick follow up.

7 REDIRECT EXAMINATION

8 BY MR. POGUE:

9 Q. Agent Hunton, the hotel room or the motel room, was
10 there only one point of ingress and egress, one point of
11 entry?

12 A. Yes, sir.

13 Q. And was the room completely surrounded by agents and
14 law enforcement officers?

15 A. Law enforcement, yes, sir.

16 Q. Okay. And did y'all have military assault style
17 rifles that y'all were armed with?

18 A. Yes, sir.

19 Q. Was it a SWAT team essentially?

20 A. We're all, all the agents on our tracking team are
21 on our SWAT team and there were other agents. Some of the
22 fugitive investigators from SLED are also on our SWAT team,
23 yes, sir.

24 Q. Was there anywhere for the defendant to possibly run
25 to other than out that front door?

1 A. No, sir.

2 MR. POGUE: No further questions.

3 THE COURT: May I excuse Agent Hunton?

4 MR. POGUE: Yes, ma'am, Your Honor.

5 THE COURT: You're excused.

6 THE WITNESS: Thank you, ma'am.

7 THE COURT: All right. Let me tell everybody out in
8 the gallery, if I hear a cell phone, because I just heard
9 one, this is the second time, so during break I'm gonna
10 tell the deputies and the bailiffs there are no cell
11 phones allowed in this courtroom. You can take them,
12 everybody can take them to their cars, but they will not
13 be allowed. This is the second time during this trial
14 I've heard it and I'm not gonna put up with it. So
15 during break, coming back in, there are no cell phones
16 allowed in this courtroom unless it is the lawyers or an
17 officer of the court. Thank you. Call your next
18 witness.

19 MS. PATTERSON: Thank you, Your Honor. The State
20 calls Investigator Michael Joe Hart.

21 Thereupon,

22 MICHAEL JOE HART

23 after having been first duly sworn, testified as follows,

24 THE CLERK: Please have a seat. Once you're seated,
25 state your full name spelling your last please.

1 THE WITNESS: My name is Sergeant Michael Joe Hart,
2 H-a-r-t.

3 DIRECT EXAMINATION

4 BY MS. PATTERSON:

5 Q. Sergeant Hart, where are you employed?

6 A. The Lexington County Sheriff's Department.

7 Q. And how long have you been employed with the
8 Lexington County Sheriff's Department?

9 A. 11 and a half years.

10 Q. And can you tell us a little bit about your
11 background?

12 A. Yes, ma'am. Out of high school I joined the United
13 States Marine Corp infantry for four years doing that. I got
14 out of the Marine Corp, went to college, graduated from the
15 University of South Carolina and then I joined the Lexington
16 County Sheriff's Department where I started as a patrol
17 deputy. I was promoted to a field training officer and then
18 resident deputy for the Red Bank area of the county and then
19 major crimes. I've been in major crimes a little over six
20 years. I was promoted last summer to sergeant, so I supervise
21 a team of investigators in major crimes.

22 Q. So as a major crimes supervisor, can you tell us a
23 little bit about your responsibilities?

24 A. Yes, ma'am. My responsibilities are to review
25 reports daily. I sign reports for follow up that need follow

1 up, follow reports that need to have any follow up, and then
2 supervise investigations by my subordinates, investigations in
3 their cases and make sure they have the resources they need to
4 make sure they're doing what they need in their investigations
5 to conduct a proper thorough investigation.

6 Q. What type of cases do the major crimes division
7 investigate?

8 A. We investigate any crime against a person, anything
9 from harassment all the way up to murder, assault, simple
10 assaults, aggravated assaults, harassment, stalking,
11 kidnapping, or anything against a person.

12 Q. And on March 27th of 2020, were you assigned to the
13 case the State of South Carolina versus Christopher
14 Shumpert?

15 A. I was. Yes, ma'am.

16 Q. Can you tell us a little bit about how you go about
17 getting assigned to a case?

18 A. So our schedule, we have a four week schedule, we
19 have two weeks of just normal days we come in and work our
20 cases, and then we have a week of day call where from four
21 a.m. in the morning until two p.m. we're on-call for anything
22 that comes up in the county, and then a week of nights and
23 this would have been our week of nights. We come in at two
24 p.m. in the afternoon and we're on-call until four a.m. the
25 next morning and then the entire weekend we're on-call and

1 that weekend we would have been on-call, I would have been
2 contacted by my sergeant to dispatch me to the scene.
3 Certainly he responded as well, but he contacted me and
4 advised that I would be the lead investigator on the case,
5 gave me a brief synopsis of what he had been told was going on
6 at the scene and then I responded from there.

7 Q. And as the lead investigator, what are your
8 responsibilities?

9 A. Essentially it's not too far removed from a
10 supervisory role. My responsibility is to conduct a thorough
11 investigation, but also as a lead investigator I'm directing
12 other people helping me with the case. Like the fugitive
13 investigators that Agent Hunton mentioned, I contacted our
14 fugitive detective and had him looking for our suspects and
15 contacting those guys, had other investigators go to different
16 scenes, I coordinate to get search warrants, make sure that if
17 I don't conduct them, make sure interviews are conducted with
18 witnesses, offenders, and living witnesses.

19 Q. So this is a team effort?

20 A. Yes, ma'am.

21 Q. Can you tell us what time did you respond to the
22 incident location at [REDACTED] Fish Hatchery Road?

23 A. I'm not sure I documented the exact time, but it
24 would have been just getting dark around the 8:00 time frame.
25 I didn't document the exact time.

1 Q. And so when you get to the location, what did you
2 do?

3 A. When I got there, what I normally do is I'll meet
4 with, try to meet with the deputy who has been on scene and
5 has the most information about witnesses, offenders, possible
6 suspects, location of evidence, and get as much information as
7 I can so I know where we need to start our investigation. We
8 need to start hunting down witnesses or hunting down suspects
9 or roping off additional evidence for crime scene come
10 document so the first thing I would have done on scene is make
11 contact with the deputy on scene to get that information.

12 Q. And after you got briefed about what had occurred,
13 were you able to identify victims in the case?

14 A. Yes, ma'am. We were able to identify the decedent
15 or the deceased victim as Mr. Barry Joe Chavis, Junior and
16 then a living victim as Mr. Kevin Kimbler who had been
17 transported by that point in time to the hospital.

18 Q. Okay. And was Mr. Barry Chavis, was his body still
19 at the scene when you arrived?

20 A. It was. Yes, ma'am.

21 Q. And did you have an opportunity to look at his
22 injuries?

23 A. I did. Yes, ma'am.

24 Q. And what, if anything, did you notice about his
25 injuries?

1 A. Uhm, the most striking injury obviously as you can
2 tell there was a lot of blood, biological material on scene so
3 it was difficult to see with clothing and everything, but
4 obviously he had a wound to his upper chest area that was
5 catastrophic that was obviously from my understanding would be
6 a fatal wound based on where it was at.

7 Q. Did you notice any other injuries on Mr. Chavis?

8 A. I noticed an injury -- When I got there, he was on
9 his back. I didn't manipulate him because crime scene still
10 had to come, Coroner's Office still had to come, but I noticed
11 an injury on his hip, but he was wearing pants so I couldn't
12 exactly tell how bad that injury was, but I could see that he
13 did have an injury to his hip as well.

14 Q. So he had a larger injury and a smaller injury?

15 A. Yes, ma'am.

16 Q. And what, if anything, did you find out about Mr.
17 Kevin Kimbler's injuries?

18 A. My understanding is that he had two injuries. One
19 of them was to his hip. I believe the other one was to his
20 upper body area. I don't know exactly where it was. He was
21 transported. They were survivable wounds and he was
22 transported for treatment for those wounds.

23 Q. And just jumping ahead a little bit, did you have an
24 opportunity to follow up with Mr. Kimbler?

25 A. I did. Yes, ma'am.

1 Q. And when was that?

2 A. I believe, give me just a second, it would have been
3 the next day on 3/28/2020.

4 Q. And where did you follow up with him?

5 A. Prisma Health Richland Hospital.

6 Q. And without saying what he may have told you, was he
7 able to speak with you?

8 A. Yes, ma'am. He was.

9 Q. And has Mr. Kimbler since died?

10 A. Yes, ma'am. He has.

11 Q. And as a part of this investigation, were you privy
12 to the information about his cause of death?

13 A. I was. Yes, ma'am.

14 Q. And how did Mr. Kimbler pass away?

15 A. It was a multitude of existing and continuing health
16 issues with his organs and it wasn't just one thing that
17 killed him, it was obviously a lifetime of ailments that he
18 had.

19 Q. From the information you received, it wasn't a drug
20 overdose as previously stated?

21 A. No, ma'am.

22 Q. Now, jumping back to the incident location, after
23 you identified both victims, did you have the opportunity to
24 speak with any witnesses?

25 A. I did. Yes, ma'am. I spoke with David Payton a/k/a

1 Bubba.

2 Q. And would you have considered him to be
3 cooperative?

4 A. Yes, ma'am. Very cooperative.

5 Q. And did he tell you what he perceived, what he saw
6 happen that day?

7 A. Yes, ma'am. He did.

8 Q. And based on any information, what, if anything, did
9 you do next?

10 A. Initially based on the information I had from Mr.
11 Payton, we had deputies respond to Treemount Lane in an
12 attempt to locate our suspect vehicle which was a dark in
13 color, I don't know if, we knew it was like a Navy blue black
14 because it was around sundown time, just as the sun was going
15 down. And in attempting to locate that vehicle they weren't
16 able to locate it there so then we had an additional address
17 to check on Bachman Road and sent deputies to that address to
18 attempt to locate the suspects or suspect vehicle at that
19 location.

20 Q. So who, if anyone, were you expecting to locate at
21 the Treemount Lane address?

22 A. Based on conversation with Mr. Payton, we were
23 looking for a Mr. Christopher Shumpert, the defendant, and a
24 Daniel Jones.

25 Q. And the Bachman Road address that you just spoke of,

1 did you send officers to that location as well?

2 A. I did. Yes, ma'am.

3 Q. And what, or who, if anyone, was located at that
4 address?

5 A. Daniel Jones was located at that address.

6 Q. And what did you do after you were informed that
7 Daniel Jones was located at that address?

8 A. I responded to that location and attempted to
9 interview Mr. Jones.

10 Q. And was Mr. Jones subsequently arrested?

11 A. He was. Yes, ma'am.

12 Q. And what was his charges?

13 A. Murder, attempted murder, and possession of a weapon
14 during a violent crime.

15 Q. So did his charge -- And did anything subsequently
16 happen to the attempted murder charge?

17 A. Yes, ma'am. It was indicted as a lesser charge of
18 assault and battery of a high and aggravated nature, ABHAN.

19 Q. And do you know why that was?

20 A. Yes, ma'am. Due to the laws on attempted murder.

21 Q. And so Mr. Jones' charges mirror the defendant
22 Christopher Shumpert's charges that he's on trial for this
23 week?

24 A. Yes, ma'am. They were the exact same.

25 Q. And do you have any information about the status of

1 Mr. Jones' charges?

2 A. They are still pending trial.

3 Q. Still pending trial. Now, after Mr. Jones was
4 apprehended, what is going on regarding your investigation?

5 A. Well, at that point we locate him there, we
6 determined he's been living at that address, we obtain a
7 search warrant for that address, potential evidence, we had
8 contacted our fugitive team to attempt to locate the
9 additional suspect who was not at that address and then based
10 on information that we got from Mr. Jones, we had a potential
11 alibi witness located in Gaston that we sent Mr. Williams to
12 talk to, Detective Williams at the time.

13 Q. Just for a second to refresh our memory, the Bachman
14 Road address --

15 A. Yes, ma'am.

16 Q. -- what, if anything, was discovered pertaining to
17 this case at the Bachman Road address?

18 A. Uhm, we discovered obviously that Mr. Jones lived
19 there with his grandparents and that obviously I think we have
20 discussed it, he was the possessor of the firearms used and
21 there were shell casings in that backyard. Apparently they
22 shot firearms, not just those firearms, but additional
23 firearms into that pond at the residence. There were all
24 sorts of shell casings behind that house that we believed
25 might be a 300 Blackout, a nine millimeter, so we were able to

1 locate those casings behind the house.

2 Q. So when you were at the Fish Hatchery Road address,
3 did you have an opportunity to look around the scene?

4 A. Yes, ma'am. Any time I'm on a scene like that, I
5 more or less tiptoe into it because I don't know where all the
6 evidence is and I don't want to disturb anything before crime
7 scene gets there just to get an overview of the scene so when
8 I'm talking to suspects or witnesses, I understand what
9 they're talking about describing stuff, so I was able to walk
10 in there and see some of the evidence on the scene, yes,
11 ma'am.

12 Q. And what, if any, type of shell casings did you
13 observe at the Fish Hatchery Road location?

14 A. Nine millimeter casings and 300 Blackout casings.

15 Q. And those were the ones that Agent Ward testified
16 about yesterday?

17 A. Yes, ma'am.

18 Q. And in addition to that, the ones at Bachman Road,
19 did you observe those shell casings as well?

20 A. I did. Yes, ma'am.

21 Q. And why did those shell cases interest you when you
22 saw them at Bachman Road?

23 A. Because the information that I had gotten from Mr.
24 Payton, we were able to determine that the guns used likely
25 belonged to Daniel Jones. We had not been able to locate the

1 firearms at that time, so we found those casings to
2 potentially tie the firearms if we weren't able to locate them
3 not only to Mr. Jones' residence but Mr. Jones himself as
4 well.

5 Q. And so that would be placard 31 in State's 36?

6 A. Yes, ma'am.

7 Q. As well as placard 32 in State's 38?

8 A. Yes, ma'am.

9 Q. So when you saw these similar casings at this
10 location, that interested you as well?

11 A. Yes, ma'am.

12 Q. And so are you still trying to locate the defendant
13 Christopher Shumpert at this time?

14 A. There was an active search for Mr. Shumpert. I was
15 involved more in the search of the Bachman Road address at
16 that point in time. But yes, there was an active search
17 warrant at that point in time.

18 Q. And I think you said you sent Deputy Williams who we
19 met yesterday who is retired, you sent him out to follow up on
20 the potential alibi of Daniel Jones?

21 A. Yes, ma'am.

22 Q. And that's Mr. Short?

23 A. Yes, ma'am. It was.

24 Q. And that's where the gun was recovered that Deputy
25 Williams spoke about yesterday?

1 A. Yes, ma'am.

2 Q. And this was the weapon?

3 A. Yes, ma'am.

4 Q. Now, were you also aware of items collected at Fish
5 Hatchery Road specifically being a magazine?

6 A. I was. Yes, ma'am.

7 Q. And I'm gonna show you what's been entered as
8 State's Exhibit 46 (proffering.) We'll move on. So was the
9 defendant ultimately apprehended?

10 A. Mr. Jones?

11 Q. Mr. Shumpert.

12 A. Mr. Shumpert. Yes, ma'am. He was.

13 Q. And what, if any, information did you have regarding
14 the apprehension of the defendant Christopher Shumpert?

15 A. I was contacted by Detective Dykes, our fugitive
16 task force officer with the U.S. Marshall Service and informed
17 that they had located him at the [REDACTED] Frontage Road address in
18 Aiken County and that the vehicle was there and that Jaqueline
19 Aiken, his girlfriend, was also there so I then at that point
20 I left the Bachman Road address and drove to the Frontage Road
21 address in Aiken County.

22 Q. Okay. And so when you got to Aiken County, what, if
23 anything, did you do?

24 A. I spoke with the, first I spoke with Detective Dykes
25 who was on scene. He briefed me on the details of the

1 apprehension and what they had done at that point which wasn't
2 much what Agent Hunton testified to, they located him,
3 arrested him, cleared the hotel room and then I asked to speak
4 with Ms. Aiken. I interviewed her and then I contacted
5 investigators with the Aiken County Sheriff's Department to
6 help us with a search warrant because we wouldn't be able to
7 obtain one because it's out of our jurisdiction. They would
8 be the appropriate jurisdiction to do so.

9 Q. And did you speak with anyone that worked at the
10 hotel?

11 A. I did. Yes, ma'am. While waiting on the search
12 warrant, we did go around and talk to a clerk at the hotel to
13 determine who rented the hotel room.

14 Q. Okay. So what time were you given that Mr. Shumpert
15 booked into the hotel room?

16 A. I learned that he arrived at 11:53 p.m. on that
17 date.

18 Q. And were you able to follow up with regard to the
19 booking process of Chris and that hotel room?

20 A. I was. Yes, ma'am.

21 MR. MYERS: Without objection.

22 THE COURT: Thank you, Mr. Myers.

23 BY MS. PATTERSON:

24 Q. I show you what's been marked as State's exhibit 65
25 and ask you to take a look at that document (proffering.)

1 A. (Witness complies.)

2 Q. And what is that document?

3 A. So this is a report from Expedia about the booking
4 of that hotel room through their website.

5 Q. Okay. And did you seek out that information to
6 follow up on how Chris was able to book this hotel in Aiken?

7 A. I did. Yes, ma'am.

8 Q. And is that a business record that Expedia provided
9 to you?

10 A. This is. Yes, ma'am.

11 MS. PATTERSON: Your Honor, at this time we move in
12 State's Exhibit 65.

13 THE COURT: It's admitted without objection.

14 BY MS. PATTERSON:

15 Q. Sergeant Hart, what, if any, information were you
16 able to obtain about the booking process of this room for
17 Christopher Shumpert?

18 A. I was able to determine based on this information
19 that it was booked by a Jennifer Candler who I later
20 determined to be Mr. Shumpert's mother at 7:12 p.m. Pacific
21 daylight time which would have been 10:12 p.m. eastern
22 daylight time because we were in daylight savings time at that
23 point on the 27th.

24 Q. So Christopher Shumpert's mother Jennifer Porter?

25 A. Jennifer Candler.

1 Q. Candler?

2 A. Yes, ma'am.

3 Q. She booked the room at 10:12?

4 A. Yes, ma'am. 10:12 eastern daylight time.

5 Q. And how did she book that room?

6 A. Looks like she used her cell phone to book it over
7 the Internet.

8 Q. And how was it paid?

9 A. With credit card.

10 Q. And so after you responded to the hotel in Aiken,
11 were you able to speak with Jaqueline Aiken?

12 A. I was. Yes, ma'am.

13 Q. And I think Agent Hunton testified that they were
14 apprehended at 1:52?

15 A. Yes, ma'am. I believe that's right.

16 Q. And that would have been over in the next morning.
17 And after speaking with Ms. Aiken, did you bring any charges
18 on her?

19 A. I did not. No, ma'am.

20 Q. And why not?

21 A. At the time the information that she was giving us
22 was not very helpful. We believed that it was not truthful
23 but we weren't able to definitively prove that at that point
24 in time.

25 Q. And is there still a potential open investigation on

1 her?

2 A. Yes, ma'am.

3 Q. And that's based on, what was that based on?

4 A. Based on again, not being truthful to us about
5 basically the information we asked her about, the time frame
6 and the events that occurred on Fish Hatchery Road.

7 Q. And so did you have the opportunity later on during
8 the course of your investigation to speak with a Corey
9 Chaney?

10 A. I did. Yes, ma'am.

11 Q. And can you tell us about that initial interaction
12 with Mr. Chaney?

13 A. I believe the first time that I met with Mr. Chaney
14 and his wife I obtained information on where the potential
15 second firearm was located at his address on Earline Drive,
16 responded to the location and asked for consent to search for
17 the firearm based on the information that I had received.

18 Q. And were you given permission to search that
19 premise?

20 A. I was. Yes, ma'am.

21 Q. And so after getting permission to search at [REDACTED]
22 Earline Drive, were you able to locate any weapons associated
23 with this case?

24 A. Yes, ma'am. We located I believe it was a tan and
25 black Diamondback 300 Blackout rifle.

1 Q. And I'm gonna show you what's been marked as State's
2 Exhibit 53 and 57 and ask you if you recognize these?

3 A. Yes, ma'am. These were the photographs taken during
4 the collection of that weapon.

5 Q. And do they fairly and accurately represent -- Did
6 you take these pictures?

7 A. Yes, ma'am.

8 Q. And do they fairly and accurately represent the
9 recovery of the 300 Blackout?

10 A. They do. Yes, ma'am.

11 MS. PATTERSON: Your Honor, at this time we move
12 State's Exhibits 53 and 57 in evidence.

13 THE COURT: Any objection?

14 MR. BELL: No objection.

15 THE COURT: They're admitted.

16 BY MS. PATTERSON:

17 Q. State's 53, what are we looking at in this
18 photograph?

19 A. So this is, if you're looking at the address from
20 the roadway, this is the left side of the address, there's a
21 carport. There's a boat under that carport. This is behind
22 that boat. This item right here, we had information it was
23 under a camouflaged item. We didn't know what the item was
24 behind that boat, so this is the camouflaged item behind that
25 boat. The boat is up here.

1 Q. And State's 54, what is this a photograph of?

2 A. So once you lifted that camouflaged item up, this
3 turned out to be a Dora the Explorer blanket that was laying
4 under there that we could tell something was wrapped inside.

5 Q. State's 56.

6 A. Yes, ma'am. That's just the blanket unwrapped with
7 obviously the firearm inside of it.

8 Q. And State's 57?

9 A. Just a closer view of the same firearm.

10 Q. And again, this was the home of Daniel Shumpert's
11 mom and stepfather?

12 A. Daniel Jones' mother and stepfather.

13 Q. Daniel Jones?

14 A. Yes, ma'am.

15 Q. And as well as photographing the recovery, did you
16 also collect it?

17 A. I did. Yes, ma'am.

18 Q. Now, I'm gonna show you what's been marked as
19 State's 66. Take a look at item State's 66.

20 A. Yes, ma'am. That's the rifle that was collected.

21 Q. And is it secured with a lock?

22 A. Yes, ma'am. It is.

23 Q. And did you submit this into evidence?

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

25 MS. PATTERSON: Your Honor, at this time we move

1 State's 66 into evidence.

2 MR. MYERS: No objection.

3 THE COURT: It's admitted with no objection.

4 BY MS. PATTERSON:

5 Q. And this is the gun that you found at Daniel Jones'
6 mom and stepfather's house?

7 A. Yes, ma'am. It is.

8 Q. Now, when you collected this gun, did it have a
9 magazine in it?

10 A. It did. Yes, ma'am. It had a box magazine inserted
11 in the magazine well.

12 Q. Was that collected as well?

13 A. It was. Yes, ma'am.

14 Q. I'm gonna show you what's been marked as State's
15 Exhibit 67. Do you recognize what's in that, in State's 67?

16 A. I do. Yes, ma'am. That's the aluminum box magazine
17 that I located with the rifle.

18 Q. And this was collected by you as well when you
19 collected the 300 Blackout?

20 A. Yes, ma'am.

21 MS. PATTERSON: Your Honor, at this time we move
22 State's Exhibit 67 into evidence.

23 MR. MYERS: No objection.

24 THE COURT: It's admitted without objection.

25 BY MS. PATTERSON:

1 Q. And what type of weapon is this?

2 A. What type of weapon is the rifle?

3 Q. Yes.

4 A. It's an AR platform 300 caliber rifle commonly
5 referred to as an assault rifle.

6 Q. So that is an assault rifle?

7 A. Yes, ma'am.

8 Q. And does that magazine have any ammunition inside?

9 A. No, ma'am. It was empty.

10 Q. And you also talked about you are aware of the
11 collection of a magazine at [REDACTED] Fish Hatchery Road?

12 A. Yes, ma'am.

13 Q. That's contained in State's 46, I believe. Can you
14 take a moment to observe the base of that?

15 A. Yes, ma'am.

16 Q. And I'm gonna show you State's 8. When this was
17 collected by Deputy Williams, was the magazine also inside of
18 the FN?

19 A. Yes, ma'am.

20 Q. And did you have an opportunity to look at both
21 magazines?

22 A. I did. Yes, ma'am.

23 Q. Was there anything similar in both magazines?

24 A. Yes, ma'am. They have the same FN marking on the
25 floor plate of the magazine.

1 Q. So both the magazine inside the FN9 and the one that
2 was located at the scene at Fish Hatchery has the same
3 insignia on the bottom?

4 A. Yes, ma'am.

5 Q. And I think Agent Ward testified yesterday that the
6 one on scene also contained cartridge casings?

7 A. Yes, ma'am. Nine millimeter.

8 Q. Nine millimeter cartridge casings. Now, did you
9 have an opportunity to go back to the Chaney house?

10 A. I did. Yes, ma'am.

11 Q. And when was that?

12 A. Give me just a second. Looks like it would have
13 been April 2nd.

14 Q. And what was your purpose of going back to the
15 Chaney house?

16 A. I had learned during the course of the investigation
17 that Mr. Shumpert had responded to that address earlier in the
18 day and when I was out there, I had noticed that there were
19 video cameras so I went to go speak with Mr. Chaney to see if
20 those videos did indeed record and if they did record, if he
21 would be willing to give us those recordings.

22 Q. And was he willing to give them over?

23 A. Yes, ma'am.

24 Q. And did you have an opportunity to review the
25 videos?

1 A. I did. Yes, ma'am.

2 MS. PATTERSON: Your Honor, permission to publish
3 State's Exhibit number 6 that has been admitted into
4 evidence.

5 THE COURT: Yes, ma'am.

6 BY MS. PATTERSON:

7 Q. And in reviewing this video, were you interested
8 specifically in the incident date and specific times?

9 A. Yes, ma'am. I was.

10 Q. And what time frame were you interested in
11 viewing?

12 A. I was interested in, initially I was interested in
13 the time frame after the murder and the 911 call because we
14 knew that the rifle was taken there so we were hoping that
15 that would be on video and arriving to conceal that rifle and
16 then I was also, after speaking with Mr. Chaney and learning
17 that the defendant had been there earlier in the day, I was
18 also interested in that time frame.

19 MS. PATTERSON: Okay. Your Honor, this is a quick
20 video.

21 (Playing State's Exhibit #6.)

22 THE COURT: Dim the lights.

23 MS. PATTERSON: One more video before I ask you a
24 couple of questions.

25 (Playing State's Exhibit #6.)

1 BY MS. PATTERSON:

2 Q. Sergeant Hart, with respect to those three videos
3 that we saw, what of particular interest to you -- First of
4 all, was there any audio that could be heard, any content of
5 the conversations?

6 A. No, ma'am. You can tell at the end that the video
7 camera did capture audio but we weren't able to hear anything
8 of the conversation. That truck was pretty much the only
9 thing that we could hear.

10 Q. Okay. And you've had an opportunity to visit [REDACTED]
11 Earline Drive, so was that the yard you were familiar with?

12 A. Yes, ma'am.

13 Q. And were you able to identify the car that was in
14 that video?

15 A. Yes, ma'am. That car was what we later identified
16 as Christopher Shumpert's car.

17 Q. Okay. And the person who went up to the car, who
18 did you identify that to be?

19 A. That was Mr. Chaney.

20 Q. And did you notice what the time is on the video?

21 A. I believe the time when they initially pulled in was
22 5:44 p.m. 17:44 military time would be 5:44 p.m.

23 Q. 5:44 p.m.?

24 A. Yes, ma'am.

25 Q. Was the time they pulled in. Did you notice what

1 time they pulled off?

2 A. I believe it was 5:48 p.m.

3 Q. And that would have been roughly how long until the
4 911 call was made?

5 A. About an hour and 45 minutes.

6 Q. So an hour and 45 minutes prior to the 911 call
7 being made is when you were able to see that Chris and
8 Jaqueline were at Earline Drive address of Corey Chaney?

9 A. Yes, ma'am.

10 Q. And what, if anything, did you notice about the car
11 when it drove off? Did the rate of speed or anything catch
12 your attention?

13 A. It was, it wasn't driving at a high rate of speed.
14 It turned right onto Earline towards Edmund Highway or 302.

15 Q. And did anything else on this video interest you?

16 A. On that specific video or are you talking about the
17 video as a whole?

18 Q. Later on on the video.

19 A. Yes, ma'am. When the vehicle returned to the
20 address, obviously we were interested in that.

21 Q. I'm going to show two quick videos again.

22 (Playing State's Exhibit #6.)

23 BY MS. PATTERSON:

24 Q. Sergeant Hart, what, if anything, interested you
25 about the clip in those videos?

1 A. The arrival time was about 7:37 which was about the
2 same time that Deputy Swygert testified that he arrived on
3 scene.

4 Q. So around the same time that Swygert arrived at Fish
5 Hatchery Road Chris and Jaqueline arrive at the Earline Drive
6 address?

7 A. Yes, ma'am, with Daniel.

8 Q. With Daniel. Chris, Daniel. Now, you never see
9 Chris get out of the car, but was that identified to be his
10 vehicle?

11 A. Yes, ma'am.

12 Q. And were you able to identify Jaqueline? Where did
13 she come from?

14 A. She got out of the rear driver's side of the car and
15 got in the front passenger seat of the car.

16 Q. And got in the front passenger. And who did you
17 identify that person in the front passenger seat to be?

18 A. It was initially Daniel Jones and he's the one that
19 got out carrying, you can see on the video carrying a rifle by
20 the handle.

21 Q. So you saw him carrying a rifle in that video?

22 A. Yes, ma'am.

23 Q. And in which direction did he go with this rifle?

24 A. He went in the same direction that we recovered it.
25 If you saw the boat out there, there's another boat directly

1 behind it and then behind that boat was where we located the
2 rifle so he went in that direction with the rifle.

3 Q. And about how long were they at the Earline address
4 on that video clip?

5 A. I believe it was about five minutes, just under. I
6 think 7:42 is when they pulled out, almost 7:43.

7 Q. And did the driver remain in the car the whole
8 time?

9 A. Yes, ma'am. We never saw him get out.

10 Q. So you never saw him get out?

11 A. No, ma'am.

12 Q. And did you notice anything about the rate of speed
13 when the car left or anything?

14 A. Again, it wasn't a high rate of speed. There was
15 nobody spinning tires or anything in a hurry.

16 Q. And which way did the car leave?

17 A. At that time it turned left out of the driveway.

18 Q. Sergeant Hart, were you involved -- Well, let me go
19 back to this question. At the Aiken hotel where Christopher
20 Shumpert and Jaqueline Aiken were located, did you also locate
21 a vehicle?

22 A. Yes, ma'am. That Chevy Malibu was parked just
23 outside the hotel room.

24 Q. And did you all obtain a search warrant to search
25 that vehicle?

1 A. Yes, ma'am. Aiken County investigators obtained a
2 search warrant to search the hotel room and seize the vehicle
3 so we actually had a tow truck come and seize the vehicle and
4 drove it to our evidence depository in Lexington where I
5 obtained an additional search warrant to search the vehicle.

6 Q. Okay. Let's go back to the search of the hotel.
7 Were you involved in the execution of that search?

8 A. I was. Yes, ma'am.

9 Q. And was anything related to this case found in that
10 room?

11 A. No, ma'am. Just keys to the car.

12 Q. So no weapons were found?

13 A. No, ma'am.

14 Q. No ammunition was found?

15 A. No, ma'am.

16 Q. Just the keys to the car?

17 A. Yes, ma'am.

18 Q. And were you involved in the execution of the search
19 warrant on the Malibu?

20 A. Yes, ma'am. I conducted that one personally.

21 Q. Okay. And I'm gonna show you what's been marked as
22 State's Exhibits 58 through 63 and if you can take a look at
23 them.

24 A. (Witness complies.)

25 Q. Do you recognize these photographs 58 through 63?

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1 A. Yes, ma'am. Those are photographs I took while
2 conducting the search of the vehicle.

3 Q. Do they fairly and accurately represent the
4 photographs that you took?

5 A. Yes, ma'am. They do.

6 Q. Do they look like they've been changes or altered in
7 any way?

8 A. No, ma'am.

9 MS. PATTERSON: Your Honor, we would move State's
10 Exhibits 58 through 63 into evidence.

11 THE COURT: Any objection?

12 MR. MYERS: I just want to make sure. Those are the
13 ones that you showed him in the first pack, right?

14 MS. PATTERSON: Yes.

15 MR. MYERS: No objection, Your Honor.

16 THE COURT: Then they're admitted.

17 BY MS. PATTERSON:

18 Q. During the search, was anything discovered in the
19 vehicle associated with this case or that you were able to
20 associate with this case?

21 A. Nothing that I determined to be of evidentiary
22 value, no, ma'am.

23 Q. State's 58, was there anything of particular
24 interest that you discovered on the driver's side of the
25 Malibu?

1 A. On the outside of the driver's side?

2 Q. Yes.

3 A. It's more of a discovery of what I didn't discover.
4 I didn't see any projectile defects or bullet holes or even
5 marks where a bullet would have not penetrated but bounced
6 off, I didn't see anything.

7 Q. So that was not located on the driver's side?

8 A. No, ma'am.

9 Q. What about State's 60, did you discover any of those
10 defects or markings on the front of the vehicle?

11 A. Again, no, ma'am. I didn't see anything consistent
12 with any bullet defect.

13 Q. And what about the passenger side?

14 A. Again, I didn't locate anything consistent with a
15 bullet defect.

16 Q. Okay. Now, it looks like something may be wrong
17 with that front tire. Did you notice anything about that?

18 A. It was low. It wasn't completely flat. Yes, ma'am.

19 Q. So you didn't find that that was a result of any
20 bullet defects or projectiles or anything of that nature?

21 A. No, ma'am. I didn't see any damage on there
22 consistent with a bullet.

23 Q. And what about the back of the vehicle?

24 A. I didn't locate any defects or anything consistent
25 with bullet defects on the rear of the vehicle either.

1 Q. State's 59, what does this show?

2 A. That's the trunk of the vehicle, just clothing that
3 was located in the rear.

4 Q. Did you locate any female type clothing as well?

5 A. Yes, ma'am. Most of that is female clothing. It's
6 balled up there, but it's mostly female clothing under
7 there.

8 Q. Just looking at 61 which is the driver's side door,
9 did you note anything of particular interest in this
10 photograph?

11 A. What I thought was interesting was how close the
12 driver's seat was to the steering wheel in that picture.

13 Q. Okay. And why was that of particular interest to
14 you?

15 A. Because the defendant's a taller gentleman and Ms.
16 Aiken is obviously not. She's a shorter female.

17 Q. Did that lead you to believe that at some point she
18 may have been driving this vehicle?

19 A. Yes, ma'am.

20 Q. Now, later on in the investigation did you receive
21 information about where Ms. Aiken's whereabouts may have been
22 during this incident?

23 A. Initially the information that we received was that
24 she wasn't on scene and that later after we were able to
25 locate her and speak with her again, we determined that she

1 was potentially on a dirt road adjacent to or nearby the
2 incident location.

3 Q. I'm gonna show you State's 64 and ask you if you
4 recognize what's in this picture.

5 A. Yes, ma'am. That's an aerial view of the area
6 around the incident location.

7 Q. And does it fairly and accurately represent the view
8 around the incident location that you responded to?

9 A. Yes, ma'am. It does.

10 MS. PATTERSON: Your Honor, at this time we would
11 move State's 64 into evidence.

12 MR. MYERS: No objection.

13 THE COURT: Admitted. No objection.

14 BY MS. PATTERSON:

15 Q. Can you kind of orient the jury as to the roads
16 relevant in this particular case?

17 A. Yes, ma'am. So this road right here is Fish
18 Hatchery Road. This is Cinder Hill Court. It's a dirt road.
19 And this driveway is a driveway back to the incident
20 location.

21 Q. And again, Cinder Hill Road, is that the road that
22 Ms. Aiken later said that she was dropped off at by
23 Christopher Shumpert?

24 A. Yes, ma'am. It is.

25 Q. And how far away is that from the incident

1 location?

2 A. It couldn't be more than 150 yards.

3 Q. And do you think it's possible for someone to be
4 able to hear the gunshots from the incident location while on
5 Cinder Hill?

6 A. Yes, ma'am. It's very possible to hear a human
7 voice at that distance in that area.

8 Q. So not only shots, but human voices as well?

9 A. Yes, ma'am.

10 Q. And you're very familiar with that area?

11 A. I'm very familiar with that area.

12 Q. Now, Sergeant Hart, we've heard a lot about
13 different locations, and I apologize, I said I was finished
14 with this, we've heard a lot about a lot of addresses during
15 this trial, and in preparation of trial were you able to have
16 the opportunity to map the time, the distance between some of
17 these, the relevant locations in this case?

18 A. Yes, ma'am. I was.

19 Q. And we've heard that the parties may have been at
20 ■ Treemount Drive and went to ■ Earline Drive. About how
21 long would it take to get to that address?

22 A. So, obviously this is considering driving the speed
23 limit and following all traffic laws approximately nine
24 minutes.

25 Q. And from ■ Earline Drive which is where Chris and

1 Jaqueline were located and then to [REDACTED] Bachman Road which is
2 where Daniel Jones lived, were you able to track that
3 distance?

4 A. Yes, ma'am. Obviously there's several ways to get
5 there. Based on the direction of the vehicle when it left
6 Earline Drive, we mapped it out Edmund Highway back into South
7 Congaree up Pine Ridge Drive and then up to Bachman Drive that
8 way, that direction would be about 17 minutes, but any other
9 direction you couldn't get there again obeying all traffic
10 laws in about 15 minutes would be your average.

11 Q. So average 15 to 17 minutes?

12 A. Yes, ma'am.

13 Q. And from [REDACTED] Bachman to Mr. Chavis' house to [REDACTED]
14 Fish Hatchery, about how long is that drive?

15 A. Approximately 10 minutes.

16 Q. Ten minutes. And back to Fish Hatchery which we
17 know Chris Shumpert was at, back to Earline which we know that
18 they were at seven minutes later or seven minutes after the
19 911 call, how long was that drive?

20 A. Approximately nine minutes as well.

21 Q. Approximately nine minutes. And again, on those
22 videos you didn't note an extreme amount of speed that
23 Mr. Shumpert was driving, did you?

24 A. No, ma'am.

25 MS. PATTERSON: Thank you, Sergeant Hart. Please

1 answer any questions the defense may have.

2 THE WITNESS: Yes, ma'am.

3 CROSS EXAMINATION

4 BY MR. MYERS:

5 Q. Good morning, Sergeant Hart.

6 A. Good morning.

7 Q. How are you?

8 A. Good. How about yourself?

9 Q. So you were in the Marine Corps?

10 A. Yes, sir.

11 Q. Thank you for your service. Four years?

12 A. Yes, sir.

13 Q. Why did you get out?

14 A. I was getting married.

15 Q. That will do it.

16 A. I didn't want to be married in the military. You've
17 heard all the horror stories.

18 Q. Those deployments are rough, aren't they?

19 A. Yes, sir.

20 Q. I was in Afghanistan for 15 months when I was in.
21 Married, didn't make my wife too happy. Thank you for your
22 service.

23 A. Yes, sir. Thank you for yours.

24 Q. Thank you. So, Sergeant Hart, I want to talk a
25 little bit first, you've been in this courtroom this entire

1 week, right?

2 A. Yes, sir.

3 Q. You've heard all the testimony just as we've heard,
4 right?

5 A. Yes, sir.

6 Q. You've had a chance to kind of listen to it and
7 observe it and make notes about what each and every witness
8 said, right?

9 A. Yes, sir.

10 Q. Now, I want to talk a little bit about the different
11 roles investigators play. Ms. Patterson asked you a little
12 bit about your role as an investigator and there are all kinds
13 of roles that an investigator plays because it all depends on
14 the type of crime, right?

15 A. Yes, sir.

16 Q. Now, murder, which we're obviously talking about one
17 here today, but there's direct evidence that would cause you
18 to make an arrest and there's circumstantial evidence that
19 would cause you to make an arrest, right?

20 A. Yes, sir.

21 Q. Let's talk about that for a second. Sometimes, and
22 I'm pretty sure based on your experience as an investigator,
23 those circumstantial cases you might just come across a dead
24 body and nobody saying anything, right?

25 A. Yes, sir.

1 Q. You don't know how the person was killed. You don't
2 know what reason that person was killed. I mean, it's almost
3 like straight of an Agatha Christie novel, right?

4 A. Yes, sir.

5 Q. And that basically causes you to rely on science to
6 figure out who might have done it, right?

7 A. Yes, sir.

8 Q. You look at the forensics, you talk to the experts
9 and then you ultimately make an arrest and that could be later
10 on, right?

11 A. Yes, sir.

12 Q. Could take weeks, could take months, could take
13 forever sometimes to make an arrest. Some cases even go
14 unsolved, right?

15 A. Yes, sir.

16 Q. Now, that's a little different than what we're
17 dealing with here because in this situation this was not a
18 situation where you just came upon a body. You had witnesses
19 who kind of helped you out, right?

20 A. Yes, sir.

21 Q. In those kinds of cases it's important that those
22 witnesses tell the truth, right?

23 A. Yes, sir.

24 Q. Because an investigation like that is only as good
25 as the information you get about what happened, right?

1 A. Correct.

2 Q. Because you didn't see anything, right?

3 A. Correct.

4 Q. There was no surveillance video depicting what
5 actually happened, right?

6 A. No, sir. There was not.

7 Q. And so again, the conclusions that you base are
8 based solely on what people who were at the scene tell you,
9 right, or a large part?

10 A. In corroboration with the evidence, yes, sir.

11 Q. That's right. That's right. But again, if a
12 witness isn't telling you the truth, then it makes it kind of
13 difficult sometimes, doesn't it? It doesn't make it
14 impossible but it will make it difficult, doesn't it?

15 A. Yes, sir. It certainly hampers the investigation.

16 Q. Right. And you heard testimony that a lot of these
17 witnesses, if not all of them, were under the influence of
18 some mind altering substances, weren't they?

19 A. Yes, sir.

20 Q. We know Jada was, right?

21 A. Yes, sir.

22 Q. We know Jackie was, right?

23 A. Yes, sir.

24 Q. And we know Bubba was, right?

25 A. Yes, sir.

1 Q. And you've got large experience with individuals who
2 try and tell you something when they're using mind altering
3 substances, right?

4 A. Yes, sir.

5 Q. They tend not to remember everything. They get
6 timelines messed up, right?

7 A. Yes, sir.

8 Q. And the timeline here is largely established by what
9 those folks told to you, right?

10 A. Actually our timeline is based largely on the video
11 and the 911 calls. Those videos and the 911 calls really help
12 us to establish a timeline.

13 Q. Sure. I understand. But as far as the 911 call
14 goes, that was called in by someone that was there on the
15 scene, right?

16 A. Yes, sir.

17 Q. So, we don't know for sure whether or not they made
18 an immediate 911 call, do we?

19 A. Well, we have multiple 911 calls around the same
20 time and they're not all on the scene. As you can see from
21 the aerial photo, there were, I don't want to say trailers,
22 mobile homes going down that driveway. We had callers in
23 those mobile homes so they weren't necessarily on the scene
24 but calling about the gunfire.

25 Q. Right. So, at the end of the day though, your

1 investigation is largely dependent on those folks who we know
2 were using mind altering substances, right?

3 A. The witnesses on scene, yes, sir.

4 Q. I want to talk a little bit. You were here when Mr.
5 Pogue in his opening statement talked about the kind of kind
6 person that Mr. Chavis was, right?

7 A. Yes, sir.

8 Q. He talked about how he let individuals stay at his
9 place. He was just trying to help them along, right?

10 A. Yes, sir.

11 Q. Now, based on your investigation, you did several
12 things. You talked to witnesses and you looked at cell
13 phones, right?

14 A. I believe we only looked at one actual cell phone.

15 Q. Right. And I believe y'all actually provided me a
16 copy of this.

17 MR. MYERS: May I approach, Your Honor.

18 THE COURT: You may.

19 BY MR. MYERS:

20 Q. Sergeant Hart, this was given to me from Mr. Pogue
21 and Ms. Patterson and they tell me that this is from Mr.
22 Chavis' phone.

23 A. I believe it might be Facebook.

24 Q. Facebook. Okay. So, Mr. Pogue says that Mr. Chavis
25 is this fine upstanding individual who wanted to build people

1 up, but it didn't come free, did it? He required those people
2 to do something before he actually did something for them and
3 allow them to come to his house, didn't he?

4 A. I don't know about all of those arrangements.

5 Q. Well, according to this one, this one was told to me
6 that this belongs to Jada, the second witness today and this
7 is a communication between Jada and Mr. Chavis.

8 MS. PATTERSON: Your Honor --

9 BY MR. MYERS:

10 Q. She says I want one hundred --

11 THE COURT: Hang on. She's got an objection.

12 MS. PATTERSON: Can I see what you're referring to?

13 MR. MYERS: Yes. I'm sorry (proffering.)

14 THE COURT: Or a question I should say.

15 MS. PATTERSON: Your Honor, may we approach?

16 THE COURT: Yes.

17 (Side bar off the record.)

18 THE COURT: Mister Foreman, I'm going to give y'all
19 a break. Remember, no talking about this case just yet.
20 I'll have you back in shortly.

21 (Whereupon, the jury entered the jury room at 10:50
22 a.m.)

23 THE COURT: Okay. I'm not real sure I know what
24 records y'all have got.

25 MR. MYERS: Your Honor, based on the discovery that

1 we received, we got a disk that was labeled to be cell
2 phone record belonging to Barry Chavis. That's all I
3 got.

4 THE COURT: And that's what it says, cell phone
5 records to Barry Chavis and that's the victim.

6 MR. MYERS: Yes, ma'am. And in looking at the
7 document which we have now, it's a series of text
8 messages between Barry Chavis and several other
9 individuals so as lead investigator, if he is relying on
10 these statements and relying on these documents, I'm
11 simply asking them does this have any relevance to the
12 investigation. So my questioning needs to be, are you
13 aware that Barry was in a relationship with Jada. If he
14 knows that answer, he can answer. But again, I'm not
15 attempting to put this document into evidence because
16 that would be hearsay, but a very generalized question as
17 far as the relationship that he had with, or that Barry
18 and Jada had is certainly relevant.

19 Judge, you know, they talk about, and some of these
20 thing are explicit. I'll read one of them to you. In
21 one of them we say that, you know, I want one hundred and
22 a half ounces of weed for fucking and sucking your dick.
23 And we believe that that's a statement that comes from
24 Jada.

25 Now, in Mr. Pogue's own opening statement he stands

1 up there and talks about, hey, Barry Chavis is this good
2 hearted person. He's this guy what wanted to bring
3 people in just to help them up, just to build them up.
4 How does that help anybody building them up if they got
5 to come in and they got to perform favors for him in
6 order to stay there?

7 THE COURT: And you're saying that is a text
8 message?

9 MR. MYERS: Yes, ma'am.

10 THE COURT: From Jada to the victim?

11 MR. MYERS: That's what we were told. Ms. Patterson
12 says that these may not be from Jada, that this might be
13 from Jackie. But either way, whether it's Jada or
14 Jackie, he's not this person that says, hey, I'm trying
15 to build you up and help you out because I've got a good
16 heart. So if they tell me that it's Jackie, I'll ask him
17 if it's Jackie.

18 MS. PATTERSON: Your Honor, first of all, that's
19 exactly what he's trying to do, he's trying to publish
20 that. He's talking about he's trying to enter that
21 information. He's trying to publish it. First of all,
22 we never extracted Mr. Chavis' phone. That is not his
23 phone extraction. The only phone extraction we have was
24 from Jackie and that was provided. I mean from Jada and
25 that was provided to the defense counsel.

1 THE COURT: So you're telling me that's Jada's
2 phone?

3 MS. PATTERSON: I think that is actually Jaqueline's
4 phone. This is hearsay, Your Honor. This has not been
5 authenticated.

6 THE COURT: Well, I want to know whose phone it is
7 first before y'all start telling me the basis it's not
8 admissible.

9 MR. MYERS: And, Judge, I would love to help you,
10 but we didn't create the document. They gave it to us.
11 If they can tell us --

12 THE COURT: I've got it.

13 MS. PATTERSON: The only cell phone we extracted was
14 Jada's so this may be Jada's phone extraction, Your
15 Honor. However, this has not been identified as a
16 conversation with Mr. Chavis. That's what I'm saying.
17 He has not authenticated these records. He has not
18 authenticated Barry's number, who her contact was, that
19 this was a conversation that she had with him. He
20 certainly probably wasn't the only one she conversed with
21 through text messages.

22 THE COURT: Who downloaded the documents? Who
23 extracted it from the phone?

24 MS. PATTERSON: Mike Phipps downloaded it so he
25 would need to call Mike Phipps to authenticate this if he

1 wants to do that and if he wants to publish the contents
2 of this conversation because we need to be able to
3 certify that that's, in fact, who she had the
4 conversation with. Now, Jada testified about, he could
5 have cross examined her about Mr. Chavis' character if he
6 wanted to bring it up then.

7 MR. MYERS: The problem is, Judge, until today this
8 is the first time - it sounds like they were in some type
9 of disagreement as to who it came from because now that I
10 know it's Mr. Phipps, I'm happy perhaps to have a
11 conversation with Mr. Phipps.

12 THE COURT: Yeah. I'm gonna tell you, if the State
13 extracted the phone because they do it all the time, I
14 watch them do this, you've got to bring whoever extracted
15 the contents of that phone and you also have to establish
16 the phone numbers and then it is admissible. You've got
17 to lay a proper foundation.

18 MR. MYERS: And, Your Honor, I just want to say,
19 just put it on the record, the reason we did not know any
20 of that was because it just came to us on a disk saying
21 it was an extraction, no information about who extracted
22 it, no contact information or anything. It was just,
23 here's evidence.

24 THE COURT: Right. I understand. I'm just gonna
25 tell you you've got to have a foundation to get it in

1 though and I don't know if this witness knows those phone
2 numbers or was there when it was extracted. I just, you
3 would have to ask him, but I still don't think he's
4 probably the proper witness to get it through.

5 MS. PATTERSON: Your Honor, for the record, Your
6 Honor doesn't know this. We had some issues with Jada's
7 phone extraction that we contacted the defense attorneys
8 about last week because it was brought to our attention
9 that maybe there's inappropriate information on it so we
10 retrieved their cell phone extraction, we provided them
11 with a new one, so they had that cell phone extraction in
12 their custody the whole time. Furthermore, I was just
13 double checking my receipts, my discovery receipts and
14 that was the only cell phone extraction that we did
15 provide to them so they were able to identify that that
16 was Jada's.

17 THE COURT: All right. Again, I'll tell you, Mr.
18 Myers, I think you have to lay a proper foundation to get
19 it in.

20 MR. MYERS: No problem, Your Honor.

21 THE COURT: So the rest of us can take a break.
22 While we're on break, everyone in the gallery you need to
23 get rid of your cell phones. There are no cell phones
24 allowed in this courtroom because I heard a second phone
25 ring. This case is too important not only to the defense

1 but also to the State and I am not gonna be distracted by
2 a cell phone. I'm not gonna have these lawyers and the
3 jurors distracted by cell phones so at this time I'm
4 gonna ask everybody in the gallery, this does not apply
5 to the lawyers and court officials, get rid of those
6 phones.

7 (Short break.)

8 BAILIFF: All rise.

9 THE COURT: Please be seated. Are we ready to
10 proceed?

11 MR. MYERS: Yes, ma'am.

12 MS. PATTERSON: Yes, ma'am.

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

14 (Whereupon, the jury entered the courtroom at 11:15
15 a.m.)

16 THE COURT: All right. Mister Foreman, the jury
17 ready?

18 FOREMAN: Yes, Your Honor.

19 THE COURT: Please be seated. Continue on.

20 BY MR. MYERS:

21 Q. Sergeant Hart, before we took that little break,
22 before I leave Mr. Chavis, just a couple more things. At the
23 time of this shooting, Mr. Chavis was 28?

24 A. I believe approximately that age, yes, sir.

25 Q. Some of the individuals that we've heard from

1 throughout the course of this trial, some of them weren't even
2 21 years old, right?

3 A. Correct.

4 Q. In fact, we know that Jada at the time, she's 20
5 now, but she was only 17; is that right?

6 A. Yes, sir.

7 Q. Christopher, Jaqueline, the rest of them, they were
8 all young, so the old man in the whole group is Mr. Chavis?

9 A. Mr. Kimbler was much older than Mr. Chavis, but out
10 of that friendship group it appears he was an older
11 individual, yes, sir.

12 Q. And we heard testimony of things that they say that
13 Mr. Chavis allowed them to do. We know that they used drugs,
14 right?

15 A. Yes, sir.

16 Q. We know that they drank alcohol, right?

17 A. Yes, sir.

18 Q. Are you aware that Mr. Chavis was in a relationship
19 with Jada?

20 A. No, sir. I'm not aware of their relationships.

21 Q. You didn't come across that during the course of
22 your investigation. Now, I want to ask you about Mr. Kimbler.
23 You said he was a little older. Now, we understand you
24 charged him, you charged both Mr. Jones and Mr. Shumpert with
25 murder, possession of a firearm, and attempted murder; is that

1 right?

2 A. Yes, sir.

3 Q. But the attempted murder has been reduced to assault
4 and battery of a high and aggravated nature, right?

5 A. Yes, sir.

6 Q. So there no more attempted murder --

7 A. Correct.

8 Q. -- right?

9 A. Yes, sir.

10 Q. So the only charges now are murder, possession of a
11 firearm, and assault and battery of a high and aggravated
12 nature?

13 A. Yes, sir.

14 Q. Now, Ms. Patterson asked you questions about how
15 Mr. Kimbler died and all you could say was he had several
16 ailments?

17 A. Yes, sir.

18 Q. And you were clear that based on your investigation
19 he didn't die as a result of a drug overdose. Do you remember
20 that?

21 A. Yes, sir. I do.

22 Q. Do you have any evidence to tell this jury what
23 caused his ailments?

24 A. I had his medical records. I believe they were
25 supplied, but I did have them, yes, sir.

1 Q. They were given to us?

2 A. They were given to the Solicitor's Office. They've
3 been turned in.

4 Q. Okay. All right. Sitting here today you don't know
5 what caused those ailments that you can testify to right
6 now?

7 A. No, sir.

8 Q. Now, you talked a little bit about this Expedia
9 account?

10 A. Yes, sir.

11 Q. Now, you heard Agent Hunton/Hinton talk about it was
12 booked on an Expedia account, right?

13 A. I believe he testified to that. I didn't know how
14 it was booked.

15 Q. Okay. And, well, I guess that's what I was asking
16 him whether or not he knew it was booked by credit card or
17 cash. Do you remember me asking him that question?

18 A. I do, yes, sir.

19 Q. And I believe you testified that it was his momma,
20 Mr. Shumpert's mom who actually booked that room, right?

21 A. Yes, sir.

22 Q. During the course of your investigation, have you
23 talk to Christopher Shumpert's mom?

24 A. I did reach out to her and tried to contact her.
25 She didn't want to talk to us about it.

1 Q. Do you have any idea or are you aware that she
2 customarily booked hotels for him through Expedia?

3 A. No, sir. I don't have any knowledge of that.

4 Q. So the fact that she had regularly booked hotels for
5 him wouldn't be anything out of the ordinary based on what you
6 - if she had done it?

7 A. I don't know if it's ordinary or not ordinary. I
8 didn't have any evidence to prove or disprove that.

9 Q. Okay. All right. But it was booked by his mom?

10 A. Yes, sir.

11 Q. And it was clear that she had to use some form of
12 plastic to book it, right?

13 A. Yes, sir.

14 Q. No cash whatsoever was paid to book that room?

15 A. No, sir.

16 Q. So when a person's using Expedia or some form of
17 plastic, it sends out an alert as to where that person is,
18 right?

19 A. No, sir. I don't believe that's how it works.

20 Q. Well, that's an easier way of tracking that person,
21 right, than cash?

22 A. You could potentially track somebody that way, yes,
23 sir.

24 Q. Sure. It's certainly a lot easier to track someone
25 that uses a card as a opposed to cash?

1 A. Yes, sir.

2 Q. If someone goes in and pays cash, it's kind of hard
3 to say, hey, where that person is within this country --

4 A. Yes, sir.

5 Q. -- right? But when they do it via Expedia, they
6 gotta have booking numbers and they actually tell the
7 individual, hey, this is where I'm staying, right?

8 A. Yes.

9 Q. So, the fact that it was done through Expedia, there
10 was no attempt for him to hide where he was?

11 A. I can't testify if there was an attempt for him to
12 hide where he was at or not.

13 Q. All right. Now, based on your investigation and
14 based on your testimony as I understand it the first person
15 that was arrested was Daniel Jones, right?

16 A. Yes, sir.

17 Q. Based on, or after his arrest, you tried to
18 interview Mr. Jones, right?

19 A. Yes, sir.

20 Q. Based on that interview you then discovered the
21 guns, right?

22 A. Yes, sir. A witness that led us to the guns.

23 Q. Sure. In fact, during the course of your
24 investigation you learned that it was Daniel Jones who made
25 the attempt to hide the firearms, right?

1 A. Yes, sir.

2 Q. He actually had a conversation with his grandmother
3 telling her to hide the firearms, right?

4 A. I don't recall a specific conversation with her
5 telling her to hide them, the firearms.

6 Q. Sure. But it was only Daniel Jones that led y'all
7 to those firearms?

8 A. Yes, sir.

9 Q. You never heard Christopher Shumpert say anything
10 about trying to hide firearms, right?

11 A. No, sir.

12 Q. And as a result of your conversation and what he did
13 that brings you to this 300 Blackout, right?

14 A. Yes, sir.

15 Q. Now, I know you are familiar with these weapons so
16 with this 300 Blackout, I cleared it for you, so you are
17 familiar with whether or not something is semiautomatic or
18 automatic, right?

19 A. Yes, sir.

20 Q. Now, if something is semiautomatic, that means that,
21 hey, it has a three round burst; is that right? Is that
22 right?

23 A. No, sir. Semiautomatic means it fires one time and
24 then the firing of that projectile forces the gun to reload
25 itself and be prepared to fire an additional round but each

1 round would take a pull of the trigger.

2 Q. Okay. That's not how we do it in the military. In
3 the military you got the little semiautomatic and we got the
4 automatic, right?

5 A. Yeah. Well, Yes, sir. Three round bursts
6 semiautomatic.

7 Q. Right. But in this one here you actually got to
8 squeeze the trigger each time it fires?

9 A. I don't know about this one specifically because it
10 could be altered inside and I don't want to take it apart to
11 see if it's altered.

12 Q. Okay. And the type of clip we're talking about here
13 -- Well, this one here has the optics on it, right?

14 A. Yes, sir. I don't know if they work or not. It
15 does have them attached.

16 Q. So, the clip, could you tell from the clip how many
17 rounds it held or holds?

18 A. That's a standard AR type aluminum box magazine. I
19 know that it will hold 30 .556 or .223 rounds. I don't know
20 about the 300 Blackout.

21 Q. All right. But based on your investigation though,
22 we know that it was Daniel Jones who had those weapons and
23 tried to hide them, right?

24 A. When they were hidden, yes, sir.

25 Q. Yes, sir. You have no evidence whatsoever that

1 Christopher Shumpert tried to do anything to hide any
2 weapons?

3 A. No. No, sir.

4 Q. Do you know who those guns are even registered to?

5 A. I don't know, sir. I know obviously from previous
6 testimony that Daniel Jones was sought out because he's known
7 to have them.

8 Q. Okay. So Daniel Jones was an individual in the
9 community that was known to have guns?

10 A. By your client.

11 Q. Okay. Well, when did my client say that?

12 A. That was the testimony from his girlfriend was that
13 he went to seek Daniel Jones because he was known to have
14 weapons --

15 Q. Okay.

16 A. -- and Mr. Chaney, I believe.

17 Q. Right. And you also learned that through the course
18 of your investigation that Mr. Chavis was known to have guns
19 too, right?

20 A. Yes, sir. He had firearms in the residence.

21 Q. In fact, one of your witnesses Steven Phillips said
22 that he was a close friend with Mr. Chavis. Do you recall
23 that talking to Mr. Phillips?

24 A. I never specifically spoke with Mr. Phillips. I
25 believe Detective Williams spoke with him.

1 Q. All right. So are you aware that Mr. Phillips told
2 the State, told your investigator --

3 MS. PATTERSON: Objection, hearsay.

4 MR. MYERS: It's a fact --

5 THE COURT: I didn't even get to hear the whole
6 question.

7 MR. MYERS: Right.

8 BY MR. MYERS:

9 Q. During the course of your investigation, one of your
10 investigators talked to Steven Phillips; is that right?

11 A. Yes, sir.

12 Q. During the course of that investigation, did he
13 learn that Mr. Phillips and Mr. Chavis fired weapons
14 together?

15 A. I would have to review his supplemental report.

16 Q. Sure.

17 A. Give me just a second.

18 Q. If I may approach, I may be able to help you. It's
19 a little bit --

20 A. I don't see it in Detective Williams' statement.

21 Q. (Proffering.) Take your time.'

22 A. I'm sorry. I don't see anything in here about
23 Steven Phillips saying he shot firearms with Mr. Chavis.

24 Q. We'll pick up on it. I'll find it for you
25 momentarily if we need to.

1 A. And these are the Solicitor's Office reports. I
2 wasn't privy to these.

3 Q. Okay. Based on the investigation and based on the
4 testimony that you heard, you know that Steven Chavis was one
5 of the - or Steven Phillips was one of the individuals with
6 Mr. Chavis that day, right?

7 A. Yes, sir.

8 Q. Do you recall the testimony being that when the
9 fight broke out or the fight ended, Chris Chavis and Barry -
10 Chris Shumpert and Mr. Chavis had this confrontation, right?

11 A. You're talking about in the yard?

12 Q. Where Mr. Chavis fired a gun at Mr. Shumpert.

13 A. I didn't hear any testimony about being fired at
14 Mr. Shumpert. I heard he was present when the firearm was
15 fired, yeah.

16 Q. Sure. You heard testimony according to Bubba that
17 when Chris Shumpert approached the vehicle, Barry Chavis fired
18 a round outside of his vehicle?

19 A. Yes, sir.

20 Q. Now, there's a dispute whether or not he fired at
21 him or whether he just fired, but we know that a weapon was
22 fired.

23 A. Yes, sir. I didn't hear any dispute, but there was
24 weapons fired.

25 Q. Now, with regards to Steven Phillips, did you learn

1 through the course of your investigation that after that
2 incident and before they went to Mr. Chavis' house, that they
3 dropped Mr. Phillips off at his house?

4 A. Who dropped Mr. Phillips off?

5 Q. That Mr. Chavis dropped Mr. Phillips off.

6 A. At Mr. Chavis' house?

7 Q. Right. No. No. No. No. I don't mean to confuse
8 you. That after Mr. Chavis fired the shot at or near Mr.
9 Shumpert, Mr. Chavis then dropped Mr. Phillips off at
10 Mr. Phillips' house and then Mr. Phillips subsequently went to
11 Mr. Chavis' house later on?

12 A. I wasn't aware of that specific information but, I
13 mean, he does live in the general area so --

14 Q. Sure.

15 A. -- it wouldn't surprise me.

16 Q. Are you aware that according to the investigation
17 that he dropped Mr. Phillips off so that Mr. Phillips --

18 MS. PATTERSON: Objection, Your Honor.

19 BY MR. MYERS:

20 Q. -- could get his gun?

21 MS. PATTERSON: I'm gonna object to hearsay. He did
22 not have a conversation with Mr. Phillips and he is
23 eliciting information from Sergeant Hart about
24 conversations Steven Phillips may have had with someone
25 else.

1 MR. MYERS: I think as the lead investigator, he's a
2 supervisor, so as a supervisor/lead investigator he's
3 responsible for reviewing these reports, looking at these
4 reports and also telling these folks what they need to
5 do, who they need to talk to.

6 MS. PATTERSON: And hearsay still applies even
7 though he is the lead officer.

8 MR. MYERS: I think that goes to the effect on the
9 listener that a result of his investigation, they did
10 certain things based on what they heard from these
11 witnesses.

12 MS. PATTERSON: An effect on what listener? He's
13 not the one that heard this information.

14 MR. MYERS: But he's the supervisor.

15 THE COURT: He's the lead investigator.

16 MS. PATTERSON: But it's hearsay, Your Honor.

17 THE COURT: Let me see the lawyers.

18 (Side bar off the record.)

19 THE COURT: All right. Let's go ahead, Mr. Myers.

20 MR. MYERS: Thank you, Your Honor.

21 BY MR. MYERS:

22 Q. Believe it or not, Sergeant Hart, the only other two
23 issues that I have is that other than what you say or your
24 department said that Chris said at the time of his arrest, no
25 other statements were made by Mr. Shumpert, right, regarding

1 to you?

2 A. To me, no, sir.

3 Q. Or to you by your officers?

4 A. No, sir.

5 Q. Now, with regards to Mr. Jones, Ms. Patterson asked
6 you about Daniel Jones. Daniel Jones is charged with the
7 exact same crimes as Mr. Shumpert, right?

8 A. Yes, sir.

9 Q. Mr. Jones has not gone to trial, has he?

10 A. Not as of yet. No, sir.

11 Q. He could have been brought to trial along with Mr.
12 Shumpert, right?

13 A. I'm not in charge of scheduling and how that works.
14 It's not up to me.

15 Q. And based on your experience as an investigator, law
16 enforcement does that all the time. If you've got multiple
17 defendants, multiple defendants can go to trial.

18 A. It does happen, I know that. I don't know the legal
19 maneuvers of not doing it and doing it.

20 Q. So, so this jury will not be asked to do anything
21 regarding Daniel Jones?

22 A. Not this week, no, sir.

23 Q. Sure. And we don't know whether or not it's gonna
24 be any subsequent week. You can't guarantee anything
25 regarding Daniel Jones, can you?

1 A. No, sir.

2 Q. And I want to go back to one other thing. This goes
3 to State's Exhibit number 41. Do you remember when Bubba
4 testified about where Barry Chavis always kept his firearm?
5 Do you remember him testifying that he always kept it in his
6 side door?

7 A. Yes, sir.

8 Q. But when you found it on the scene, it wasn't in the
9 front door, was it? It was tucked between the seats?

10 A. I didn't find it but, yes, sir, according to the
11 photographs it was tucked between the seats.

12 Q. Sure. So even though Bubba claimed that, hey, he
13 always keeps that firearm on the side door, it was not located
14 on the side door where Bubba says that he always keeps it?

15 A. Correct.

16 MR. MYERS: Thank you. No further questions, Your
17 Honor.

18 THE COURT: Any redirect?

19 MS. PATTERSON: Your Honor, may we approach.

20 THE COURT: Sure.

21 (Side bar off the record.)

22 THE COURT: All right. Any redirect examination,
23 Ms. Patterson?

24 MS. PATTERSON: Yes, ma'am, briefly.

25 REDIRECT EXAMINATION

1 BY MS. PATTERSON:

2 Q. Sergeant Hart, Mr. Myers asked you about the
3 witnesses that witnessed the shooting and he stated that they
4 were under the influence or I think in his words under mind
5 altering substances. Were you able to corroborate any
6 information that they provided to you?

7 A. Yes, ma'am.

8 Q. And were you able to corroborate the suspects that
9 were ultimately charged?

10 A. Yes, ma'am.

11 Q. And were you able to corroborate the description of
12 the car?

13 A. Yes, ma'am.

14 Q. And were you also able to corroborate the weapons
15 that was involved in this case?

16 A. Yes, ma'am.

17 Q. And that information given from those witnesses
18 under the influence was able to be corroborated through your
19 investigation?

20 A. Yes, ma'am.

21 Q. And does Christopher Shumpert and his mom have
22 different last names?

23 A. They do. Yes, ma'am.

24 Q. Again, what's her last name?

25 A. Candler at the time. I don't know what it is now.

1 Q. And did you have any other information that
2 Christopher Shumpert and Jaqueline Aiken had stayed in this
3 hotel in Aiken before?

4 A. As a matter of fact, we had information that they
5 have never stayed in Aiken before.

6 Q. And Mr. Myers asked you other than the statement
7 Christopher Shumpert gave to Agent Hunton, that he didn't make
8 any other statements to you?

9 A. Directly to me, no, ma'am.

10 Q. Did you attempt to get those statements from Mr.
11 Shumpert?

12 A. Yes, ma'am.

13 Q. And why did you want to speak to Mr. Shumpert that
14 night?

15 A. Obviously I wanted to speak with him about the
16 incident to determine his involvement or lack of involvement.

17 Q. And what was response to you?

18 A. He invoked his right to counsel which we can't talk
19 to people after that until they have talked to an attorney.

20 MS. PATTERSON: Thank you, sergeant.

21 THE COURT: Thank you, Ms. Patterson. Mr. Myers.

22 MR. MYERS: No recross. Thank you, Your Honor.

23 THE COURT: May I let the investigator down?

24 MS. PATTERSON: Yes, ma'am. Thank you.

25 THE COURT: Can I see the lawyers for just one quick

1 second just for scheduling.

2 (Side bar off the record.)

3 THE COURT: Mister Foreman, jury okay?

4 FOREMAN: Yes, Your Honor.

5 THE COURT: Okay. All right. Call your next
6 witness.

7 MR. POGUE: Thank you, Your Honor. The State calls
8 Paul Greer.

9 Thereupon,

10 PAUL GREER

11 after having been first duly sworn, testified as follows,

12 THE CLERK: Please have a seat. Once you're seated,
13 state your full name spelling your last please.

14 THE WITNESS: My name is Paul Greer, G-r-e-e-r.

15 DIRECT EXAMINATION

16 BY MR. POGUE:

17 Q. Good morning, Mr. Greer. How are you doing?

18 A. I'm fine.

19 Q. I should say Agent Greer; is that right?

20 A. Either is fine.

21 Q. Okay. Where are you currently employed?

22 A. I'm employed at the South Carolina Law Enforcement
23 Division which is also commonly known as SLED.

24 Q. And in what capacity are you employed at SLED?

25 A. At SLED I'm a forensic scientist in the firearms

1 department and that's housed within our forensic services
2 laboratory.

3 Q. And how long have you been employed in that
4 capacity?

5 A. I've been employed at SLED in the firearms just over
6 a little over nine years.

7 Q. Okay. And is that how long you've been at SLED
8 total? Is that what you've done since working at SLED?

9 A. Yes, sir. When I was hired at SLED in March of
10 2014, I started in the firearms department.

11 Q. And prior to that, did you have any education, prior
12 education or experience to working at SLED?

13 A. Prior to working at SLED, I attended the University
14 of South Carolina where I received a bachelor's of science in
15 biological science.

16 Q. Okay. And what sort of training and background have
17 you received at the time that you started your employment and
18 continuing your education as it relates to firearms
19 examination?

20 A. Sure. Upon my appointment at SLED, I began our SLED
21 firearm and tool mark course of instruction. This is a
22 in-house apprenticeship style training program that's
23 conducted under the supervision of other court qualified
24 examiners in the laboratory. During that time, again, it took
25 about three years for all this training. I've completed

1 multiple written and practical examinations. I assisted other
2 examiners to prep their case work and I also completed many
3 microscopic comparisons on the comparison microscope. At the
4 conclusion of that training period and in work with those
5 examiners, I was given a final exam that included some mock
6 case work. I successfully completed that and was then allowed
7 to do casework on my own.

8 Q. And what is the field of firearms identification?
9 What does it consist of?

10 A. Sure. Firearms identification is simply a
11 discipline within forensic science where the main objective
12 everyday what we're trying to do is determine if a specific
13 fired ammunition component, so that could be a fired cartridge
14 case or a fired bullet to determine if they were fired by a
15 specific firearm.

16 Q. Okay. And are you a member of any professional
17 organizations as it relates to firearms identification and
18 examination or anything like that?

19 A. Yes, sir. I am a member of the Association of
20 Firearm and Tool Mark Examiners and that's also known as AFTE,
21 and that's a international organization for our community of
22 firearm and tool mark examiners.

23 Q. And have you ever been qualified as an expert
24 witness in court before?

25 A. Yes, sir. I have.

1 Q. And what field are you qualified as an expert?

2 A. Typically firearms identification.

3 Q. And do you recall how many times you previously
4 testify as an expert related to firearms?

5 A. Approximately 32 times.

6 MR. POGUE: Your Honor, at this time the State would
7 offer Paul Greer as an expert in the area of firearm and
8 tool mark analysis and identification.

9 THE COURT: Any objection?

10 MR. BELL: I'm very familiar with Mr. Greer. No
11 objection.

12 THE COURT: All right. Let me tell the jury, I told
13 you yesterday that we have an expert witness and Mr.
14 Greer is gonna be an expert witness in firearm and tool
15 mark analysis. You can give his testimony the weight you
16 think it deserves. Go ahead.

17 MR. POGUE: Thank you, Your Honor.

18 BY MR. POGUE:

19 Q. So, take us through what the process is when you
20 receive evidence in a particular case for examination?

21 A. Sure. When evidence is submitted to the SLED
22 laboratory, it's submitted typically through our evidence
23 control department. That's where it's given, any assignments
24 that are needed whether it be DNA, latent print, trace
25 analysis, or firearms and it will be routed through the

1 laboratory accordingly. When the evidence arrives at SLED,
2 it's given a unique SLED lab number and an item number so that
3 way it can be tracked as it goes through the laboratory. When
4 the evidence is ready for me to be, for me to pick it up from
5 our evidence control department or it's completed other
6 departments it may have traveled to, that's when I'll begin my
7 examination.

8 When I begin that examination, I'll make sure that
9 other assignments are completed, that the evidence is packaged
10 properly and those seals are intact so that way I can
11 determine and make sure that it's not been tampered with.
12 Upon examining this evidence, I'll open it, I will document
13 all of that with photography and also start to build our case
14 file which is just a series of departmental worksheets that we
15 take notes on. When we're opening a file, we take, again,
16 photography, look for any foreign material that may be on it,
17 any type of biological or trace material that should be
18 collected and preserve that if necessary.

19 We will document items such as the make, model,
20 caliber, serial number of those firearms and start to
21 determine, you know, are they safe to function or safe for me
22 to handle. As far as the fired evidence, it would be fired
23 cartridge cases or fired bullets, I'll do something very
24 similar. I'll take photographs of that evidence, look for any
25 foreign or trace material on it and then begin to document

1 those characteristics. So for firearms we may take weights
2 and measurements, excuse me, for fired bullets weights and
3 measurements for those projectile. Start to look at those
4 individual tiny characteristics that we're gonna look at under
5 the microscope.

6 For a cartridge case, also very similar, taking
7 information about those characteristics, the metallic
8 structure of that cartridge case, the caliber, the head stamp
9 information and then look further into what the microscopic
10 details may be.

11 Q. Okay. And did you have a chance to examine evidence
12 that was submitted as it relates to this particular case?

13 A. Yes, sir. I did.

14 Q. Okay. I'm handing you up what's already been
15 admitted as evidence as State's Exhibit 8. Do you recognize
16 that item there? Are you able to determine if you performed a
17 analysis on that item?

18 A. The firearm is unloaded here that I'm looking at so
19 it's safe for me to handle. I'll keep it pointed towards me
20 in a safe direction. I'm gonna look for some of those
21 identifying features. We mark the evidence with those lab
22 numbers and item numbers so I can see that I have my SLED lab
23 number, my item number and my initials on this firearm. This
24 is the firearm that I examined which is SLED item 4 and
25 State's Exhibit number 8.

1 Q. Okay. Did it have any accessories with that
2 particular firearm that you also used in your examination?

3 A. Yes. There was one magazine and that is the
4 magazine that was submitted with the firearm.

5 Q. And did that magazine have any live rounds in it?
6 Was it empty when you received it?

7 A. Yes, sir. It was empty. I just received the SLED
8 item for the firearm and magazine.

9 Q. If you could, just very briefly kind of explain to
10 the jury what kind of firearm that is and how it operates.

11 A. Sure. This is what's known as a semiautomatic
12 pistol. This specifically was a model FNS-9 semiautomatic
13 pistol. What that means is when this firearm is loaded and
14 fired, with one pull of the trigger you shoot one round. One
15 bullet travel down the barrel towards the target. So in order
16 for this firearm to operator or to use it properly, you would
17 load your unfired cartridges into the magazine, insert the
18 magazine into the mag well of the firearm and in this position
19 you would release the slide so it would close, remove a
20 cartridge from the magazine and load it into the chamber which
21 is the portion right here that you can't see, so that's ready
22 to be fired.

23 When you pull the trigger, the gun will fire, a
24 bullet will travel down the barrel towards the target and the
25 semiautomatic portion means that a portion of that energy from

1 that cartridge firing and the immense amounts of pressure it
2 will cause the firearm to cycle. So that cartridge case which
3 is that little cylindrical nickel or brass colored component
4 of the cartridge will be extracted from the gun's chamber and
5 is kicked out or ejected from the gun. All that pressure is
6 gonna send this slide rearward so it will cycle and then that
7 slide will come back forward and pick up the next available
8 cartridge that's in this magazine and that will continue to
9 happen until you run out of ammunition, but again, only one
10 cartridge will fire so you have to pull the trigger again to
11 shoot the next one and that's the basics of a semiautomatic
12 pistol.

13 Q. And what is, I guess, what is referred to as the
14 ejection port on a gun?

15 A. The ejection port would be this area here where the
16 cartridge case is extracted from the chamber and ejected out
17 of the gun so you can see the cut and the slide so it would be
18 ejected out.

19 Q. And for this particular type of gun or this gun
20 specifically, when a spent cartridge casing, a fired cartridge
21 casing is ejected out of the ejection port, does it travel a
22 great distance away from the gun, does it travel a short
23 distance away from the gun in a general direction? I guess my
24 question is, when you fire it, is the casing in the general
25 area from where the gun was originally fired unless it's been

1 moved subsequently?

2 A. That's possible. We don't have a procedure for
3 doing what would be referred to as ejection pattern testing.
4 We test fire these firearms in a controlled laboratory setting
5 and so it's a little different than being maybe in an outdoor
6 setting so we can't really test to where these cartridge
7 casings are being ejected. It could be near, it could travel
8 some distance.

9 Q. Okay. In regard to your item 7, I'm handing you up
10 State's Exhibit 66. Tell me if you recognize this item and
11 whether you performed an examination, an analysis on it.

12 A. Again, this firearm is unloaded and safe for me to
13 handle. I'll keep it kind of in a safe direction. I do see
14 my unique SLED lab number and identifying markings on this
15 firearm and this happens to be the SLED item 7 which is
16 State's Exhibit 66, this was a Diamondback model DB-15
17 semiautomatic rifle.

18 Q. And if you could also as you did with the previous
19 exhibit explain to the jury a little bit about what type of
20 firearm that is and how it operates as well.

21 A. Okay. Very similar to the pistol that we just
22 discussed, both are semiautomatic firearms and this just
23 happens to be a rifle so it's larger and uses a different
24 cartridge. Very similarly you would, to fire this, insert the
25 magazine is loaded with cartridges into the magazine well

1 here, you pull back on this charging handle to load the
2 cartridge and that would load the cartridge in the chamber and
3 be ready to be fired. Again, with one pull of the trigger you
4 would get one round that is fired and that process of the
5 cycling that we discussed with the pistol is similar with this
6 bolt. It will extract that cartridge case after it's been
7 fired and eject it out of the ejection port and another
8 cartridge will be loaded if it's available and then that's
9 when you start the process of you pull the trigger to shoot
10 another cartridge.

11 Q. I'm handing you up State's Exhibit 52. Feel free to
12 open it up and tell me if you performed an analysis on the
13 content, what it is and if you performed an examination on the
14 content?

15 A. Would you like me to open it?

16 Q. Yes, please.

17 A. (Witness complies.) This is the container. I do
18 see my lab number information as well as the item numbers on
19 it that I wrote when I examined this evidence and it does
20 still appear to have been sealed from when I sealed it. This
21 was SLED items 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28
22 and 29 and those were all fired nine millimeter Luger caliber
23 cartridge cases and so in each of these pouches here with each
24 of those SLED item numbers there's one fired nine millimeter
25 Luger caliber cartridge case which is in this pouch.

1 Q. And, Paul, if you don't mind, what I'm gonna do is
2 try to get you to go ahead and identify all of the ones that
3 you examined and then we'll go through what your findings were
4 as it relates to all of them together if that works best for
5 you.

6 A. Sure.

7 Q. I'm now showing you what's been marked as State's
8 Exhibit 48. You may need to open that one as well, and see if
9 you recognize those items and performed an examination on
10 them.

11 A. (Witness complies.) Yes, sir. State's Exhibit 48
12 was SLED item 40, 41, 42 and 43 and those were all determined
13 to be fired nine millimeter Luger caliber cartridge cases.

14 Q. I'm handing you up State's Exhibit 22.

15 A. State's Exhibit 22 was SLED item 3 and that was
16 determined to be two bullet jacket fragments and two pieces of
17 lead and they're very small in this packet here if you can see
18 through it.

19 Q. And State's Exhibit 51.

20 A. State's Exhibit 51 is SLED items 9 through 16, and
21 those were all each to be determined as fired 300 Blackout
22 caliber cartridge cases.

23 Q. Okay. And State's Exhibit 45.

24 A. State's Exhibit 45 was to be determined as SLED
25 items 34 through 39 and those were also fired 300 Blackout

1 caliber cartridge cases.

2 Q. State's Exhibit 49.

3 A. State's Exhibit 49 contains and SLED items 30
4 through 33. Would you like me to individually display these?

5 Q. If you don't mind.

6 A. SLED item 30 which is the small fragment right here
7 at the top of this package was determined to be one bullet
8 jacket fragment. SLED item 31 was determined to be one fired
9 bullet. SLED item 32 was determined to be one fired bullet
10 jacket fragment. And SLED item 33 was determined to be one
11 fired bullet jacket fragment (indicating.)

12 Q. And State's Exhibit 50.

13 A. State's Exhibit 50 contains SLED item numbers 46,
14 which was determined to be one piece of lead, SLED item number
15 47 which was determined to be one fired bullet jacket
16 fragment, one bullet jacket fragment and one piece of metal
17 and SLED item 48 which was determined to have been one fired
18 bullet jacket fragment and one bullet jacket fragment, and
19 they're small, this fragment down here at the bottom of that
20 package (indicating.)

21 Q. And I believe I handed you up all of the item
22 numbers that you examined in your February 18th, 2021 report.
23 Were you able to determine that? I don't think I missed any.

24 A. Yes, sir. I believe we identified everything.

25 Q. Okay. All right. And you said you conducted

1 analysis and made findings that relate to all of those items
2 that are in evidence right now?

3 A. That's correct.

4 Q. Okay. And did you issue a report as to what your
5 findings were for each one of those items?

6 A. Yes, sir. I did.

7 Q. Okay. Do you have a copy of your report that you
8 brought with you here today?

9 A. I do.

10 Q. All right. And so I'm handing you up what's marked
11 as State's Exhibit 68. Do you recognize that item?

12 A. Yes, sir. I do.

13 Q. Okay. And is that the report that you issued that
14 includes your findings as it relates to each item that you
15 previously identified?

16 A. Yes, sir.

17 Q. Okay. And did you issue that report in the ordinary
18 course of business as a firearms examiner?

19 A. Yes, sir. I routinely, when we examine evidence, we
20 will issue a report based on our conclusions.

21 MR. POGUE: Your Honor, at this time the State would
22 offer the report into evidence and publish it and go
23 through it with the agent.

24 THE COURT: Any objection?

25 MR. BELL: Your Honor, we do object at this time.

1 THE COURT: All right. Instead of a talking
2 objection, let's come up to the bench.

3 (Side bar off the record.)

4 THE COURT: Carry on.

5 MR. POGUE: Your Honor, we're actually going to just
6 mark this for ID at this particular point in time. I'm
7 also going to --

8 THE COURT: As a Court's Exhibit or --

9 MR. POGUE: Just as State's. We're just gonna offer
10 it as a State's Exhibit just for ID at this time. 68.

11 THE COURT: 68 has an objection to it.

12 MR. POGUE: And that's why I'm just gonna leave it
13 for identification purposes.

14 THE COURT: ID only. Okay.

15 BY MR. POGUE:

16 Q. At this point I'm handing you up, agent, State's
17 Exhibit 69. Do you recognize that document (proffering)?

18 A. Yes, sir. I do.

19 Q. Okay. And what is that document?

20 A. This is a document that was compiled, that is sort
21 of a summary in chart form of the findings in the report that
22 I issued.

23 Q. Does it include, is it an accurate reflection of
24 your findings that you included in your report?

25 A. Yes, sir. It is.

1 Q. Okay. Does it leave out any important substantive
2 information that's included in your report?

3 A. No, sir. Not that I'm aware of. Everything from my
4 report is in some format in this chart.

5 MR. POGUE: Your Honor, at this time the State would
6 offer the summary for us to go through.

7 THE COURT: Number 69. Any objection?

8 MR. BELL: Without objection.

9 THE COURT: It's admitted.

10 BY MR. POGUE:

11 Q. Agent, I'm also going to put up State's Exhibit 44
12 which has been previously admitted as a diagram of the crime
13 scene that was previously admitted under the crime scene
14 investigator that was called to testify. All right. Let's
15 start with the first two items or I guess technically four
16 items obviously already previously discussed. SLED item 4 is
17 the nine millimeter FN pistol that was submitted to you; is
18 that correct?

19 A. That's correct.

20 Q. Okay. And what were your findings as it relates to
21 the FN model, is it in working order?

22 A. Yes, sir. When I received the pistol, I went
23 through the examination process that we discussed earlier and
24 I determined that it was safe for me to fire and I test fired
25 that SLED item 4 with the submitted magazine and found that it

1 was in working order.

2 Q. Okay. And what is item 4.1?

3 A. 4.1 are the test specimens that I generated as
4 having fired from that firearm. We use those test specimens
5 to compare to other evidence that's received so our fired
6 projectiles and our fired cartridge cases. So, I generated
7 item 4.1 in order to track these test specimens and that's
8 essentially all that is. Those are the test specimens that I
9 shot in that firearm in our laboratory.

10 Q. All right. And item 7, you did a test analysis
11 examination on that. What were your findings as to that
12 firearm?

13 A. After examining that firearm, I determined that
14 after shooting it with a laboratory supplied magazine as I did
15 not receive a magazine with that, it was also in working
16 order.

17 Q. Okay. So, just so I understand, you used a lab
18 supplied magazine to do the test fires for that particular
19 item?

20 A. That's correct.

21 Q. And item 7.1 again?

22 A. The same as in item 4.1. Those are just the test
23 specimens that I fired in the laboratory and 7.1 is the item
24 number that was given to track those specimens.

25 Q. All right. Now, we're gonna start with your

1 examination of the spent cartridge casings that were collected
2 from the crime scene. I believe they're your SLED items
3 number 9 through 16 which would be by count eight spent
4 cartridge cases that were submitted and they would correlate
5 to placard numbers 1, 2, 3, 4, 5, 6, 19 and 26 which are all
6 indicated and color coded red here and also on the diagram of
7 the scene. Just before we get into it, tell the jury a little
8 bit about how you go about comparing a spent cartridge casing
9 and matching it to whether it's fired by a particular gun?

10 A. Sure. Let's start with the manufacturing process of
11 a firearm. When a firearm is made, materials and machine
12 processes are working all over those surfaces on that firearm
13 and leaving behind individual markings. As a firearms
14 examiner, we need to evaluate these markings that are left on
15 the fired remnants or the fired projectiles that are fired
16 from these cartridge cases and we do that under high
17 magnification using a comparison microscope. So if you think
18 of maybe a lab you've taken in school where you look at
19 something under a microscope, this is essentially one large
20 microscope that we can look at two items at one time through
21 an eye piece or kind of like a set of binoculars.

22 So, we're gonna look at the details that are left
23 behind on the these fired projectiles under high
24 magnification. We're looking at tiny scratches or striations
25 and impressions that are left on multiple areas of your

1 bullets and also on your fired cartridge cases, and those
2 markings are all left there as part of the manufacturing
3 process of that firearm as well as individual wear and tear
4 and use of that firearm over time and so that's how we, we
5 look at these items to compare to each other and then compare
6 it to our test specimens that we fired in order to determine
7 if something was fired by a particular firearm.

8 Q. And when you receive these casings, before you do a
9 comparison, do you determine the caliber, or try to determine
10 the caliber of the casings that you receive?

11 A. Yes, sir. That would be something that's documented
12 early on in our examination. We'll determine the caliber and
13 the brand of that cartridge case or the manufacturer of that
14 cartridge case and then move into some of its more
15 characteristics that we're gonna use to compare to things to
16 further negate it from other things.

17 Q. And if it's possible, if you're able to, do you try
18 to use the same brand of ammunition that was submitted as
19 spent casings in the evidence that you examined when you do
20 the test fires?

21 A. Sure. If possible, we will try and test fire using
22 the same brand of ammunition that we receive in the actual
23 evidence that's submitted to us and we do that for a couple
24 different reasons, but mainly just to try to replicate those
25 markings the gun's leaving behind. Cartridge case material

1 has different metallic properties. Some of those metals are
2 harder, some of those are softer and that can change the way
3 we're seeing some of these markings ever so slightly so we're
4 gonna try to kind of set up the best scenario for us to
5 replicate those markings that we see in our evidence by
6 shooting the same ammunition and that's if it's available.

7 Q. All right. We're gonna move to your findings at
8 this point. So, as I previously mentioned, your SLED item 9
9 correlates to CSI placard in your description that it was
10 submitted to you, CSI placard 1 which is labeled here on the
11 CSI investigator's diagram. What was your finding as to
12 cartridge case SLED item 9 as it relates to SLED item 7?

13 A. When I compared SLED item 9 to the test specimens
14 that were fired from SLED item 7 which was the Diamondback
15 rifle, it was determined that SLED item 9, the cartridge case
16 was fired by that item 7 rifle.

17 Q. Okay. And just for brevity sake, your SLED items
18 10, CSI placard 2, your SLED item 11, CSI placard -- I'm
19 sorry. Your SLED item 10 is CSI placard 2, 11 and 3, 12 and
20 4, 13 and 5, 14 and 6, 15 and 19, and 16 and 26, were your
21 findings the same for those? Were they all fired by that same
22 Diamondback rifle?

23 A. That's correct. SLED items 9 through 16 were all
24 fired by the SLED item 7 rifle.

25 Q. Okay. All right. Now, moving to SLED item 17

1 through 29, I believe that's 13 spent casings which correlate
2 to placard numbers 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18
3 and 20 respectively. In regard to 18, your SLED item number,
4 what was your determination as it relates to whether that nine
5 millimeter casing was fired by any evidence that you received
6 and performed analysis on?

7 A. Yes, sir. I compared that -- SLED item 18 I believe
8 you said?

9 Q. Yes, sir.

10 A. -- to other --

11 Q. That's 18? I'm sorry. I meant to start with 17. I
12 apologize.

13 A. SLED item 17 I did compare that with the item 4
14 pistol which was the FN pistol that we looked at previously
15 and it was determined that SLED item 17 was fired by item 4.

16 Q. And again, the other 12 SLED item numbers 18 through
17 29, was it the same finding that they were all fired by that
18 FN nine millimeter pistol that was submitted to you?

19 A. That's correct. Based on comparisons of all of
20 those items together and with those test specimens, SLED items
21 17 through 29 were all fired by item 4.

22 Q. Okay. And as it relates to SLED item numbers 34
23 through 39 which the previous testimony was explained that
24 they were recovered from Bachman Road, what was your
25 conclusion as to those spent cartridge casings?

1 A. SLED items 34 through 39, it was determined that
2 those were also fired by the item 7 rifle.

3 Q. Okay. And SLED item numbers 40 through 42, again,
4 which were also recovered from Bachman Road, what was your
5 finding as to those particular items of evidence?

6 A. SLED items 40 through 42 and also SLED item 43 were
7 also fired by the item 4 pistol.

8 Q. Okay. We'll move now to the projectiles or
9 fragments that were submitted to you. If you wouldn't mind,
10 tell the jury a little bit about how you go about identifying
11 and examining and comparing spent projectiles that you
12 received as compared to, or how you differentiate between what
13 you do with the casings?

14 A. Sure. When a bullet is fired down the barrel of a
15 firearm, there's other characteristics on it that we will see
16 once it's collected. A barrel of a firearm has, a rifle
17 barrel that is, has lands and grooves or rifling. You may
18 have heard any of those terms. And those lands and grooves
19 inside of the barrel of that firearm are what gives that
20 bullet the twist so that it can travel towards a target and
21 gives it velocity so it can travel.

22 There's several different what we would refer to as
23 the classic characteristics that we can use to determine if
24 items should be compared to one another. That can be things
25 such as the caliber. Is it the same caliber. Yes. So we

1 would compare those with each other. Do they have the same
2 rifling type. There's a couple different types of rifling,
3 conventional or polygonal and these are all things we're gonna
4 be evaluating when we're documenting the evidence. We'll also
5 count those number of lands and grooves. So, items that share
6 all that same information we'll continue climbing that ladder
7 of comparison in our examination because everything has been
8 the same so far.

9 Once we got to that point where we say, yes, it
10 shares the same caliber or it shares the same lands and groove
11 numbers type of rifling, the direction in which that rifling
12 is going, we'll look at it on a more microscopic level. We
13 can compare those lands and grooves with each other to see if
14 they're the same or similar and then we're gonna look inside
15 those land impressions on those fired components to compare
16 under the microscope all those striations and scratches that
17 were left behind as a result of it being fired.

18 Q. And we'll move to the evidence that was submitted to
19 you and your findings as it relates to them. Your SLED item 3
20 which previous testimony I believe we identified to the
21 exhibit that I had you open, previous testimony was that that
22 was submitted to evidence from the autopsy in this particular
23 case. What were your findings as it relates to that
24 particular item?

25 A. SLED item 3 was determined to be the two bullet

1 jacket fragments and two pieces of lead. Ultimately through
2 the course of my examination I was unable to determine the
3 caliber of those fragments and pieces of lead due to their
4 damage and their size and after looking at it under the
5 microscope, there were no marks of value found that I could
6 use for any further identification purposes so it was
7 unsuitable for identification.

8 Q. Okay. And let me ask you this: What is a bullet
9 jacket, or what is a bullet jacket and lead and what are the,
10 what is the value of those particular elements of a projectile
11 as it relates to your analysis?

12 A. So, we'll kind of go through maybe the anatomy of a
13 bullet and that specifically if you're thinking about a piece
14 of unfired ammunition, the bullet is just part on the end that
15 goes down the barrel, not the entire cartridge with its
16 cartridge case and everything. We're specifically talking
17 about that round nosed portion or that flat nosed portion of a
18 hollow point. Commonly we will see those in a copper color, a
19 copper jacket material. You can think of a bullet sort of
20 like an M&M if you will. You think of an M&M it has that
21 harder outer shell, that could be your copper jacket and
22 that's something that's very common that we see. There may be
23 jackets made of other metals, but copper is something that's
24 very common. On the inside of that copper jacket is the
25 inside of the M&M and it's a softer material sometimes or you

1 have that softer chocolate. That could be a lead material.
2 It could be something else, but very commonly with projectiles
3 that we see you have that copper jacket with a lead core and
4 the core is just that inner most portion of that bullet.

5 Q. In regard to value to you in comparing one fragment
6 to, or a jacket to the rifling of a gun or comparing it to
7 another jacket, is the value of the information that you're
8 able to get from a jacket as opposed to the lead different
9 typically?

10 A. Typically the jacket would be the surface of the
11 bullet that as the bullet's going down that barrel, it's
12 contacting that rifling and taking on those markings that are
13 inside that barrel. So, we typically, or it's uncommon to see
14 really rifling marks on that lead core as that's not the
15 surface that really passed through that barrel and touched
16 that rifling. On this particular example those were just
17 jacket fragment and lead so we did not see any of that rifling
18 markings left behind on either of these pieces compared on
19 that item.

20 Q. All right. So those were determined to be too
21 damaged to have any sort of value for comparison; is that
22 right?

23 A. That's correct.

24 Q. All right. So item 30 which correlates to, your
25 item 30 correlates to placard number 21 on the diagram, what

1 was your finding as it relates to that item?

2 A. SLED item 30 was determined to be one bullet jacket
3 fragment. Ultimately, again, during the course of my
4 examination I determined that due to the damage and size I
5 cannot determine the caliber and also it was unsuitable for
6 any further identification as there were no markings of value
7 found on it.

8 Q. Okay. And your item 31, placard number 22, what
9 were your findings in regard to that fragment or that fired
10 bullet, excuse me?

11 A. Yes, sir. SLED item 31 was one fired bullet.
12 During my examination based on the observable physical
13 characteristics of that fired bullet I was able to determine
14 that it was most consistent with bullets loaded into some nine
15 millimeter Luger, caliber cartridges. Furthermore, based on
16 those rifling marks and the caliber I compared it and the
17 results of my comparisons of SLED item 31 with SLED items 32
18 and 33 and the item 48 fired bullet jacket fragment with each
19 other and with the test specimens that I fired from the item 4
20 pistol were inconclusive. So I was not able to determine that
21 SLED item 31 was fired by the same firearm that fired those
22 other item numbers or by the item 4 pistol. I was able to
23 determine ultimately though that it was not fired by item 7.

24 Q. Item 7 being the Diamondback Blackout?

25 A. That's correct.

1 Q. All right. And SLED item 32, placard number 23 over
2 by the house.

3 A. SLED item 32 was one fired bullet jacket fragment.
4 Based on the damage and its size I was unable to determine the
5 caliber of that item. I did compare that item again with
6 items 31, 33 and the item 48 fired bullet jacket fragment as
7 well as test bullets that I fired from item 4. Again, the
8 results of those comparisons were inconclusive so I was unable
9 to determine if it was fired by the same firearm that fired
10 those other items or by that item 4 pistol. Lastly, I was
11 able to determine that it was not fired by item 7.

12 Q. So just to make sure I understand, you're saying
13 placard number 23, your SLED item 32, this item here, was in
14 your opinion definitely not fired, that projectile, by that
15 Diamondback?

16 A. Yes, sir. That's correct. It displayed different
17 characteristics from the item 7 rifle so I was able to
18 determine that it was not fired by the rifle.

19 Q. Okay. Moving on to your SLED item 33 and placard
20 number 24, what were findings as it relates to that item?

21 A. SLED item 33 was one fired bullet jacket fragment.
22 I was able to determine that based on its observable physical
23 characteristics that it was most consistent with being the
24 jacket portion of a jacket bullet that's loaded into some
25 nominal .38 caliber cartridges. During the comparison of SLED

1 item 33 again with 31 and 32, the item 48 fired bullet jacket
2 fragment and the item 4 test bullets that I fired, those
3 results were inconclusive. I could not determine if it was
4 fired by item 4 or by the firearm that fired those other
5 items. Again, this item was also not fired by item 7.

6 Q. I want to draw your attention to this portion right
7 here of your findings, that it was loaded into some nominal
8 .38 caliber cartridge. What does that mean? Loaded .38
9 caliber -- What does nominal .38 caliber cartridge mean?

10 A. Nominal .38 caliber may be something you may not be
11 familiar with. If you'll think of it, that's kind of like the
12 overall or umbrella term that encompasses several other
13 caliber designations that you may be familiar with. Within
14 that family of nominal .38 caliber, that's the size of that
15 projectile, you have nine millimeter Luger. That's something
16 you may have heard of. .380 auto. .38 special .357 Magnum
17 and a .357 Sig. Those are all calibers that you're familiar
18 with that fall under that larger umbrella of being a nominal
19 .38 caliber cartridge.

20 Q. Okay. So, just so I understand what you're saying,
21 your finding as it relates to placard number 24, is that you
22 couldn't narrow it down any further other than nominal .38,
23 that it could have possibly been a nine millimeter, it could
24 have been a .380, it could have been a .38 special, one of the
25 calibers in that nominal .38 class?

1 A. Yes. Based on the remaining evidence that we had,
2 based on our weights and measurements that we could take of
3 that item, I was only able to say nominal .38 so it could have
4 been any of those different cartridge sizes that we discussed,
5 that nine millimeter Luger, .38 special, .380 auto. I was
6 unable to determine that based on just the amount of evidence
7 that I had.

8 Q. Okay. And then all of the evidence that was
9 submitted to you, you didn't have the casings, the casings
10 that matched a .380, did you?

11 A. In all of the cartridge cases that were submitted,
12 they were all 300 Blackout caliber or nine millimeter Luger
13 caliber.

14 Q. Okay. So, if I was questioning another witness in
15 this trial and in asking the question I told the witness that
16 your analysis, your finding in regard to item 33 which is
17 placard 24 was from a .380 caliber gun, would that be an
18 accurate statement?

19 MR. BELL: Objection. Pitting.

20 MR. POGUE: I'm not pitting any witnesses, Your
21 Honor. I'm asking if I said that, would that be an
22 accurate statement.

23 THE COURT: I think he can do it. Go ahead.

24 BY MR. POGUE:

25 Q. So I'll it ask again. If I was questioning another

1 witness in this trial and in asking them the question I told
2 that witness that your analysis, your finding in regard to
3 item 33, placard number 24, was that it was from a .380
4 caliber gun, would that be an accurate statement as to what
5 your finding was?

6 A. Based on my examination, taking the weight of the
7 fired bullet jacket fragment and that measurement, I was
8 unable to determine specifically exactly which cartridge that
9 was most consistent with and that's how I arrived just at
10 nominal .38 so that's as far based on the evidence that I
11 received that I could go with my examination so it could have
12 been from a .380, it could have been from a nine millimeter
13 Luger, or some of those other cartridges that we discussed.

14 Q. So it could have been from a nine millimeter, it
15 could have been from a .380 --

16 MR. BELL: Objection. Asked and answered.

17 MR. POGUE: I just want to make sure that I
18 understand what it is that he's saying, Your Honor.

19 THE COURT: Okay. Go ahead.

20 BY MR. POGUE:

21 Q. Just making sure again that I'm following what
22 you're saying. You're saying that it relates to your finding
23 a class of caliber not to a specific caliber of gun?

24 A. Right. I was only able to say that it's consistent
25 with being nominal .38 and that includes several things but

1 I'm unable to determine which specific caliber that would be
2 within there.

3 Q. Item 46 which was through previous testimony
4 established that it was recovered from the Dodge Dakota, what
5 was your analysis as it relates to that?

6 A. SLED item 46 was determined to be one piece of lead.
7 Due to its damage and size I could not determine a caliber for
8 that piece of lead. Furthermore, there were no marks of value
9 on that piece of lead and it was unsuitable for any further
10 identification.

11 Q. Okay. All right. Moving along to item 47 also from
12 previous testimony established it came from the victim's Dodge
13 Dakota. It has a couple of different sub parts to it, but
14 what was your finding as it relates to the fired bullet jacket
15 fragment?

16 A. Yes, sir. In relation to that item 47 fired bullet
17 jacket fragment due to its damage and size again I could not
18 determine a caliber. I did compare this item, but due to
19 damage and marks of unknown origin that were on this small
20 fragment, I compared it with SLED items 31 through 32 and item
21 48 specifically the fired bullet jacket fragment and I also
22 compared it with test fires that I fired from item 4 and from
23 item 7. Ultimately the results of all comparisons, they were
24 inconclusive. I could not determine if item 47 fired bullet
25 jacket fragment was fired by item 4, item 7, or if it could

1 have been fired by other firearms that fired items 31 through
2 33 and item 48 fired bullet jacket fragment.

3 Q. Okay. And the bullet jacket fragment.

4 A. The SLED item 47 bullet jacket fragment, again, due
5 to its damage and size I could not determine its caliber and
6 there were no other marks of value on that item so it was
7 unsuitable for identification.

8 Q. And the piece of metal that was submitted with item
9 47.

10 A. The item 47 piece of metal due to the damage and
11 size again I could not determine the caliber of that item.
12 There were no marks of value found and it was determined that
13 it was unsuitable for identification with other firearm
14 related evidence and also I could not determine the origin of
15 that piece of metal.

16 Q. And lastly item 48 also from victim's Dodge Dakota,
17 what were your findings related to that item?

18 A. The SLED item 48 fired bullet jacket fragment due to
19 the damage and size of that item I could not determine the
20 caliber. I did compare that as we discussed with SLED items
21 31 through 33 and tested bullets fired by item 4 pistol and
22 those results were inconclusive. I could not determine if
23 that item was fired by item 4 or by the firearm that fired
24 items 31 through 33. Lastly, I was able to determine that it
25 was not fired by the item 7 rifle.

1 Q. Okay. Just to be clear, item 4 you're certain could
2 not have been fired by item 7 which is the 300 Blackout?

3 A. That's correct. SLED item 48 fired bullet jacket
4 fragment which is marked as item 4 as it was submitted.

5 Q. Lastly the bullet jacket fragment.

6 A. Lastly, the SLED item 48 bullet jacket fragment I
7 was unable to determine its caliber due to the damage and size
8 and there were no marks of value on that item and was
9 unsuitable.

10 Q. One last question for you. Would you be able to
11 determine from a photograph of a spent cartridge casing that
12 does not picture the head stamp of the cartridge casing that's
13 unscaled, would you be able to definitively identify the
14 caliber of the spent cartridge casing that was in that
15 photograph?

16 A. No, sir. I would prefer to have the evidence to
17 look at. I would not be able to determine based on my
18 training the caliber of a projectile based on just a
19 photograph of it, or excuse me, of a cartridge casing.

20 MR. POGUE: No further questions, Your Honor.

21 THE COURT: Mr. Bell.

22 MR. BELL: Thank you, Judge.

23 CROSS EXAMINATION

24 BY MR. BELL:

25 Q. Agent, you hanging in there?

1 A. Yes, sir.

2 Q. Good. I want to get something straight right off
3 the bat. You are a firearms expert; is that correct?

4 A. In firearms identification.

5 Q. All right. And as part of your job you get to show
6 up to work, you get to hold and manipulate firearms on a daily
7 basis almost; is that right?

8 A. It's very typical that we will have a firearm in a
9 case that I will handle and test fire, yes, sir.

10 Q. You get to test fire them and shoot them?

11 A. Yes, sir. That's correct.

12 Q. And they pay you for it?

13 A. Yes, sir. They do.

14 Q. My wife fusses at me, why don't I go do that. Now,
15 you've talked about a whole lot of items that have been
16 examined here, but I really just want to talk about a couple.
17 I want to start with the last questions that the State asked
18 you and that was about whether you would be able to identify a
19 casing by looking at it in a photograph; is that correct?

20 A. Yes, sir.

21 Q. And your answer was that you would not be able to do
22 so from the photograph, right?

23 A. That's correct. Typically we don't do any type of
24 examination or comparisons from a photograph. We prefer to
25 have the actual evidence to look at it in the laboratory to

1 make our decisions.

2 Q. However, if law enforcement found a spent casing at
3 a crime scene and submitted that to you like all of these
4 other casings that we've heard about, you would be able to
5 analyze that casing and try to determine what sort of firearm
6 it came from, correct?

7 A. Yes, sir. If I had a cartridge case that was
8 submitted, that would be our goal during our examination to
9 determine if it was fired by any of the firearms that we
10 received or fired by the same firearms that fired some of the
11 other submitted evidence.

12 Q. And aside from the casings that you have testified
13 to, were any other casings submitted to you for analysis?

14 A. No, sir. I do not believe that there were any other
15 cartridge cases that were submitted.

16 Q. So if any other casings that have been discussed
17 that you have not testified to, they were not submitted to
18 you; is that right?

19 A. I'm just going to review some of my submission
20 paperwork. I believe that is correct, but I'm going to just
21 double check with the submission documentation that I have.
22 Yes, sir, based on paperwork that I have here with my
23 submission information, the evidence that I looked at is what
24 we discussed today and that's all that I've received.

25 Q. Thank you. And we've talked about the sort of

1 classification or this umbrella as you referenced of a .38
2 caliber; is that right?

3 A. Yes, sir.

4 Q. And you said that a .38 caliber cartridge I guess
5 could be nine millimeter, it could be .380, correct?

6 A. It's possible.

7 Q. And in reference specifically to SLED item 33 which
8 was CSI placard 24 right here, your determination was that it
9 was a .38 caliber jacket; is that correct?

10 A. Yes, sir. It was consistent with being a jacket
11 portion of a jacketed bullet that's loaded into some nominal
12 .38 caliber weapon.

13 Q. You cannot tell this jury today in your expert
14 opinion that it was not from a .380?

15 A. That's correct. Based on the weight that I took of
16 that jacket which was approximately 10 grains and the
17 diameter, I could determine that it was consistent with being
18 a nominal .38 family, but I didn't have that weight there that
19 I need. We use those firearm projectile weights to help us
20 determine what that caliber of the bullet is specifically and
21 we use grains, so grains, if you think just as a reference,
22 7000 grains make up one pound so this only weighed 10 grains.
23 Commonly a nine millimeter Luger caliber bullet weighs 115. A
24 .380 may weigh 95 grains, but we only had 10 grains so based
25 on that limited information that I was able to determine or

1 take those measurements, that's why I can only say it's
2 consistent with being nominal .38.

3 Q. Was a .380 caliber pistol submitted to you for any
4 analysis?

5 A. Not that I'm aware of.

6 Q. So you were not asked to do any sort of forensics on
7 a .380 or its potential casings or projectiles?

8 A. No, sir. I had just the item 4 nine millimeter
9 Luger pistol and the item 7 Blackout caliber rifle.

10 Q. Were any .45 caliber weapons submitted to you?

11 A. Not that I'm aware of, no, sir.

12 Q. Any .45 ammunition to try to compare against any of
13 these fragments that were located?

14 A. Not that I'm aware, no, sir.

15 Q. Same question, any .22 submitted to you?

16 A. No, sir. Not that I'm aware of.

17 Q. And no .22 ammunition was submitted to you,
18 correct?

19 A. No, sir. Not that I'm aware of.

20 Q. Last question, agent. They really do pay you for
21 this?

22 A. Yes, sir. We employ examiners for our laboratory to
23 do this. Yes, sir.

24 MR. BELL: Thank you.

25 THE COURT: Any redirect?

1 MR. POGUE: I would follow up on that, Your Honor,
2 but I don't think I have any questions. I think we're
3 all amused at the response we have.

4 THE COURT: May I excuse the witness then?

5 MR. POGUE: Yes, ma'am.

6 THE COURT: You're excused. Thank you. All right.
7 I'm going to let the jury go to lunch. All right.
8 Mister Foreman, ladies and gentlemen of the jury, I'm
9 gonna make it a short lunch. I want you back in the jury
10 room at ten till two because we're gonna start right at
11 2:00. Okay. Thank you. Remember, no talking about the
12 case.

13 (Whereupon, the jury was released for lunch break at
14 12:50.)

15 THE COURT: All right. Let me ask the lawyers
16 quickly. Were y'all able to look at the jury
17 instructions?

18 MS. PATTERSON: Yes, ma'am.

19 THE COURT: Okay. I took out self defense. I
20 didn't put that in there. Any objections? I updated, I
21 read your murder charge, but we can no longer infer the
22 use of a gun in a murder charge. That was a Supreme
23 Court opinion about four years ago so I'm using mine.
24 The only thing I would like to do is the statement of the
25 defendant on page 14. I don't know that we need to have

1 this long two, three page or two page statement of the
2 defendant. There's a one liner in there that we will, or
3 the Court ruled and y'all agreed on it, yeah, that it was
4 spontaneous so I didn't want to go through, you know, the
5 age of the defendant, all that, none of that has anything
6 to do with a spontaneous statement. What I wanted to do
7 is read it because I think I need to read it because it's
8 the jury's decision whether it's voluntary or not, I
9 guess, even if I ruled it's spontaneous. I was gonna go
10 down to the line 11, I was gonna end it with "kind",
11 k-i-n-d, period. Or reward of any kind, period.

12 MS. PATTERSON: Your Honor, no objection from the
13 State.

14 THE COURT: I mean, this isn't a written statement.
15 Even though it was spontaneous, it's still a statement
16 and I think that the statement was not caused by
17 pressure, force, fear, threats, coercion, intimidation,
18 by hope or promise of leniency or reward of any kind
19 covers the voluntariness of it, even though I've ruled
20 it's spontaneous and y'all agree, I just don't think we
21 need to go through all the evidence. What do you say,
22 Mr. Bell?

23 MR. BELL: Beg your patience, Judge.

24 MR. MYERS: We're going back and forth about it.

25 MR. BELL: Candidly our concern is PCR.

1 THE COURT: Well, I mean, this isn't a written
2 statement where he was required Miranda. There's no
3 testimony of Miranda, but obviously the voluntariness of
4 it is a jury question.

5 MR. BELL: And, Judge, we have no objection if you
6 want to end the charge where it has award of any kind.

7 THE COURT: Okay. Perfect. I mean, honestly, it
8 doesn't, that part of it doesn't pertain to what we have
9 here in this case. Any other changes that y'all see or
10 any other charges you would like me to consider?

11 MR. BELL: Just on behalf of the defense, we
12 obviously agree with your determination regarding
13 Burdett. There's one sentence in your murder charge
14 that's sort of a set aside paragraph saying malice may be
15 inferred from conduct showing a total disregard of human
16 life. I think under State versus Campbell and State
17 versus Burdett which is, of course, heavily relied upon
18 in Belcher that that would be improperly invading the
19 factual determination of the jury, would be an improper
20 statement on the facts. This is a case obviously where
21 the State is gonna argue that the amount of times that a
22 trigger was pulled amounts to a reckless disregard for
23 human life and so because that is an actual fact in this
24 case, I think the Judge telling the jury they can infer
25 that sort of conduct is malice would be inappropriate. I

1 don't have any problem with the other two paragraphs
2 talking about inference of malice, but I think that
3 particular sentence under Campbell would be improper.

4 THE COURT: What's the Campbell cite?

5 MR. BELL: 435 South Carolina 538, Your Honor, I
6 think a case from last year or the year before.

7 THE COURT: Ms. Patterson.

8 MS. PATTERSON: Your Honor, I would like to have a
9 copy of that case because it's my position --

10 THE COURT: Well, I've been charging this murder
11 charge ever since the other case came out from the
12 Supreme Court and I can't tell you how many cases I've
13 tried. I understand what you're saying about as far as
14 the facts to this case, but I think I would like to read
15 that case myself and I will do so over lunch.

16 MR. BELL: Judge, moving on, I think Mr. Myers and I
17 have conferred with our client. We do believe there's
18 sufficient evidence in the record to support a charge for
19 voluntary manslaughter. There have been numerous
20 witnesses that have testified to the erratic state of
21 mind of Mr. Shumpert. There has been sufficient legal
22 provocation. We heard numerous witnesses testify about
23 the deceased firing a bullet in the direction of
24 Mr. Shumpert. Obviously, it's a jury question whether it
25 was a significant or sufficient cooling off period. We

1 do know this entire event took place in about a window of
2 two hours as you can see from the time table as Ms.
3 Patterson's sketch shows up there so it's our position
4 that voluntary manslaughter should be charged in this
5 case, Your Honor.

6 THE COURT: Glad to hear from you, Ms. Patterson.

7 MS. PATTERSON: Your Honor, a voluntary manslaughter
8 charge, in order for it to be properly charged there must
9 be a sufficient legal provocation and in the heat of
10 passion. Your Honor, I would suggest in this case that
11 we don't have that given the time period of the first
12 incident which I did lay out in the timeline just for
13 this particular reason. This is stated in State v. Cole
14 which I do have a copy of it for the Court and defense
15 counsel (proffering.)

16 In order for it to be the heat of passion, Your
17 Honor, there must not be a sufficient cooling off period,
18 Your Honor, and we would suggest in this case there was
19 adequate cooling off period given our timeline between
20 the incident on Earline that happened right before the
21 defendant was seen at Earline Drive which was 5:44 and
22 the 911 call which was 7:30. That's almost an hour and
23 45 minutes later, Your Honor. That's a sufficient
24 cooling off period. Also supported by that was the
25 defendant's actions. He was able to go from address to

1 address looking for a co-defendant with specific purpose.

2 He was also able to engage in a conversation with
3 someone who encouraged him not to get involved, not to
4 get his son involved, he wasn't getting involved and to
5 call the police if this was such an issue. The
6 defendant's actions also went further, Your Honor,
7 showing that he was able to make collective decisions and
8 that he dropped his girlfriend off before he went to the
9 incident location in order to protect her I may argue.
10 So he was able to control his actions so to say, Your
11 Honor.

12 The Court finds in State v. Cole, Your Honor, that
13 the appellant was not overcome with sudden heat of
14 passion at the time of the shooting and therefore I think
15 it was, the defendant was not entitled to a jury
16 instruction of voluntary manslaughter because of the
17 sufficient time that had past and because he was deemed
18 to be able to not to be overcome by heat of passion.

19 In this case, Your Honor, I think we would be
20 talking about something different if the defendant had
21 acted upon what had happened earlier prior to the 5:44
22 time which we're guessing, just based on the information
23 it probably happened around 5:30 or so, if he would have
24 acted then, but that was not the case. Again, this
25 happened almost one hour and 45 minutes later. And he

1 did not fire upon the victim immediately. He actually
2 engaged in an act, in a verbal altercation with him. So
3 we would think it would be improper to charge voluntary
4 manslaughter. And we would also state for the record,
5 Your Honor, if a voluntary is improperly charge and the
6 jury comes back somehow on voluntary and it was
7 improperly charged, Your Honor, that we have no case
8 because our murder case is gone so we must be cautious
9 when we do --

10 THE COURT: I'm very familiar with that case.

11 MS. PATTERSON: Yes, ma'am. I know, but that would
12 be the State's position, Your Honor, that we do not have
13 sufficient legal provocation and heat of passion that
14 would warrant a voluntary charge.

15 MR. BELL: Judge, I'll quote right from the same
16 case. To warrant the Court's eliminating of an offense
17 of manslaughter or murder prosecution, it should very
18 clearly appear that there is no evidence whatsoever
19 tending to reduce the crime from murder to manslaughter.

20 We have heard witness after witness after witness
21 talk about a shooting that happens within a couple of
22 hours of this incident, we've heard about how the arguing
23 continued all the way up, to reiterate what Ms. Patterson
24 just said, until the moment of the shooting he was still
25 angry, still yelling at the deceased. There are cases

1 uphold heat of passion for days at a time so the fact
2 that this is only two hours means nothing. It is a jury
3 question as to whether he had a cooling off period or
4 not. There is sufficient evidence in the record to
5 charge manslaughter and let the jury figure it out.

6 MS. PATTERSON: Your Honor, we would suggest that
7 the defendant himself re-engaged himself. It wasn't
8 anything brought on by the victim's behavior. He was at
9 home. He was at home minding his own business. In fact,
10 he told them to leave his property before he was fired
11 upon. So we would suggest that, you know, any action
12 that the defendant did after the incident prior to 5:45
13 was based on his actions.

14 THE COURT: Okay. All right. I'll be ready to rule
15 when I come back from lunch. Anything else from the
16 defense? Anything else on jury charges because I'm
17 gonna, during lunch break, I will make these changes.
18 Anything else with respect to the charges?

19 MS. PATTERSON: Nothing from the State, Your
20 Honor.

21 MR. MYERS: Your Honor, I would actually like some
22 clarity because this is the first time I've seen this
23 charge regarding sympathy.

24 THE COURT: I charge sympathy in every case I do,
25 period. In every case. It's in my Judge's book. Just

1 to let you know, I have never had anybody object to it.
2 Are you objecting?

3 MR. MYERS: Well, I'm not saying I'm objecting to it
4 right now. It's just the first time I've seen it and
5 I've never seen a case or don't have any case law against
6 it necessarily to support it being in or out. I've just
7 never seen it. I was just asking for the Court's reason
8 in charging it.

9 MR. BELL: Out of an abundance of caution we would
10 object to that jury charge on the grounds that we tell
11 the jury previously in the Judge's instructions to the
12 jury, you're gonna tell them that they were selected
13 because of their background, experience and so forth and
14 telling a jury that they cannot use emotion at all I
15 think confuses what their ability is to judge the
16 credibility of witnesses, if they relied upon their --

17 THE COURT: I don't have any problem taking it out.
18 Do you have any problems, Ms. Patterson?

19 MS. PATTERSON: Yes, ma'am, Your Honor, I do have an
20 objection to you taking it out. I think it is a proper
21 jury charge.

22 THE COURT: I just always charge it. It's in my
23 Judge's book, but I'll look at it.

24 MR. BELL: Judge, it's typically a death penalty
25 portion of a death penalty capitol cases is where that

1 charge is charged. I haven't seen it in Circuit Court
2 level. My concern would just be --

3 THE COURT: I think we all charge it to be honest
4 with you, most of us.

5 MS. PATTERSON: Yes, ma'am. And I think it is a
6 proper charge and I think it's a true charge and I think
7 the jury, yeah, it clarifies their role as jurors, that
8 they cannot base their own decision upon sympathy,
9 passion, prejudice or emotion and it applies to our side
10 as well.

11 THE COURT: Absolutely.

12 MR. BELL: Thank you, Judge.

13 THE COURT: That's why these cases are always so
14 sad. All right. I'm gonna make those changes and I'll
15 rule on the voluntary when I come back and whether or not
16 I'm gonna charge sympathy. I really do think it's in my
17 Judge's book so I'm probably gonna charge it, but I will
18 look. Now, when we come back from lunch, I know we have
19 to do the pathologist sometime. How many more witnesses
20 so I can kind of determine how we're gonna do our
21 schedule.

22 MS. PATTERSON: I think we just have the pathologist
23 but it may be one more. We just need to confer.

24 THE COURT: Okay.

25 MS. PATTERSON: Yeah. But definitely no more than

1 two.

2 THE COURT: I'll plan on that and then y'all need to
3 let me know what y'all are gonna do.

4 MR. MYERS: Yes, ma'am.

5 THE COURT: Okay. All right. Well, we're at lunch.
6 We'll crank back up at 2:00.

7 (Lunch break.)

8 BAILIFF: All rise.

9 THE COURT: Be seated. All right. Let me just rule
10 on a couple things before we get started and I bring the
11 jury in. My sympathy charge I'm leaving in. I've
12 charged it in every case I've ever sat in being a Judge
13 so I'm leaving it. We made the other changes. Oh, as
14 far as the case law that you cited to me, we read it,
15 Campbell, over lunch, I don't see where the Campbell case
16 expands the Burdett case about the inference of a gun.
17 You can correct me if I'm wrong but, in fact, it confirms
18 Burdett and I've changed my charge to reflect that. I'll
19 be glad to hear from you on it because I'm inclined to
20 leave my murder charge just like it is.

21 MR. BELL: Beg your indulgence. Let me pull that
22 up.

23 THE COURT: It says, you know, the old murder charge
24 was you could do inference and it gives an example,
25 inferred malice could be shown by the carrying of a gun.

1 Burdett did away with all that. You can't do that. I
2 think it went through a couple of cases before Burdett.
3 They decided no, we're not gonna let you charge that. It
4 comments on the fact, because in that case he did have a
5 gun. So I've eliminated that out of my charge. I just
6 don't see where the Campbell case expands it to say that
7 I need to delete -- I don't know where my jury charge is.
8 I think I have it in chambers. Let me pull it up. To be
9 complete, malice may be inferred from conduct showing a
10 total disregard for human life. That's exactly what
11 malice is. If I'm wrong, I'll be glad to hear from
12 you.

13 MR. BELL: Judge, I would just reiterate, Campbell
14 does not specifically expand it, but what it does in the
15 general dicta is discussed it, essentially any
16 circumstance where the Court ends up through their
17 charges making a comment upon the facts, that would be
18 inappropriate. Now, of course, in Burdett and Campbell
19 they are more specifically dealing with there being a
20 firearm and in that case the charge for inference of
21 malice from use of a deadly weapon was inappropriate. I
22 still think their general dicta though, the Court should
23 not invade the province of the jury through the jury
24 charges, is appropriate. Again, this case, this specific
25 set of --

1 THE COURT: Disregard for human life, that involves
2 every murder that I know of.

3 MR. BELL: And that's certainly an argument that
4 they can make to the jury. I think it's inappropriate
5 for the Judge to tell them that that is what the jury
6 charge is from the bench. Again, the State is gonna get
7 up during their closing and say the number of times that
8 he fired a firearm is a total disregard for human life.
9 I think that's where the issue comes in in this
10 particular case so we just rest on State versus Campbell,
11 State versus Burdett.

12 MS. PATTERSON: Your Honor, I don't - I think that
13 is the very definition of malice and also I don't think
14 it's a comment on the facts of this case, Your Honor, so
15 we would ask that it remain in your charges.

16 THE COURT: Well, you know, the total disregard for
17 human life, I find it interesting because you also want
18 me to charge voluntary. I think that's a jury question
19 on how they want to decide it or not.

20 MR. BELL: I think, Your Honor, based on that
21 statement, that's the exact thing we're trying to avoid
22 is the Judge invading the province of the jury. If that
23 is a jury question, it's not something that should be
24 elicited to them from the jury instructions.

25 THE COURT: I think I'm gonna leave my charge where

1 it is.

2 MR. BELL: Thank you, Judge.

3 THE COURT: I think that's what malice is, is the
4 definition of malice. Campbell doesn't expand it. Now,
5 as far as voluntary, I, I personally, I don't think the
6 Court sees it. I mean, I just don't because these are
7 the facts. I've got three witnesses who testified. Two
8 of them say they didn't even see a gun or hear a gun and
9 they were present at the site. Then I've got one witness
10 who says they saw him shoot into the ground, and words
11 were exchanged. Nobody has elicited on those words. I
12 don't hear any threats or I'm coming to kill you or
13 anything else and, in fact, the testimony is that the
14 defendant leaves a location, he goes to his stepfather's
15 house, he is looking for guns and even wants the
16 stepfather to go with him and the stepfather says no,
17 testimony shows that he said, call the police and leave
18 my son out of it.

19 He gets back into the car, then he drives to this
20 Daniel's grandmother's house where he does get his hands
21 on guns, and probably more telling is that he drops the
22 girlfriend off on the dirt road and probably an hour and
23 a half, I don't know what your timeline says, I couldn't
24 see it from the bench but, and I know that there's case
25 law out there everywhere. There's three minutes is

1 enough, five minutes is enough, seven hours, that would
2 charge voluntary, but in this case this guy had an hour
3 and a half to decide, drops his girlfriend off at the
4 dirt road, in fact, he picks up a co-defendant, a guy
5 who's not even involved in any of these arguments,
6 period. And they arm themselves and go to the house
7 where I hear again words are exchanged and this is the
8 testimony in this case. I don't even know what words
9 were exchanged or what was said because nobody has said
10 that. It appears that nobody knows, but I'll tell you
11 this, 21 shots were fired and it just wasn't the victim
12 in this case. There was another victim that was also
13 harmed.

14 And, you know, and I'm looking at it in a light most
15 favorable to the defendant. I don't see that it warrants
16 a charge for voluntary. I don't see the legal
17 provocation. I don't see the sudden heat of passion.
18 This was two girls that were arguing and one person has
19 testified, just one, that he got out of the car and fired
20 a shot into the ground, told him to go home I believe is
21 what the testimony was, told him to go home is what my
22 note said. Nobody testified that he was threatening him,
23 threatened to kill him. He told him to go home.
24 Instead, he went and armed himself. I don't think that
25 warrants a voluntary so that's my ruling. All right.

ANGELINA PHILLIPS, M.D. - DIRECT BY MS. PATTERSON

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1 Anything else that I didn't rule on?

2 MS. PATTERSON: Nothing from the State, Your
3 Honor.

4 THE COURT: Okay. Let's bring the jury in.

5 (Whereupon, the jury entered the courtroom at 2:25
6 p.m.)

7 THE COURT: Mister Foreman, jury ready?

8 FOREMAN: Yes, ma'am.

9 THE COURT: All right. Call your next witness.

10 MS. PATTERSON: Thank you, Your Honor. The State
11 calls Dr. Angelina Phillips.

12 Thereupon,

13 ANGELINA PHILLIPS, M.D.

14 after having been first duly sworn, testified as follows,

15 THE CLERK: Please have a seat. Once you're seated,
16 state your full name spelling your last please.

17 THE WITNESS: Angelina Phillips, P-h-i-l-l-i-p-s.

18 DIRECT EXAMINATION

19 BY MS. PATTERSON:

20 Q. Good afternoon, Dr. Phillips. How are you?

21 A. Good afternoon. I'm well.

22 Q. Dr. Phillips, can you tell us a little bit about
23 your profession?

24 A. So, I'm a forensic pathologist and that means I am a
25 doctor who is trained in performing autopsies and that's my

1 primary duties.

2 Q. And where are you currently employed?

3 A. The Medical University of South Carolina.

4 Q. And is that in Charleston?

5 A. Yes.

6 Q. And are you a licensed physician in South
7 Carolina?

8 A. Yes.

9 Q. And how long have you been a forensic pathologist?

10 A. This is my eighth year.

11 Q. And can you tell us a little bit about your
12 education?

13 A. Of course. So, it begins with an undergraduate
14 degree in anthropology, and then I have graduate degree and
15 master's in human nutrition before going to medical school and
16 completing my four years and graduating medical school. I
17 went into a pathology residency, completed anatomic and
18 clinical pathology, board-certified in both, and then I came
19 to South Carolina for one more year of training in forensic
20 pathology.

21 Q. And in addition to the training that you've already
22 mentioned, did you do any further training in pathology?

23 A. Other than the fellowship training, I complete my
24 continuing medical education and that's the only additional
25 training I have.

1 Q. And are you board-certified?

2 A. Yes, ma'am.

3 Q. And what exactly does that mean for a physician?

4 A. So board certification means that we have completed
5 the required training and taken the necessary exams and passed
6 them and that means we can say that we are board-certified by
7 the specific board of our specialty.

8 Q. And do you hold any membership in a professional
9 organization?

10 A. I do.

11 Q. And what type of organizations?

12 A. I'm a fellow of the National Association of Medical
13 Examiners, a fellow of the American Academy of Forensic
14 Sciences, and the College of American Pathologists, the
15 American Academy of Clinical Sciences, and I believe that's
16 all.

17 Q. And are you also a professor?

18 A. Yes.

19 Q. And what do you teach?

20 A. I'm an assistant professor at the Medical
21 University. I teach human nutrition and pathology.

22 Q. And what are the duties of forensic pathologist?

23 A. The primary duties of a forensic pathologist is to
24 perform autopsies. That's the examination of the body where
25 we try to find out what caused a person to die and determine

1 the manner of death.

2 Q. And about how many autopsies have you performed?

3 A. Over a thousand.

4 Q. And have you been qualified in the field of forensic
5 pathology before?

6 A. Yes.

7 Q. And about how many times?

8 A. At least 20.

9 MS. PATTERSON: Your Honor, at this time we move Dr.
10 Phillips be qualified as an expert in the field of
11 forensic pathology.

12 THE COURT: Any objection?

13 MR. BELL: Without objection.

14 THE COURT: Thank you. I'll tell the jury again, we
15 have an expert witness. This witness is gonna be an
16 expert in forensic pathology. You can give her testimony
17 the weight you think it deserves.

18 MS. PATTERSON: Thank you.

19 BY MS. PATTERSON:

20 Q. Dr. Phillips, on March 28th of 2020, did you perform
21 an autopsy on Barry Chavis, Junior?

22 A. I did.

23 Q. And who requested that that autopsy be done?

24 A. That autopsy would have been requested by the
25 coroner of Lexington County.

1 Q. And did you make a report of your autopsy findings
2 that you can refer to today?

3 A. I did.

4 Q. And where did the autopsy take place?

5 A. The autopsy occurred at the autopsy room/morgue at
6 the Medical University of South Carolina in Charleston.

7 Q. And can you explain to the jury what is the first
8 thing when a body is presented to you for autopsy, what is the
9 first thing that you do?

10 A. The very first thing that I do after the body is
11 removed from the bag is take photographs of the body as is as
12 we place it on the table. Before I make any other
13 documentation or changes to the body photographs occur.

14 Q. And do you do any type of physical examination or
15 external examination I should say?

16 A. Yes. As part of the autopsy examination I examine
17 the external surfaces of the body and the internal cavities of
18 the body.

19 Q. And during your external examination, did you note a
20 height and weight of Mr. Chavis?

21 A. I did.

22 Q. And what was his height?

23 A. I'll refer to my report. He was approximately 71
24 inches in length. That would be about five eleven.

25 Q. And how much did he weigh?

1 A. 157 pounds.

2 Q. And did you note any injuries to Mr. Chavis' body?

3 A. I did.

4 Q. And how many injuries did you note?

5 A. At least three gunshot wounds consisting of the
6 entrances and exits.

7 Q. Okay. And can you explain to the jury how is it
8 that you determine entry wounds versus exit wounds?

9 A. Okay. When we examine a gunshot wound or any wound
10 that we determine to be a gunshot wound and we're trying to
11 decide is it an entrance wound versus an exit wound, one of
12 the features that we look at for entrance wounds is that
13 they're generally round and they have what we call an abrasion
14 border which is a scrape that occurs along the edge of the
15 wound as the bullet is penetrating through the skin. Those
16 two features are primarily for entrance wounds. If there is
17 soot or stippling which is material that comes out the end of
18 the gun along with the bullet and gets deposited on the skin,
19 that's another clue that we have an entrance wound, as
20 compared to your exit wounds which tend to be more split like
21 as the bullet exits the skin and splits it apart it creates a
22 split in the skin. Sometimes they can be small, sometimes
23 they can be quite large. It depends on the surface that it's
24 existing and what's underneath it, is it soft tissue or bone,
25 so those are some features that we use.

1 Q. Okay. And did you take pictures of Mr. Chavis
2 before beginning the autopsy?

3 A. Yes.

4 Q. Would these pictures assist you in explaining to the
5 jury your findings?

6 A. Yes. They can.

7 Q. I want to show you first of all what's been mark as
8 State's Exhibits 71 through 73 and ask you to take a look at
9 them.

10 MS. PATTERSON: Your Honor, would you like to look
11 at these photographs?

12 THE COURT: Yes. Ms. Patterson, can you give me
13 those numbers again?

14 MS. PATTERSON: 70 through 76.

15 THE COURT: Thank you.

16 BY MS. PATTERSON:

17 Q. Do you recognize what's in 70 through 76, Dr.
18 Phillips?

19 A. Yes, ma'am.

20 Q. And what do you recognize these pictures to be?

21 A. We have photographs taken by myself at the time of
22 autopsy along with x-rays taken at the time of autopsy.

23 Q. And do they accurately and fairly represent the
24 pictures of before the autopsy and the x-rays that you
25 performed on Mr. Chavis on March 28th of 2020?

1 A. Yes.

2 MS. PATTERSON: Your Honor, at this time we move
3 State's 70 through 76 into evidence.

4 MR. BELL: Understanding these are redacted
5 photographs we do not object.

6 THE COURT: Okay. They're admitted without
7 objection.

8 BY MS. PATTERSON:

9 Q. Dr. Phillips, let's talk about the first wound that
10 you observed on Mr. Chavis. Can you describe where that wound
11 was located?

12 A. Well, there were two wounds readily apparent on the
13 body as it was laying on the table, that would be a wound on
14 the right side of his jaw and another wound on the right side
15 of his neck.

16 Q. And did you determine that to be an entry wound or
17 an exit wound?

18 A. The wound on his jaw appeared to be along the jaw
19 line and it appeared to be a graze wound where the projectile
20 just goes through the superficial tissue and disrupts the
21 superficial aspects of the bone underneath, and the wound on
22 right side of his neck appeared to be an exit wound, however,
23 I wanted until I saw the injuries on the back side of the body
24 before making a complete determination.

25 Q. Is there a pointer up there? And State's 71, can

1 you tell the jury what we're looking at in this photograph?

2 A. So, this is the photograph of Mr. Chavis showing the
3 two wounds I just described. The first wound on the right
4 side of his jaw here and the other wound on the right side of
5 his neck here.

6 Q. Did you measure the wound on the right side of his
7 neck?

8 A. I did.

9 Q. And how big was that wound?

10 A. I can tell you the exact measurements. According to
11 my report the wound on the right side of his neck was
12 approximately two and three quarters by two inches.

13 Q. And are you able to tell what type of weapon caused
14 that injury?

15 A. No.

16 Q. And what about the wound to his chin? I think you
17 described it as a graze wound?

18 A. Yes, ma'am.

19 Q. Are you able to tell anything about the path in
20 which the bullet may have been traveling?

21 A. Yes. I can.

22 Q. And what is it that you can tell us about that?

23 A. From looking at the outer edges of the wound,
24 looking at the features of the wound, we can see that it has
25 these little skin tags that are pointing downward, and

1 generally whether I'm looking at graze wounds, what we can see
2 is the direction of these little skin tags will tell us where
3 the projectile is coming from so they point in the direction
4 where the projectile is coming from, so these are pointing
5 downward so that means the projectile is coming from somewhere
6 down here and going upward.

7 Q. And were you able to find a corresponding entrance
8 wound for this injury?

9 A. For the injury to the chin it doesn't have a
10 specific entrance versus exit, it's just one wound.

11 Q. And what about the injury to the neck?

12 A. The entry wound, the wound on the neck is an exit
13 wound and the entry wound to that is on the back.

14 Q. On the back. And in State's 70 what are we looking
15 at?

16 A. This is a photograph of Mr. Chavis laying face down
17 showing the entry wound on his back with a projectile rod in
18 place.

19 Q. And what is the purpose of you doing a projectile
20 rod?

21 A. So, I say projectile rod. It could be referred to
22 as a trajectory. It mainly helps us determine what direction
23 the projectile is traveling in. It's not necessarily an exact
24 representation as the skin can move and remain in place
25 depending on how the body is positioned, but it gives us a

1 general idea of how the bullet is traveling through the
2 body.

3 Q. And in performing the autopsy on Mr. Chavis, what,
4 if anything, can you tell us about the directional path of
5 this entrance wound to make this exit wound?

6 A. So, the entrance wound here is on the right side of
7 his back and the exit wound is on the right side of his neck
8 up here so the projectile has to travel upwards, it has to
9 travel from the back somewhat towards the front and because
10 the neck is over a few inches, it travels from right to
11 left.

12 Q. And did this injury damage any organs, body parts of
13 Mr. Chavis?

14 A. Yes. It did.

15 Q. And what type of organs did it damage?

16 A. The main injuries were to his right lung. The right
17 lung has three lobes and all three lobes were injured, and as
18 it traveled through the neck, it injured the carotid artery
19 which is a large vessel that takes blood to the brain.

20 Q. And would it be your determination that this would
21 be a fatal wound?

22 A. Yes, ma'am.

23 Q. And with the directional path of this bullet to Mr.
24 Chavis, would it be consistent of someone who is five eleven
25 that may have been in a bent position?

1 A. That is one possibility, yes.

2 Q. Versus an upright position?

3 A. Yes, ma'am.

4 Q. And did you take an x-ray of that part of Mr.
5 Chavis' body?

6 A. I did.

7 Q. In State's 72, what are we looking at?

8 A. This is an x-ray of Mr. Chavis' head showing the
9 injury to his jaw.

10 Q. And what are we looking at right here?

11 A. That looks like it would be a projectile, however,
12 it is one of his teeth which became dislodged and the jaw was
13 fractured.

14 Q. State's 73, what is this?

15 A. That is a photograph of the tooth that we see on the
16 x-ray.

17 Q. Now, you identified another injury to Mr. Chavis'
18 body, where was that located?

19 A. That was a gunshot wound to the right buttocks.

20 Q. In State's 74 -- Can you step down please?

21 A. (Witness complies.)

22 Q. Can you explain to the jury what we're looking at?

23 A. So, this is a photograph of Mr. Chavis again laying
24 face down and we have the rod in the gunshot wound at the
25 buttocks.

1 Q. And were you able to locate a exit wound?

2 A. The exit wound in this case was on the anterior
3 lateral side of his thigh which is just the front side.

4 Q. So the entrance wound was right below the buttocks
5 and the exit wound was the thigh, on his right thigh?

6 A. Yes.

7 Q. And if a person sustained this injury, would they be
8 mobile?

9 A. Because that injury disrupts or fractures the femur,
10 it's likely that he would not be able to move around very
11 well.

12 Q. Thank you. Please take your seat.

13 A. (Witness complies.)

14 Q. And after rodding that particular injury, can you
15 describe to the jury the directional path of that injury?

16 A. That injury travels again from back to front and
17 it's going somewhat down and to the right.

18 Q. Okay. And with that type of injury again -- Let me
19 back up. What damage, if any, did Mr. Chavis sustain due to
20 that bullet wound?

21 A. That projectile damages the femur so the long bone
22 in the thigh, it fractures it completely creating large
23 fragments of bone and small fragments of bone which would be
24 disrupting and injuring the tissue that surround it, that
25 would be muscle, can be large vessels that travel down in that

1 particular area, and the skin around it is also injured.

2 Q. So large vessels are surrounded around the femur?

3 A. Yes.

4 Q. And given your training and experience could that,
5 in fact, be a fatal wound?

6 A. That could be a potentially fatal wound.

7 Q. And did you do an x-ray of that particular area of
8 Mr. Chavis?

9 A. Yes. I did.

10 Q. And in State's 75, can you tell us what we're
11 looking at with the pointer?

12 A. So, this is an x-ray showing Mr. Chavis' pelvis and
13 the upper portions of his thighs and we see over here the
14 right marker that tells us that it's the right side of the
15 body and we have the fracture here of his femur and these
16 bright specks are parts of the projectile that were in the
17 body.

18 Q. And, again, after someone sustained an injury such
19 as this, is it that they would not likely be mobile?

20 A. Correct.

21 Q. And did you recover anything from Mr. Chavis during
22 the autopsy?

23 A. Yes. I did.

24 Q. I'm going to show you State's Exhibit 22 and ask you
25 if you recognize that?

1 A. Yes. I do.

2 Q. And what do you recognize that to be?

3 A. These are fragments of the projectile that I removed
4 from Mr. Chavis' body.

5 Q. Okay. And do you see your initials on there or your
6 lab number?

7 A. It has the envelope with the sticker that we create
8 at the time of autopsy and it's labeled with fragments from
9 right thigh.

10 Q. And who did you give the fragments to?

11 A. This would have been transferred to the investigator
12 in attendance at the autopsy.

13 Q. And do you know who that was?

14 A. I believe I do. According to my report I
15 transferred it to a Roy Williams representing the Lexington
16 County Sheriff's Office.

17 MS. PATTERSON: Your Honor, at this time we move
18 State's Exhibit 22 into evidence.

19 THE COURT: Any objection?

20 MR. BELL: None, Your Honor.

21 THE COURT: That's the one that's already been
22 marked, right?

23 MS. PATTERSON: Yes, ma'am.

24 THE COURT: Okay. It's admitted. Thank you.

25 BY MS. PATTERSON:

1 Q. The picture of State's 76, what are we looking at?

2 A. This would be a picture taken at the time of autopsy
3 of the fragments that we just discussed.

4 Q. And once again, is there any way to determine which
5 caliber weapon caused that injury?

6 A. Not based off of the information I have at the time
7 of autopsy.

8 Q. And did either of these injuries have any soot or
9 stippling around the skin?

10 A. Neither injury had soot or stippling.

11 Q. And could you explain to the jury why that finding
12 would be important to you?

13 A. Soot and stippling are two things that we look for
14 to help us determine range of fire. The closer the gun is to
15 the body, the more likely that you are to see soot and/or
16 stippling because those are things coming out the end of the
17 gun along with the bullet. The soot is the black material,
18 carbon material that gets deposited on the skin, and stippling
19 is small burn marks that we can see on the skin from burning
20 material that comes out the end of the gun. Without that
21 being on the skin, I can't say that it was in close range or
22 in contact range unless I have other markings on the skin. If
23 it's there, I have a finding. If it's not there, I don't
24 really have anything to go off of.

25 Q. Dr. Phillips, do you have an expert opinion as to

1 the probable cause of death for Mr. Barry Chavis, Junior?

2 A. Yes. I do.

3 Q. And what was that?

4 A. In this case the cause of death is listed as a
5 gunshot wound to the abdomen and right buttock.

6 Q. And do you have an expert opinion as to the manner
7 of death to Mr. Barry Chavis?

8 A. Yes, ma'am.

9 Q. And what is that?

10 A. Homicide.

11 Q. Once again, either one of those wounds could have
12 been a fatal wound to Mr. Chavis?

13 A. Yes.

14 MS. PATTERSON: Thank you, Dr. Phillips. Please
15 answer any questions the defense may have.

16 CROSS EXAMINATION

17 BY MR. BELL:

18 Q. Good afternoon, doctor.

19 A. Good afternoon.

20 Q. All the way from Charleston?

21 A. Yes, sir.

22 Q. You'd much rather be in that nice weather right
23 now?

24 A. It's not that much different.

25 Q. I just have a couple quick questions for you. So,

1 you've already testified that you have no idea what caliber
2 the projectile fragments were that were removed from the body;
3 is that correct?

4 A. Yes.

5 Q. Have you rendered an opinion as to the caliber of
6 projectile that entered the body at either of the entrance
7 points?

8 A. I have not.

9 Q. Now, we saw the, what I would agree was a
10 catastrophic exit wound up towards the neck and the graze
11 wound on the chin. Was there a corresponding exit wound to
12 the entrance wound that was on the buttocks?

13 A. Yes.

14 Q. Where was that exit wound?

15 A. That was on the anterior lateral aspect of the right
16 thigh so the front side.

17 Q. So based on State's 75, could you use your pointer
18 that's up there and just once again show us the direction of
19 the entrance versus the exit?

20 A. So, the entrance wound would be somewhere in the
21 general vicinity of up here in the soft tissue of the buttocks
22 and it would travel through the femur here and the exit would
23 be somewhere on the anterior side here. X-rays we're only
24 seeing in one a dimension so it's hard to kid of get that 3D
25 picture but towards the anterior or front aspect of the

1 thigh.

2 Q. And I'm sorry but I was not good in science. I
3 don't know all the fancy terms, but this would have been a
4 downward trajectory from back to side; is that correct?

5 A. Yes.

6 Q. Okay. And then these sort of highlighted white
7 objects that we see right around the femur, are those the
8 fragments you have referred to as recovering?

9 A. Yes.

10 Q. And there were three fragments; is that right?

11 A. Three larger ones, yes.

12 Q. So from what we see, the bullet entered through the
13 buttocks, hit the femur or traveled by the femur causing it to
14 fracture and then some of the fragments continued on to create
15 the exit wound; is that correct?

16 A. Yes.

17 Q. So whatever projectile entered had enough velocity
18 to hit the bone, leave some of the fragments behind, but then
19 continue on through the thigh; is that correct?

20 A. That is correct.

21 Q. Was the exit wound from the thigh the same size as
22 the one that you saw up around the neck?

23 A. It was not.

24 Q. However, was the entrance wound on the buttocks
25 roughly the same size as the one that you noted up towards the

1 back?

2 A. They were similar in size, yes.

3 MR. BELL: Thank you, doctor.

4 THE COURT: Any redirect?

5 MS. PATTERSON: No, ma'am. Thank you.

6 THE COURT: May I excuse the doctor?

7 MS. PATTERSON: Yes, ma'am.

8 THE COURT: All right. The State can call their
9 next witness.

10 MS. PATTERSON: Your Honor, at this time the State
11 rests.

12 THE COURT: Okay. Mister Foreman, ladies and
13 gentlemen of the jury, the State has rested their case.
14 I'm gonna need a few minutes with them to take care of
15 some legal matters so I'm gonna ask you to return to your
16 jury room. It is not time to talk about this case yet so
17 don't even talk about it amongst yourselves, okay? We'll
18 have you back in in just a few minutes.

19 (Whereupon, the jury entered the jury room at 2:55
20 p.m.)

21 THE COURT: All right. Does the State's have any
22 motions?

23 MS. PATTERSON: The State does not, Your Honor.

24 THE COURT: How about the defense?

25 MR. BELL: We have one, a DV motion. Can I use the

1 restroom real quick?

2 THE COURT: You sure can.

3 (Short break.)

4 THE COURT: For the record, I'll let the attorneys
5 know I've ruled on the bond hearing. Please don't think
6 I'm gonna rule again at the end of the case when all the
7 testimony is presented. Things might change, okay? So,
8 okay. Go ahead.

9 MR. BELL: Thank you, Judge. At this time the
10 defense would move for a directed verdict of not guilty
11 as to all charges, specifically as to murder, Your Honor.
12 Murder is the killing of another with malice
13 aforethought. We've been going through trial now three
14 days. It's the defense's firm position that the State at
15 this point has not entered enough sufficient competent
16 evidence for a jury, one, to determine that a killing
17 occurred that Mr. Shumpert was responsible for, and two,
18 that there was malice aforethought. Again, we think
19 there's ample testimony and evidence as to the state of
20 mind. We do not believe that his state of mind was one
21 of malice with intent to kill. We've had several
22 witnesses who have testified that they thought he was
23 going over there just to scare him or that it appeared
24 that he was shooting at the ground. He was not intending
25 to hurt him. I think the other phrase was used they were

1 there just to show off. So, again, as to the elements of
2 murder, Your Honor, we do not feel that there was
3 sufficient competent evidence for the jury to go back and
4 do anything more than flip a coin on, so we are asking
5 for a directed verdict of not guilty as to murder and the
6 pending charges, Your Honor.

7 THE COURT: Let me hear from you, Ms. Patterson.

8 MS. PATTERSON: Thank you, Your Honor. At this
9 point of the trial the Trial Court is concerned with the
10 existence of non existence of evidence and not its
11 weight. It is the State's position that we have provided
12 sufficient evidence that a murder did occur at the hands
13 of Mr. Shumpert. Malice was established, Your Honor,
14 through testimony of people talking about not only how
15 angry he was, how he confronted Mr. Chavis on Mr. Chavis'
16 own property, once Mr. Chavis told him to leave and
17 turned his back, how multiple rounds from each gun was
18 directed towards Mr. Chavis and two eventually struck
19 Mr. Chavis causing his death as Dr. Phillips just
20 testified to.

21 Malice of course can be express or inferred. It's
22 the State's position that we essentially have both.
23 Through testimony someone said that the defendant pointed
24 a gun at Mr. Chavis' face, asked him, how does it feel
25 now? Again, the use of a deadly weapon, although it's

1 not a jury charge, Your Honor, it is an example of
2 inferred malice. There were multiple rounds fired. The
3 fact that Mr. Chavis fled the scene, expressed no remorse
4 according to one witness, Your Honor. All of these are
5 examples of inferred malice that we think we have
6 presented the testimony, as well as we've provided
7 testimony about Mr. Kimbler's injuries, Your Honor, to
8 establish assault and battery of a high and aggravated
9 nature charge. He was injured by an act accomplished by
10 means likely to produce death or great bodily injury.
11 Although it didn't cause his death, but it did create a
12 means likely to produce great bodily injury; that he was
13 shot twice as well as.

14 Of course, possession of a weapon during the
15 commission of a violent crime, it's the State's position,
16 of course, that murder and/or assault and battery of a
17 high and aggravated nature are classified as violent
18 crimes under the South Carolina state laws, Your Honor,
19 so it's the State's position, Your Honor, we have
20 provided sufficient evidence at this point for a jury to
21 determine these charges, if the defendant is guilty of
22 these charges.

23 THE COURT: All right. I have listened to both
24 counsel. I believe that the State has presented enough
25 evidence to go forward. The jury can decide on the

1 charges of murder, ABHAN, and possession of a weapon.
2 They have presented testimony, certainly witnesses. I
3 think there's enough for the jury so I'm gonna deny your
4 motion, Mr. Bell.

5 MR. BELL: Thank you, Your Honor. At this time we
6 would also renew our motions and objections as it relates
7 to the malice charge in its current form as well as
8 respectfully the Court's refusal to charge voluntary
9 manslaughter.

10 THE COURT: Okay. And I'm gonna tell you, unless I
11 hear -- The testimony that I've heard so far, I don't
12 find any testimony to support a voluntary. Now,
13 obviously you have the right to present evidence. I'm
14 fixing to read Mr. Shumpert his right to testify. So,
15 Mr. Shumpert, let me ask you to stand. And I'll tell
16 you, Mr. Bell, if I hear something different by the close
17 of this case, I certainly will reconsider voluntary,
18 okay?

19 Thereupon,

20 CHRISTOPHER SHUMPERT

21 after having been first duly sworn, testified as follows,

22 EXAMINATION

23 THE COURT: All right. Mr. Shumpert, at this time
24 I'm going to explain to you certain of your rights. If
25 you do not understand anything I say, please let me know.

1 If you want me to explain anything in more detail, just
2 let me know. Do you understand?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: All right. We have now reached the
5 stage of the trial where you may present your defense.
6 You have the right to claim the protections given to you
7 by the Fifth Amendment to the Constitution of the United
8 States. It states, in part, no person shall be compelled
9 in any criminal case to be a witness against himself.
10 This means that you cannot be required to testify in this
11 case. You have the right to testify on your own behalf,
12 however, no one can make you testify. This is a personal
13 right and no one can waive this right except you.

14 If you decide to testify, you will be subject to the
15 same rules that govern other witnesses. You may be
16 examined and cross examined on any relevant issue in the
17 case. In addition, if you have any convictions involving
18 dishonesty or false statements or for crimes punishable
19 by imprisonment for more than one year and this Court
20 determines that the probative value of admitting this
21 evidence outweighs its prejudicial effect to you, the
22 Solicitor will be able to introduce your record to attack
23 your credibility. Let me ask about his record. Is there
24 anything on his record?

25 MR. MYERS: No, ma'am.

1 THE COURT: Okay.

2 MS. PATTERSON: I don't think so, Your Honor. I was
3 just double checking.

4 THE COURT: Okay. Well, let me know because this is
5 a very important right.

6 MR. POGUE: Double checking, Your Honor. We just
7 need to double check.

8 THE COURT: Yes. I want you to. It's important
9 because sometimes --

10 MS. PATTERSON: No, ma'am. These are the only
11 charges on his rap.

12 THE COURT: Okay. Do you understand that, Mr.
13 Shumpert? You don't have anything on your record so they
14 couldn't use or bring up anything. Do you understand
15 that?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Okay. If you decide to testify, this
18 decision on your part must be freely, voluntarily and
19 intelligently made with knowledge of the protections
20 given to you by the Fifth Amendment and the consequences
21 of your decision to testify. If you decide not to
22 testify, I will instruct the jurors that they cannot give
23 the fact that you did not testify any consideration
24 whatsoever and that there is to be absolutely no
25 prejudice to you because you did not testify. It is left

1 entirely up to you whether or not you testify. You may
2 talk with your attorney, your family, friends, anyone
3 else, but the final decision will be left entirely up to
4 you. Do you understand what I have explained to you?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Do you have any questions about what I
7 have explained to you?

8 THE DEFENDANT: No, ma'am.

9 THE COURT: Have you discussed with your lawyers
10 whether you should or should not testify?

11 THE DEFENDANT: To an extent, yes.

12 THE COURT: Let me tell you what I'm gonna do
13 because I see family members, I assume family members
14 sitting behind; is that correct?

15 MR. MYERS: Yes, ma'am.

16 THE COURT: Well, I'm gonna tell you, Mr. Shumpert,
17 this is a very important decision on your part and I will
18 allow you to talk to your family and your attorneys about
19 whether you should testify or not to testify. But again,
20 I'm gonna tell you, the decision is yours and yours
21 alone, okay?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: So why don't we take about a 20 minute
24 break. We'll come back at 3:30. I'm gonna give
25 Mr. Shumpert the opportunity, I'm gonna let the deputies

1 know they can stay right here in the courtroom, but
2 I want him to be able to speak with anybody he wants to
3 talk to, okay?

4 MR. MYERS: Thank you, Judge.

5 MR. BELL: Thank you.

6 MR. MYERS: Your Honor, for this the entire
7 courtroom will be cleared I assume just so we can talk to
8 him?

9 THE COURT: Yeah. We're gonna take a break. I'm
10 gonna let them have some privacy until 3:30 so they can
11 discuss. I can't send them to the back, okay? So thank
12 you.

13 (Short break.)

14 BAILIFF: All rise.

15 THE COURT: Please be seated. All right, Mr.
16 Shumpert, have you had enough time to talk to your
17 lawyers?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And have you had enough time to talk to
20 your family members?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: All right. Well, let me ask you, do you
23 need any more time?

24 THE DEFENDANT: No, ma'am. I do not.

25 THE COURT: All right. Do you wish to testify?

1 THE DEFENDANT: First and foremost, I want to thank
2 you for giving me an opportunity to speak to my family.

3 THE COURT: Absolutely. It's an important decision.

4 THE DEFENDANT: With that being said, I still
5 respectfully decline the opportunity to present
6 testimony.

7 THE COURT: Okay. Thank you, Mr. Shumpert. All
8 right. Then let me hear from the defense. I'm gonna
9 bring the jury in.

10 MR. MYERS: Yes, ma'am.

11 THE COURT: And then I'll take them right back out
12 so you can renew your motions.

13 MR. MYERS: Yes, ma'am.

14 THE COURT: Let's bring the jury in. Anything from
15 the State before I do?

16 MS. PATTERSON: Are they calling any witnesses or
17 they've rested?

18 THE COURT: I'm gonna bring the jury back in and let
19 them rest in front of the jury.

20 MS. PATTERSON: I wasn't sure if they were actually
21 resting or he just wasn't testifying.

22 MR. BELL: We're still deciding, Rhonda.

23 MS. PATTERSON: Okay.

24 THE COURT: Let's bring the jury in. Y'all ready to
25 go forward with closing?

1 MS. PATTERSON: No, ma'am.

2 MR. MYERS: We will be. Yes. We can go.

3 THE COURT: Because I'm gonna get closings done.

4 This is my plan, close and I will charge in the morning
5 early.

6 MS. PATTERSON: Can we approach, Your Honor?

7 THE COURT: You can.

8 (Side bar off the record.)

9 THE COURT: All right. Bring the jury in.

10 (Whereupon, the jury entered the courtroom at 3:35
11 p.m.)

12 THE COURT: Mister Foreman, jury ready?

13 FOREMAN: Yes, Your Honor.

14 THE COURT: All right. Let me address the defense.
15 Do you plan, you do not have to, but do you plan to
16 present a defense?

17 MR. MYERS: No, ma'am, Your Honor. The defense
18 rests.

19 THE COURT: Okay. Mister Foreman, ladies and
20 gentlemen of the jury, I'm gonna have to send you back to
21 your jury room so I can take up another legal matter with
22 the lawyers. Do not discuss this case. I'll have you
23 back in in just a moment.

24 (Whereupon, the jury entered the jury room at 3:38
25 p.m.)

1 THE COURT: Anything from the State?

2 MS. PATTERSON: Nothing from the State, Your
3 Honor.

4 THE COURT: Anything from the defense?

5 MR. MYERS: Yes, ma'am, Your Honor. May it please
6 the Court. Your Honor, at this time we would move for a
7 directed verdict. We renew all grounds previously made
8 to judge this case in a light most favorable to the
9 defendant. We do not believe that there has been
10 sufficient evidence for a verdict or for any sort of a
11 factual charge on verdict. You heard us argue our
12 positions before. I would stand on those arguments
13 previously made. There is absolutely no testimony
14 regarding malice. In fact, as it was stated earlier,
15 there's evidence to the contrary as to his intent going
16 over to Mr. Chavis' house. So based on those grounds and
17 based on previously made arguments we move for directed
18 verdict on all counts.

19 THE COURT: Thank you, Mr. Myers. I appreciate your
20 argument, however, the Court's gonna deny that motion.
21 Thank you though.

22 MR. MYERS: And, Your Honor, just for the record, we
23 also renew our motion for the charge of voluntary
24 manslaughter.

25 THE COURT: Yes. As a matter of fact, all of your

1 objections are noted for the record. In fact, let me
2 just go over this real quick. On the exhibits I have an
3 objection to number 4 that was noted, and I have an
4 objection to number 68, but it is not into evidence. It
5 was ID only because then y'all agreed to the summary of
6 the firearm report in exhibit number 69 that was entered
7 without objection.

8 MR. MYERS: Yes, ma'am.

9 THE COURT: And all the other objections that you
10 made throughout the trial are renewed, okay? All right.
11 I'm gonna bring the jury back in. I'm gonna dismiss
12 them. This court will start at 8:30 and I mean promptly
13 at 8:30. Let's bring the jury back in.

14 (Whereupon, the jury entered the courtroom at 3:45
15 p.m.)

16 THE COURT: All right. Thank you, Mister Foreman,
17 and be seated. All right. Ladies and gentlemen of the
18 jury, what's left is closing arguments and charging on
19 the law. The closing arguments, it's getting late in the
20 evening, it's a quarter to four. Closing arguments will
21 be more than an hour, probably closer to two hours and
22 then I need to charge you on the law. That's gonna take
23 me about 45 minutes. I am going to ask that you be here
24 at 8:30. If you could be here at 8:15, I would like to
25 get it done early so I can get y'all deliberating on the

1 case. So, remember, it's not time to deliberate yet.
2 Don't read anything. Don't talk to anybody about this
3 case. I'm gonna let you go for the day. If you see
4 anything on TV, please turn it off. Don't read about
5 anything in the newspapers. Be here early in the
6 morning. We'll start with closing and charging. That's
7 all that's left, okay? I hope y'all have a good evening.
8 I'll see y'all in the morning. The alternates need to
9 come too.

10 (Whereupon, the jury was released for the day at
11 3:48 p.m.)

12 THE COURT: All right. Court's adjourned until 8:30
13 in the morning.

14 MS. PATTERSON: Thank you.

15 MR. BELL: Thank you, Judge.

16 (Whereupon, court was adjourned for the day.)
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1 March 30, 2023

2 BAILIFF: All rise. Court is now in session. The
3 Honorable Debra McCaslin presiding.

4 THE COURT: Please be seated. All right. The State
5 ready?

6 MS. PATTERSON: The State's ready, Your Honor.

7 THE COURT: The defense ready?

8 MR. MYERS: Ready, Judge.

9 THE COURT: Did y'all look at the verdict form?

10 MR. MYERS: Yes, ma'am.

11 MS. PATTERSON: Yes, ma'am.

12 THE COURT: Any objection to the verdict form?

13 MS. PATTERSON: None from the State.

14 THE COURT: Any from the defense?

15 MR. BELL: Your Honor, we would just renew our
16 objection to not charging voluntary manslaughter. Aside
17 from that, no.

18 THE COURT. And I stated my reasons as to why I was
19 not charging voluntary manslaughter yesterday on the
20 record. I haven't seen any other testimony that would
21 change my mind so my ruling stands. Let's bring the jury
22 in. That is noted for the record, Mr. Bell.

23 MR. BELL: Thank you, Judge.

24 THE COURT: I made 12 copies of the jury
25 instructions. Everybody has a copy. Also I gave the

1 lawyers copies this morning.

2 MS. PATTERSON: Yes, ma'am.

3 THE COURT: After closing, I'll probably give them a
4 quick break. If there's anything else on jury
5 instructions, I'll be happy to hear it at that time.
6 Also, let me tell the gallery, when I start charging, the
7 doors are locked to the courtroom. You can't come in and
8 out when I'm charging the law so I just wanted to let
9 y'all know that. And I'm sure no one has a cell phone
10 per my order as of yesterday.

11 (Whereupon, the jury entered the courtroom at 8:35
12 a.m.)

13 THE COURT: Mister Foreman, the jury ready?

14 FOREMAN: Yes, Your Honor.

15 THE COURT: Please be seated. Let me ask my morning
16 question. Have you talked to anyone about this case or
17 has anyone tried to approach you about this case? Have
18 you done any research? Have you seen anything on social
19 media about this case? If so, please raise your hand.
20 No raised hands. Now, did everybody get to order lunch
21 today? Did we get the menu?

22 THE CLERK: No. I'm trying to get the menus up
23 here.

24 THE COURT: Okay. Well, this is what we're gonna
25 do. We're gonna start with closing arguments. When they

1 finish, I'm gonna give you a break. We're buying you
2 lunch today. There's a menu for y'all to fill out and
3 then I'll bring you back in and we'll charge the law.
4 That's our schedule, okay? All right. With that said,
5 is the State ready for closing?

6 MS. PATTERSON: The State's ready, Your Honor.

7 THE COURT: All right. You can proceed.

8 MS. PATTERSON: Thank you, Your Honor. May it
9 please the Court.

10 THE COURT: Yes, ma'am.

11 MS. PATTERSON: Opposing counsels.

12 Good morning. Barry Chavis, Junior, he was a son,
13 he was a grandson, he was a nephew, he was a friend. In
14 fact, he was a friend to most people, to some people that
15 most people would have shunned or looked down on and he
16 was a protector of his friends and he would help them, he
17 would defend them, he would let them stay at his home
18 whenever they needed a place to stay. Yet on March 27th,
19 2020 around 7:30 p.m. in his own yard he was confronted,
20 gunned down and brutally murdered by someone he
21 considered to be a friend over \$50.00. \$50.00. Now,
22 South Carolina law doesn't require the State to prove
23 motive, but in this case it was over \$50.00.

24 Now, in South Carolina murder is defined as the
25 killing of a person with malice aforethought either