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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions, Thirteenth Judicial Circuit

Hon. Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2022-001287

Trial Court Case Nos. 2018-GS-23-06134, 2018-GS-23-06137,
2018-GS-23-06139, 2018-GS-23-06141, and 2018-GS-23-06142

The State Respondent,

v.

Eugene Turner, Jr.. Appellant.

RECORD ON APPEAL
VOLUME II

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2 County of Greenville) Thirteenth Judicial Circuit

3

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5 vs.) 2018-GS-23-06134
6 Eugene Turner, Jr.,) 2018-GS-23-06137
7 Defendant.) 2018-GS-23-06139
8) 2018-GS-23-06141
9) 2018-GS-23-06142

8

9 September 8th & 9th, 2022
10 Greenville, South Carolina

11 B E F O R E:

12 The Honorable Perry Gravely, Judge; and a Jury

13

14 A P P E A R A N C E S:

15 Marcus L. Smith, Assistant Solicitor
16 On behalf of the State

17 Christopher A. Grubbs, Esquire
18 Mindy H. Lipinski, Esquire
19 On behalf of the Defendant

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19

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22 Reported by: Stacy S. Johnson, RPR

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1 (The following proceedings were held September 8,
2 2022, beginning at 9:33 AM.)

3 BAILIFF: All rise. Court's now in session.

4 THE COURT: All right. Things are looking up for
5 us, the fact that we have a replacement court reporter
6 with very short notice, so, hey, we're good. Hollie
7 got sick.

8 MR. SMITH: We probably need to put something on
9 the record about that.

10 THE COURT: Okay.

11 MR. SMITH: Or, Your Honor, we'll just do it for
12 the record.

13 Judge, actually I'm a little concerned that Hollie
14 isn't here because it's my understand that she packed
15 everything up and she has everything with her, which
16 would include any testimony that was done at the stand
17 your ground hearing, and -- and I'm just concerned
18 because if the defendant were to take the witness stand
19 in the future --

20 THE COURT: Well, we can -- wait, can we just -- I
21 mean, he won't be doing it today.

22 MR. SMITH: Not -- not today, but I -- I mean, it
23 just -- if she's not here tomorrow, I mean, I'm trying
24 to be proactive --

25 THE COURT: Right.

1 MR. SMITH: -- but if he were to take the witness
2 stand and if he were to say something differently than
3 what he testified to Tuesday, I mean, I wouldn't have
4 the benefit of having the court reporter here and her
5 information.

6 THE COURT: Well, she may be here tomorrow. We
7 don't know that.

8 MR. SMITH: Okay. I mean, I just --

9 THE COURT: We don't need to cross that bridge yet.

10 MR. SMITH: All right.

11 THE COURT: We're not stopping the trial.

12 MR. SMITH: No, no, no. I'm not trying to stop it.

13 What I was thinking is that somehow we would contact
14 Hollie and --

15 THE COURT: I've been communicating with her.

16 MR. SMITH: Okay. No problem.

17 THE COURT: All right. Anything else from the State
18 before we get started?

19 MR. SMITH: No, Your Honor.

20 THE COURT: Anything from the defense?

21 MR. GRUBBS: No, Your Honor.

22 THE COURT: Good morning, Mr. Turner.

23 THE DEFENDANT: Good morning.

24 THE COURT: All right. Bring the jury in.

25 (Where upon, the jury enter the courtroom at

1 9:36 AM.)

2 THE COURT: Good morning, ladies and gentlemen.

3 As you can see, we had a personnel change. Our
4 court reporter was sick, so we have a substitute court
5 reporter this morning, so that's why we have a new face
6 here, so.

7 All right. As you will recall, the State is still
8 in their case, so, Mr. Smith, you may call your next
9 witness.

10 MR. SMITH: Yes, Your Honor. The State calls
11 Angela Anderson to the witness stand.

12 (Whereupon, Angela Anderson was duly sworn by the
13 Clerk of Court.)

14 THE CLERK: Thank you. Please be seated.

15 If you would please state your name for the record.

16 THE WITNESS: Angela Anderson.

17 THE CLERK: Thank you.

18 ANGELA ANDERSON,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. SMITH:

22 Q. All right. Ms. Anderson, how old are you?

23 A. 38.

24 Q. 38?

25 A. (Nods head.)

1 Q. All right. And what you do for a living?

2 A. I'm a property manager.

3 Q. How long have you been doing that?

4 A. For the last seven years.

5 Q. All right. You -- we'll just jump right in it. How
6 long have you known the individuals here today, Daniel
7 Stokes and Christine Wolfe Young?

8 A. Since 2007.

9 Q. 2007. And have you -- how do you know Daniel Stokes?

10 A. He was -- he's my husband now.

11 Q. Okay. All right. Back in 2017, how -- how did you
12 know him then?

13 A. He was my baby-sitter's brother.

14 Q. All right. And so how long had you been dating
15 Daniel?

16 A. We had started dating in 2014.

17 Q. So you started dating in 2014 and you-all continued
18 dating all the way up until you got married?

19 A. Yes.

20 Q. Okay. So when you -- I mean, you got married, you-all
21 -- that was after this incident happened, right?

22 A. Yes, sir.

23 Q. When you knew him early on, I think you said 2007,
24 you knew him early on, were you involved with the family
25 of Daniel and Christine and them?

1 A. Yes, sir.

2 Q. Okay. How were you involved with them?

3 A. They was my baby-sitter. Like my Greenville family.

4 Q. All right. So you were invited to certain affairs and
5 holidays or birthdays and things like that?

6 A. Yes, sir.

7 Q. And you attended those functions?

8 A. Yes, sir.

9 Q. And you started dating Daniel in about 2013?

10 A. '14.

11 Q. Oh, '14. Excuse me. So in those situations and
12 -- and things that you would go to, were there -- was
13 there any animosity or anything between the family and
14 Mr. Turner?

15 A. No, everybody was very happy. Had a good time.

16 Q. All right. And had anything happened or anything like
17 that -- I mean, as far as anything that -- that would cause
18 you any concerns during the holidays or these birthday
19 parties or anything like that?

20 A. There was an incident that happened where he drove
21 around in doughnuts.

22 Q. Well, let me ask you this. Let me ask you this.

23 MS. LIPINSKI: Your Honor, I'm gonna object. I
24 don't see the relevance of this given the Court's
25 pre-trial rulings.

1 THE COURT: Yeah, I mean, I think -- let's move on.

2 BY MR. SMITH:

3 Q. All right. So what I'm asking is you said there was
4 no animosity or anything and no incidents or anything like
5 that that happened between these individuals?

6 A. No.

7 Q. All right. So when -- let's go up to 2016. In 2016,
8 do you recall a serious family incident that occurred?

9 A. Yes, I do.

10 MS. LIPINSKI: Your Honor, I'm gonna object unless
11 she was personally involved in that incident. Anything
12 she would know would be based on hearsay.

13 MR. SMITH: Well, I had to ask her if she knew about
14 it first, Judge, to determine whether or not she could
15 testify to it.

16 THE COURT: I mean, if she has knowledge of it.

17 MR. SMITH: Well, I mean, I had to ask her if she
18 had knowledge and now that she has said yes, I'm gonna
19 ask her if she knows.

20 BY MR. SMITH:

21 Q. Did that cause -- I believe your answer was yes,
22 right?

23 A. Yes.

24 Q. And were you involved in that incident?

25 A. It did involve a family member.

1 Q. All right. So did you yourself as a result of this --
2 I mean, there was an investigation, right?

3 A. Yes, sir.

4 Q. All right. And were any charges filed or anything
5 like that?

6 A. No, sir.

7 Q. Okay. How did Daniel take that?

8 A. He took it hard.

9 Q. All right. And how did Christine take that?

10 A. She took it extremely hard.

11 Q. All right. And did they post some things on Facebook?

12 A. Yes.

13 Q. And they did that for how long?

14 A. Two or three days.

15 Q. And after they posted some things on Facebook for two
16 or three days, did they post anything after that?

17 A. No, because it was over with.

18 Q. And did D.J. -- I called him D.J. Is D.J. Daniel?

19 A. Yeah, Daniel Junior.

20 Q. All right. So if -- after all of this, did Daniel go
21 out looking -- if you know, did Daniel ever go out looking
22 for Mr. Turner?

23 A. No, sir.

24 Q. Did Christine, if you know, ever go out looking for
25 Mr. Turner?

1 A. No, sir.

2 Q. Did you-all ever have any family functions where you
3 were around Mr. Turner after that?

4 A. No, sir.

5 Q. Let's go to the night of September 1, 2017. What were
6 you-all doing?

7 A. We were getting ready to go to Applebee's.

8 Q. Okay. Had you-all been at your house for a while?

9 A. Yeah, just for a minute.

10 Q. When you-all were going to Applebee's, what did you?
11 How did you get there?

12 A. D.J. was driving. Daniel.

13 Q. Whose car was he driving?

14 A. My car.

15 Q. All right. I'm gonna show you what's been previously
16 marked as State's Exhibit 24. It's a collective group of
17 photographs. What are those photographs of?

18 A. Of my car.

19 Q. And the -- do those photographs show your car as it
20 existed after the night in 2017?

21 A. Yes, sir.

22 Q. All right. Before this incident, did you have any
23 marks on your car?

24 A. No, sir.

25 Q. Your car had no marks on it?

1 A. No, sir.

2 Q. All right. So after this incident did your car have
3 marks on it?

4 A. Yes, it did.

5 Q. I know you've been here in the courtroom. Is that the
6 marks that are shown in those photographs?

7 A. Yes, sir.

8 Q. Okay. So you're on your way to Applebee's. What
9 happens?

10 A. D.J. received a phone call and said that he has to go
11 get his sister because --

12 MS. LIPINSKI: Your Honor, I'm gonna object to
13 anything D.J. said. He already testified and it's just
14 hearsay.

15 MR. SMITH: That's fine.

16 BY MR. SMITH:

17 Q. Just don't testify to anything that he told you.

18 A. Okay.

19 Q. So he got a phone call?

20 A. He got a phone call and then we proceeded to go to the
21 Dugout.

22 Q. Okay. How did you get to the Dugout?

23 A. Daniel was driving down White Horse Road and then we
24 turned left on Frontage Road.

25 Q. All right. You went onto Frontage Road and you kind

1 of made that turn on Woodmede?

2 A. Yes, we did.

3 Q. All right. And you were headed to the Dugout?

4 A. Yes, sir.

5 Q. And what happened when you -- did you turn into the
6 Dugout?

7 A. We turned into the Dugout, pulled up.

8 Q. About how far did you pull up?

9 A. About halfway.

10 Q. All right. Can you step down on that -- and look at
11 that map? Or I'm gonna turn the map around and I'm gonna
12 show what was previously marked as State's Exhibit
13 Number 23.

14 All right. Where's the Dugout?

15 A. All right. So this is the Dugout.

16 THE COURT REPORTER: I can't hear her.

17 BY MR. SMITH:

18 Q. All right. You've got to speak up a little bit for
19 the court reporter.

20 A. This is the Dugout right there.

21 Q. All right. So you've got the Dugout right there?

22 A. Yes, sir.

23 Q. All right. How far in did you pull up?

24 A. We came in to about right here.

25 Q. Okay. Can you put an F right where you say you-all

1 pulled up to?

2 A. (Witness complies.)

3 Q. All right. And why did you pull up to -- well, you
4 weren't driving.

5 A. Right.

6 Q. What was the -- what was there in the parking spot
7 where you-all pulled up to?

8 A. The white Xterra.

9 Q. Okay. So you pulled up next to the Xterra almost?

10 A. Yes, sir.

11 Q. Was it like a bumper to bumper kind of thing?

12 A. Right.

13 Q. Not -- but you didn't pull up bumper to bumper that
14 way, but did you pull up and the front of the bumper was
15 next or near her --

16 A. Yes, sir.

17 Q. -- about even with that?

18 A. (Nods head.)

19 Q. You can have a seat.

20 A. (Witness complies.)

21 Q. Did you-all get out?

22 A. No, we didn't get a chance.

23 Q. Why didn't you get a chance?

24 A. Because right when we pulled up, we -- I heard "gun"
25 and I saw Eugene Turner and he was walking around to the

1 car, to the driver's side, and he had the gun and he shot
2 and then it didn't go off and then he cocked it back down
3 and then he shot again. By that time we was rolling in
4 reverse. I heard Kim say put it in reverse or reverse and
5 D.J. put it in reverse and we Dukes of Hazzard'd us up out
6 of there and we just heard -- I heard a bullet -- the gun
7 going off and I heard bullets hitting the car. It was like
8 ping, ping, ping, ping, and he got us up out of there.
9 Like he -- he did that.

10 Q. All right. So when you pulled -- you pulled in and
11 did you come to a stop?

12 A. Yes, we came to a stop.

13 Q. Okay. You say you heard somebody say "gun". Did you
14 say see Mr. Turner come from anywhere or anything or did
15 you just --

16 A. By the time I saw him, he was already walking across
17 the front of the car and coming around to the driver's
18 side.

19 Q. All right. So let me ask you -- let's say this table
20 right here is the car.

21 A. Uh-huh.

22 Q. And I'm standing like in front of the car, all right?

23 A. Yes.

24 Q. But I'm -- I'm coming around and I'm coming to the car
25 and you say he was coming to the -- to the driver's side.

1 Is that the driver's side front of the car or was he coming
2 all the way around to the side?

3 A. No, it was the front of the car.

4 Q. It was the front of the car. All right. So he
5 pointed the gun --

6 A. Yes.

7 Q. -- at the car?

8 A. Yes, sir.

9 Q. And where was he pointing to?

10 A. I mean, the driver's side.

11 Q. All right. He was pointing at the driver's side?

12 A. Yes, sir.

13 Q. All right. And you were seated where?

14 A. In the passenger side.

15 Q. All right. Was he pointing that gun at you?

16 A. Yes. He was pointing it at anybody -- everybody in
17 the car --

18 Q. All right.

19 A. -- because you don't know where that bullet's gonna
20 go.

21 Q. All right. So he's pointing the gun at the car and it
22 doesn't go off?

23 A. It doesn't go off at first.

24 Q. All right. And so he's -- I think you testified he
25 pulled the trigger and it doesn't go off?

1 A. Correct.

2 Q. Daniel puts the car in reverse?

3 A. Yes.

4 Q. And he starts taking off?

5 A. Yes.

6 Q. And Mr. Turner, he --

7 A. Yes.

8 Q. -- does he -- what does he do next?

9 A. I don't know. I just seen him when I -- when we was
10 backing up, I see him walking out in front of the -- in
11 front of the club in the roadway and he's like this
12 shooting.

13 Q. Hold on. Hold on one second. After he pulls the
14 trigger and it doesn't go off, what did you say he did?

15 A. He cocked it down again. Re-cocked it.

16 Q. Okay. And you-all were in reverse at that time?

17 A. Yes, sir.

18 Q. And Daniel was reversing?

19 A. Yes, sir.

20 Q. And Mr. Turner, is he in the courtroom?

21 A. Yes, sir.

22 Q. Can you point him out for us, please?

23 A. He has on a striped shirt, a gray shirt.

24 Q. A gray shirt?

25 A. Uh-huh.

1 Q. So you-all are backing up and he fires away?

2 A. Yes, sir.

3 Q. And you-all were saying that you-all were going down
4 the road and you were about to say something about
5 Mr. Turner. What were you saying?

6 A. He was walking towards the vehicle as we was backing
7 up in the middle of the road and he started shooting.

8 Q. All right. So you-all are in the middle of the road
9 at this time?

10 A. By that time, yes, sir.

11 Q. And he's walking in the middle of the road?

12 A. Yes, sir.

13 Q. And he was shooting?

14 A. Yes, sir.

15 Q. All right. Now I know you said you heard the gun
16 hitting the car and it was like ping, ping, ping?

17 A. Yes, sir.

18 Q. All right. How many -- how many -- I'm not gonna say
19 bullet holes because we already know they're not bullet
20 holes, but how many bullet markings did you have on your
21 car after this?

22 A. It was probably two.

23 Q. Okay. Are those -- that's what's reflected in the
24 pictures there?

25 A. Yes, sir.

1 Q. All right. So when you're backing up down the road,
2 did you -- where did D.J. turn in?

3 A. Into the Camelot to turn around, then he proceeded to
4 go forward.

5 Q. All right. So he proceeded to go forward and what did
6 you-all do?

7 A. Made a left and went straight to the Motel 6 to call
8 9-1-1.

9 Q. And where did you go into the Motel 6?

10 A. We went into the back.

11 Q. And did you-all get out of the car?

12 A. Yeah, everybody got out of the car to make sure nobody
13 was hit and we just -- it was chaos. We were trying to
14 all call the police and make sure somebody could get there
15 quick because we still haven't heard from my sister Chris.

16 Q. Let me ask you before we get to that, did you-all have
17 any guns that night?

18 A. No, we don't ride with guns. We don't even own a gun.

19 Q. I mean, what was your plan that night?

20 A. We were going to Applebee's. We were going to dinner.

21 Q. Did you have any idea you were gonna be called to go
22 to the Dugout?

23 A. No, none at all.

24 Q. So you're in the back of Motel 6 and you call -- who
25 calls 9-1-1?

1 A. I think Nachrisha called 9-1-1 first.

2 Q. And did anybody else call 9-1-1?

3 A. Daniel called 9-1-1 as we was going back.

4 Q. All right. Did -- when you -- so you say when we were
5 going back?

6 A. To get Chris.

7 Q. All right. So where were you going? Where were you
8 headed?

9 A. We were headed back to the Dugout so he could get his
10 sister.

11 Q. All right. Did you go all the way to the Dugout?

12 A. No, we didn't. We parked in the Camelot parking lot.

13 Q. Why park at the Camelot and not go all the way back to
14 the Dugout?

15 A. Because we didn't know if Eugene Turner was still on
16 the scene or not.

17 Q. So what was decided at that point?

18 A. That we needed to get Chris.

19 Q. And who -- who ended up going to get Chris?

20 A. Kim jumped out of the car and got her because we saw
21 her walking down the road, so she jumped out and went and
22 got her.

23 Q. Okay. And Kim went and got her and she helped her get
24 back to the car?

25 A. Correct.

1 Q. And did law enforcement show up shortly after that?

2 A. Yes, sir.

3 Q. I mean, once you got Kim in the car -- I mean, Chris
4 in the car, about how long was it before law enforcement
5 got there?

6 A. It was like immediately. Like a minute.

7 Q. Okay. And then -- and that was -- how many officers
8 showed up at that point?

9 A. About four or five.

10 Q. Okay. Was -- the first officer on scene was there and
11 did he make contact with you-all?

12 A. Yes, sir.

13 Q. And did he talk with you-all?

14 A. Yes, sir.

15 Q. And a little while later other officers started
16 showing up?

17 A. Yes, sir.

18 Q. Did an ambulance show up?

19 A. Yes, sir.

20 Q. Did the ambulance talk to -- or the people from the
21 ambulance, the EMTs, talk to anybody?

22 A. Yes, sir.

23 Q. And who did they end up talking with?

24 A. Chris went and got right in the ambulance because she
25 was traumatized and her head was hurting real bad. She

1 just kept saying my head like she couldn't even breathe,
2 she couldn't even see. It was just bad, so we got her
3 right in the ambulance when the ambulance got there.

4 Q. And you -- did you talk with somebody and give them
5 your statement?

6 A. Yes, sir.

7 Q. And the things that you've testified to here today,
8 is that what was contained in your statement?

9 A. Yes, sir.

10 Q. You told that officer the same thing?

11 A. Yes, sir.

12 MR. SMITH: Judge, I need one second.

13 Judge, I believe that's all I have.

14 THE COURT: All right. Cross-examination.

15 CROSS-EXAMINATION

16 BY MS. LIPINSKI:

17 Q. How you doing, Ms. Anderson?

18 A. I'm doing all right.

19 Q. All right. I just have a few questions for you here
20 today. To just kind of start off that night, had Christine
21 and Monique been to your house earlier that night before
22 they --

23 A. No.

24 Q. No? I think Christina said she had done Monique's
25 lashes somewhere at Angela's house. That must have been a

1 different Angela?

2 A. It must have.

3 Q. All right. So they hadn't been there earlier that
4 night. You didn't know where Christine was going that
5 night?

6 A. No.

7 Q. All right. So you stated that everybody kind of hung
8 out at your house for a while until the kind of drink and
9 appetizer specials started at Applebee's? We've kind of
10 heard all of that, right?

11 A. Yes.

12 Q. But because it was a group of you you-all decide to go
13 in -- and you said your Yukon, right?

14 A. Yes.

15 Q. And it wasn't a -- it's not a 2017, is it?

16 A. No, it was a 2007.

17 Q. 2007. So it was kind of -- did you buy it brand new?

18 A. No, I didn't.

19 Q. Okay. So about -- at that point it's about ten years
20 old; is that fair to say?

21 A. Yes.

22 Q. And you had not bought it new you said?

23 A. Right.

24 Q. But it's a big car?

25 A. Yeah, it's a big car.

1 Q. And because you had -- I think you have some kids, I
2 think D.J. might have some kids and, you know, if you're
3 gonna haul all of them around, that becomes helpful,
4 doesn't it?

5 A. Uh-huh.

6 Q. You have to say yes or no.

7 A. Yes.

8 Q. I tend to do that, too, but Ms. Court Reporter tends
9 to have trouble knowing an unh-unh and un-huh and they
10 don't know. Does that make sense?

11 A. Yes.

12 Q. Okay. And so because you had a number of people going
13 out to Applebee's, you-all decided to drive, right?

14 A. Yes.

15 Q. But Daniel is the one driving even when you went to
16 Applebee's?

17 A. Yes.

18 Q. All right. And at some point you get a call from
19 Christine, right?

20 A. I don't get a call.

21 Q. But someone in the car gets a call from Christine,
22 right?

23 A. Yes.

24 Q. And based on -- was that D.J.?

25 A. Yes.

1 Q. And did he put her on speakerphone?

2 A. No.

3 Q. All right. And so -- but at some point though you
4 learn that you're going to the Dugout, right?

5 A. Yes.

6 Q. And he explains to you why they're going, right?

7 A. Yes.

8 Q. And what did you understand the purpose of you going
9 to the Dugout was?

10 A. That we had to go get Chris to make sure she was safe.

11 Q. All right. So when you say get Chris, does that mean
12 walk her to the car or does that mean that you intend that
13 she's gonna get in the Yukon with you and you're gonna take
14 her home or does that mean that you-all are just gonna go
15 inside and hang out with her? What does get Chris mean to
16 you?

17 A. I thought we was going to pick her up. I had know
18 idea she had drove that night.

19 Q. You didn't even know she had drove that night?

20 A. Right.

21 Q. Okay. So then -- you stated you're somewhat familiar
22 with the family, right?

23 A. Yes.

24 Q. And did -- we've kind of heard a lot conversation
25 about this white Xterra or something like that. That's not

1 her personal car, right?

2 A. No.

3 Q. Or maybe it -- but now it's, what, her daughter's or
4 something like that?

5 A. Right.

6 Q. All right. And so when you see that white Xterra, do
7 you automatically know that's Christine or do you not even
8 put those together until long after that?

9 A. Right. I don't even remember putting them two
10 together.

11 Q. You didn't even associate those two?

12 A. No, I didn't know. They was like -- when we pulled
13 up, it was like -- I didn't have time to look at nothing,
14 but a gun.

15 Q. Right. But you don't see that and go oh, look,
16 there's Chris -- there's Stormy's car. She must be -- you
17 don't even think those kind of things?

18 A. No.

19 Q. And it is dark in that parking lot; fair to say?

20 A. Yes.

21 Q. All right. And so -- I mean, you can see cars and not
22 necessarily know whose they are, you know, just because of
23 how dark it is. You could go like oh, that's a white
24 Xterra, but if you're not thinking that somebody you know
25 who drives that, you might not even put those two things

1 together, right?

2 A. Right.

3 Q. All right. And you said that -- I believe you marked

4 -- my vision's not this good, but is that a 4 or an F?

5 A. An F.

6 Q. And that's -- I'm sorry, I'm looking sideways. I'll

7 look right side up when looking at it. So you're about

8 kind of midway, is that fair to say, down this kind of line

9 of cars into the Dugout, right?

10 A. Yes.

11 Q. And you stated initially you don't even see

12 Mr. Turner. The first time you lay eyes on him, he's

13 walking across the front of your vehicle, right?

14 A. Correct.

15 Q. And that -- and he's pointing at D.J., right?

16 A. Yes.

17 Q. Okay. But when you turned into the parking lot,

18 you don't turn off the headlights or anything like that,

19 right?

20 A. No.

21 Q. At that point are you looking for a parking space?

22 A. No, we just pulled up. We didn't even get the chance

23 to look at anything anywhere.

24 Q. All right. But when I go like -- sometimes when I go

25 pick up my kid from my school, sometimes I park and I've

1 got to go in and get them and sometimes I park and I text
2 him and I tell him to come outside. Do you know what the
3 plan is when you get there?

4 A. No.

5 Q. All right. So you don't know if the plan is to pull
6 around front and for her to walk out or if you're gonna
7 park and walk her out or any of that kind of stuff?

8 A. No.

9 Q. He just doesn't tell you what you-all are doing there
10 or are you figuring out once you get there?

11 A. No, he didn't say anything. It was the quietest ride
12 ever.

13 Q. You didn't even know why you're going to the Dugout?

14 A. He's saying we had to go get Chris.

15 Q. Okay.

16 A. He said I've got to go pick her up.

17 Q. All right. And so then you get to the Dugout. The
18 first thing you see kind of out of the ordinary is Eugene,
19 but he is pointed at Daniel, right?

20 A. Yes.

21 Q. And you made a comment that he could have hit any of
22 you-all, but he's not pointing at anybody else in the car,
23 right? Because when you first see him, he's near the white
24 Xterra. He's closest to you, right?

25 A. I didn't see him when he was over there.

1 Q. Okay. But -- so did he come from the middle side of
2 the parking lot or you don't even know?

3 A. I don't even know. By the time I looked up, he was in
4 front of my vehicle.

5 Q. All right. And I know the officers never ask you-all
6 where you're sitting in the car, but you're sitting front
7 passenger side, right?

8 A. Yes.

9 Q. And Daniel's driving, right?

10 A. Yes.

11 Q. And is Kim behind Daniel?

12 A. Yeah.

13 Q. And then Nachrisha, Nikki, I'll say Nikki because it's
14 easiest, so I don't want to ruin her first name, it's so
15 pretty and I'll mispronounce it every time, Nikki is kind
16 of behind you?

17 A. Yes.

18 Q. All right. And so -- but he makes the targeted effort
19 that he's walking in the direction of Daniel, right?

20 A. He's walking straight.

21 Q. Across the front of the car?

22 A. Yes.

23 Q. And pointed at Daniel?

24 A. He's coming around to the driver's side, yes.

25 Q. Okay. Around to the driver's side. So he gets clear

1 across the front of the car?

2 A. Yes, before he actually pulled the first trigger.

3 Q. All right. But you say that there's no marks down the
4 driver's side of your car, correct?

5 A. No marks.

6 Q. And I know that night it was dark and you-all met by
7 the pool at Motel 6, but the next day, even in the light of
8 day, you don't call the police and say oh, we found these
9 other marks or something like that that we didn't find that
10 night, correct?

11 A. Correct.

12 Q. All right. So to the best of your knowledge there's
13 no marks down the driver's side of the door. There's no --
14 none of that, right?

15 A. Right.

16 Q. And then at some point Kim says back up, back up, and
17 you said he backs up all Dukes of Hazard style, right?

18 A. Right.

19 Q. All right. But he doesn't just back up and turn in
20 the direction you-all are going, right?

21 A. Right.

22 Q. You-all's testimony is that he backs up and goes all
23 the way down here to point B?

24 A. Right.

25 Q. Then turns around and then goes in that opposite

1 direction?

2 A. Yes.

3 Q. But if he'd been driving that way, the back of the car
4 would be to Mr. Turner, right? If he backs up this way and
5 goes, Mr. Turner's following you-all, you-all have got the
6 back of the car behind him.

7 A. No, that was the front of the car.

8 Q. I understand it was, but that leaves you exposed to
9 Mr. Turner, right?

10 A. Right, and the bullet hit right on my side on the
11 passenger side. As we was backing up, I heard the ping and
12 it hit right there on the passenger side as it shows in the
13 photo.

14 Q. And as a matter of fact, you said you heard four
15 pings. Ping, ping, ping, ping.

16 A. I heard four, five or six.

17 Q. Four, five or six. As a matter of fact, at some point
18 you even say he emptied a clip, right?

19 A. That's what it sounded like.

20 Q. That's what it sounded like. But when these things
21 happen to us, we don't sit there and count them, right?
22 You're not going one, two, three, right? I mean, you're
23 in a panic, somebody's shooting at you, you're backing up
24 Dukes of Hazard style, but you still see him walking in the
25 roadway?

1 A. I do.

2 Q. Wow. You have -- I would have buried myself on the
3 floorboard, but you -- you stayed up?

4 A. And I --

5 MR. SMITH: Objection to what --

6 THE COURT REPORTER: Could you guys just slow down?

7 MR. SMITH: -- the counsel would have done in the
8 situation.

9 THE COURT: Hold on. Hold on.

10 When he stands up and objects, everybody else has
11 to stop.

12 THE COURT: Okay.

13 MR. SMITH: Objection to what she would have done.
14 I mean, I don't think any of us know what we'd do in a
15 situation like that. She's testified as to what she did.
16 I move to strike her comments on --

17 THE COURT: Overruled. Go ahead.

18 Ms. LIPINSKI: Thank you, Your Honor.

19 BY MS. LIPINSKI:

20 Q. So you stay up looking at him the whole time?

21 A. I'm down and looking.

22 Q. You're down and looking?

23 A. Yeah, at the bottom of the window. You know how you
24 look out at the bottom of the window? Instead of all the
25 way at the top, I'm down.

1 Q. But you're -- you've got a Yukon, right, and you're in
2 the front seat?

3 A. Correct.

4 Q. Okay. And that initially you-all back up and you-all
5 go -- you-all don't just kind of back up in here, right?

6 A. No.

7 Q. Okay. This one is 23. I think this one is 22.

8 All right. This is kind the bigger aerial view. Have
9 you seen that?

10 A. Yeah, I seen it.

11 Q. Okay. And this just zooms out more, right?

12 A. Uh-huh.

13 Q. Yes?

14 A. Yes.

15 Q. And I don't mean to be persnickety. I just don't
16 want to get yelled at by her at lunchtime.

17 You-all come out here, you don't go the V-GO, you
18 don't go to Mike and Jack's, you drive all the way over
19 here to the Motel 6, right?

20 A. Yes.

21 Q. And way back here is the pool you can see kind of see,
22 right?

23 A. Yes.

24 Q. And you-all come back there and you-all all get out of
25 the car and you're making sure everybody's okay, right?

1 A. Yes.

2 Q. And everybody is okay?

3 A. Everybody's in shock.

4 Q. I understand that, but nobody has been struck by a
5 projectile?

6 A. I was -- we was still in shock.

7 Q. I understand that, Ms. Anderson, but yes or no, no one
8 was hit by a projectile of any kind, correct?

9 A. No, correct.

10 Q. Thank you.

11 All right. And at that point you-all get out, you're
12 walking around, and a couple of you-all call 9-1-1, right?

13 A. Yes.

14 Q. And do you remember who calls 9-1-1 first?

15 A. Nachrisha.

16 Q. All right. So Nikki calls 9-1-1 first and is Daniel
17 at that point trying to reach Christine or are you-all
18 still just trying to absorb what happened?

19 A. I think he's trying to reach Christine.

20 Q. Okay. But at some point he then also calls 9-1-1,
21 correct?

22 A. Yes.

23 Q. All right. And there's -- at some point you're
24 waiting on law enforcement and then at some point you-all
25 decide that you need to go back and pick up Christine,

1 correct?

2 A. Yes.

3 Q. All right. But in terms of -- you-all don't go back
4 to the Dugout, right?

5 A. Right.

6 Q. Your testimony is instead you pull up here to the
7 Camelot?

8 A. Yes.

9 Q. And you-all make her walk to you?

10 A. No, we just saw her walking.

11 Q. You just saw her walking?

12 A. Yes.

13 Q. All right. But you-all could have drove to her,
14 right?

15 A. No, we didn't want to drive all the way back over
16 there because we had just got ambushed.

17 Q. Okay. But she's on foot, right?

18 A. Yes.

19 Q. Not in a car, right?

20 A. Right.

21 Q. And so far you're in this Yukon, right?

22 A. Yes.

23 Q. Okay. And then do you remember giving a statement?

24 A. Yes.

25 Q. All right. And fair to say, when you gave that

1 statement that was that night?

2 A. Yes.

3 Q. And so your recollection of events that night would
4 have been better than they were now that time has passed,
5 correct?

6 A. I would say that.

7 Q. All right. And so I'm gonna show you this and just
8 ask you to refresh your recollection. It does -- in your
9 statement, does it say we then drove back to the Dugout to
10 pick up Christine?

11 A. I was -- the Camelot is right by the Dugout, so that's
12 still considered the Dugout to me.

13 Q. Okay.

14 A. It was that -- that night.

15 Q. Where's the Camelot in your statement?

16 A. I didn't even know the name of that hotel. I didn't
17 even realize we was at the Camelot.

18 Q. Well, you knew you weren't at the Dugout?

19 A. It was right beside the Dugout. It's like right
20 there.

21 Q. But you knew you weren't at the Dugout?

22 A. They're no difference in the Dugout. I mean --

23 Q. There's no difference between the Camelot Inn and the
24 Dugout?

25 A. It's right there next to each other. It's like they

1 share a parking lot.

2 Q. Right. But just before you made it very clear you did
3 not want to go back to the Dugout, you've been ambushed.
4 Instead you specifically came back to this hotel. Even if
5 you didn't know the name, you could have said we went back
6 to the hotel?

7 A. We --

8 Q. Instead your statement says Dugout.

9 A. Yeah, we proceeded to go back to the Dugout and then
10 we saw Chris walking and we pulled on over.

11 Q. All right. So you-all get out and you-all kind of
12 wait on law enforcement, right?

13 A. Yes.

14 Q. And you're there initially around Christine, but
15 there's a whole bunch of other people around Christine,
16 right?

17 A. Yes.

18 Q. All right. And so there are people leaving the
19 Dugout, people are coming. It's an active kind of area;
20 fair to say?

21 A. Yes.

22 Q. As a matter of fact, at some point her son even shows
23 up, right?

24 A. Yes.

25 Q. All right. And then after -- you-all stand around

1 for probably ten to fifteen minutes, they're taking care
2 of Christine because she's obviously the focus initially,
3 right?

4 A. Yes.

5 Q. And so you-all stand around, you-all talk and there's
6 a bunch of officers come up, they're all walking around,
7 and then at some point they come up to you, it probably
8 seemed like forever, and finally took a statement from you,
9 correct?

10 A. Yes.

11 Q. All right. But in the meantime you're hanging out
12 with -- with Chris and Nachrisha and all them talking about
13 what happened?

14 A. Yes, we was in shock.

15 Q. All right.

16 A. Couldn't believe that just happened.

17 Q. All right. And there's nothing -- this is just your
18 ordinary 2007 Yukon, right?

19 A. Yes.

20 Q. All right. And we asked about damage. There's not
21 even -- you didn't notice any damage to any of the windows
22 or anything, right?

23 A. No.

24 Q. Okay.

25 MS. LIPINSKI: Court's indulgence one moment.

1 That's all we have, Your Honor. Thank you.

2 THE COURT: Redirect.

3 MR. SMITH: Yes, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. SMITH:

6 Q. Is it still Ms. Anderson?

7 A. It's Anderson Stokes.

8 Q. Okay. All right. I'll probably just say Angela. The
9 marks that are indicated on those photos, were those marks
10 on your car prior to this night's incident?

11 A. No, sir.

12 Q. And regardless of what -- whether your statement
13 says the Dugout or the Camelot, where did you-all go when
14 you-all pulled back around?

15 A. We went to the Camelot and then -- the entrance of the
16 Camelot.

17 Q. I mean, did Daniel or D.J. want to go back to the
18 Dugout?

19 A. Yes.

20 Q. And it was decided that you-all end up going back to
21 the Camelot instead?

22 A. He just pulled over when -- once he saw Chris walking,
23 he just pulled over.

24 Q. All right. When you -- you said it was a quiet ride
25 going over there, right?

1 A. Yes.

2 Q. Were you-all happy to be going to get Chris?

3 A. Not at all. We was ready to eat. We was starving.

4 Q. I mean, you-all were at Applebee's.

5 A. Right, we was ready to eat and get the night started.

6 Q. And I'm not trying to start a family argument here,
7 but you-all -- I mean, Daniel said I'm going to go get my
8 sister, right?

9 A. Yeah, and there wasn't anything we could do.

10 Q. I mean, you-all -- were you-all happy about that?

11 A. No. I mean, we weren't happy, but we understood.

12 Q. Uh-huh. So -- and you-all went and then all of a
13 sudden this -- this happened?

14 A. Yes.

15 Q. Now I know you've seen the pictures and things before.
16 I mean, you were there that night. You saw the two bullet
17 markings and everything, but, I mean, those are the marks
18 that you saw on your car that were not there before that
19 night, right?

20 A. Yes, sir.

21 Q. Okay. You didn't see any other markings or anything
22 like that on your car?

23 A. No, sir.

24 Q. Okay. So when you're -- when you're in a situation
25 like that, did -- or that night when you were in that

1 situation, were things pretty hectic?

2 A. Yes.

3 MS. LIPINSKI: Your Honor, object to leading the
4 witness at this point.

5 THE COURT: Overruled. I think that's fine.

6 BY MR. SMITH:

7 Q. So in a hectic situation, I mean, what were you --
8 what were you doing?

9 A. I was scared. I was like scared for my life.

10 Q. Okay. So in that situation -- well, give me one
11 second.

12 MR. SMITH: Your Honor, that's all I have.

13 THE COURT: All right. You may step down.

14 (Witness excused.)

15 THE COURT: Call your next witness.

16 MR. SMITH: Your Honor, we'll call Christine Wolfe
17 Young to the witness stand.

18 (Whereupon, Christine Wolfe was duly sworn by the
19 Clerk of Court.)

20 THE CLERK: If you would please state your name for
21 the record.

22 THE WITNESS: Christine Wolfe.

23 THE CLERK: Thank you.

24 CHRISTINE WOLFE,

25 having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SMITH:

Q. I say Christine Wolfe Young. Is it just Christine Wolfe now?

A. Yes.

Q. All right. So, Ms. Wolfe, how old are you?

A. I'll be 47.

Q. Okay. I need you to pull that microphone up and speak a little bit louder.

A. I'm 46. I'm sorry. 46.

Q. 46. All right. You are employed, ma'am?

A. Yes, I am.

Q. All right. How are you employed?

A. Well, I am a surety licensed bondsman in the state of South Carolina and as well as that I am a CEO of a non-profit organization that I started two years ago. I'm sorry. I almost said the name. I apologize. But a non-profit 501(c)(3) tax exempt organization here in South Carolina.

Q. All right. And do you work anywhere else?

A. Yes, I work part-time for a collections company as a collections manager.

Q. Do you -- have you always lived in the Greenville area?

A. The majority of my life. I've moved away several

1 times and came back.

2 Q. And did you attend high school here?

3 A. Yes, I did.

4 Q. And how long have you lived here this last stint?

5 A. Let's say since 2012.

6 Q. Since 2012?

7 A. Yes.

8 Q. Do you know the defendant in this case?

9 A. Yes, I do.

10 Q. And how is it that you know him?

11 A. He was once dating my niece's mother.

12 Q. All right. And is that Monique Fletcher?

13 A. Yes, it is.

14 Q. All right. So he was dating Monique Fletcher. How
15 is Monique Fletcher related to Daniel Stokes?

16 A. He has children with her.

17 Q. All right. And did they date for a long time?

18 A. Yes.

19 Q. And they had how many children together?

20 A. They had one biological together, but they had three
21 children.

22 Q. Okay. All right. And how long were they together?

23 A. Several years. I can't say how many years. I never
24 really thought about it, but more than four.

25 Q. All right. Would you-all -- I mean, you-all are a

1 tight family?

2 A. Yes, we are.

3 Q. How many kids are there in your family?

4 A. Well, I have four children that are biologically mine
5 that are grown, I have four grandchildren, and we have
6 extended family that belong to me because I'm also a foster
7 parent and I've had 32 children live with me since I was
8 22, so the majority of them come to family events even
9 though they're all grown now with children, and there's
10 twelve total siblings in my family.

11 Q. So you've got eleven other siblings?

12 A. Yes, I do.

13 Q. And D.J.'s one of them?

14 A. He is actually the baby.

15 Q. All right. Did you-all have a lot of family
16 gatherings and things?

17 A. Yes.

18 Q. Do you know when Daniel and Monique separated?

19 A. I'm thinking it was in 2012 when I moved back because
20 Daniel moved in with me.

21 Q. And was he still involved in the children's lives?

22 A. Yes, they came to the house every other weekend and
23 sometimes during the week.

24 Q. And did he go over there and help take care of the
25 kids and do things?

1 A. Yes.

2 Q. So him and Monique were still very cordial with one
3 another?

4 A. Our whole family is very cordial. Monique was like
5 family to us.

6 Q. And at some point she started dating Eugene Turner?

7 A. Yes.

8 Q. And is Eugene Turner here in the courtroom?

9 A. Yes.

10 Q. Can you point him out for us?

11 A. Yes. He's on the end in the gray shirt at defense
12 table.

13 Q. And I'm gonna say all the way up to 2016 was there any
14 beef or anything that you had had with Mr. Turner?

15 A. No, we personally had never had any altercations. We
16 enjoyed each other's company and everybody's company when
17 we'd be at family events.

18 Q. All right. And -- I mean, we've heard a lot of
19 testimony about, you know, all the family events, everybody
20 would be there together and stuff. I mean, is your
21 testimony any different?

22 A. No, sir. We -- Daniel actually used to cut his hair
23 when they'd go over to the house and see the kids and --
24 I mean, we had a very open family, and that was with
25 Monique's family, Eugene's family, as far as with Monique.

1 Q. All right. Let's go up to 2016. December of 2016.

2 A. Yes, sir.

3 Q. Was there a serious family incident that occurred in
4 2016?

5 A. Yes, there was.

6 Q. And that was December of 2016?

7 A. Yes, sir.

8 Q. All right. And were you a part of the -- or maybe you
9 were the only one that called law enforcement?

10 A. Yes, I did, and I was a part.

11 Q. All right. And you weren't happy about the incident?

12 A. No, sir.

13 Q. Was abn investigation -- did an investigation take
14 place?

15 A. Yes, it did.

16 Q. And were any charges brought as a result of that?

17 A. None to my knowledge.

18 Q. And when you found out that there were no charges
19 brought, this -- this was about January of 2017?

20 A. Well, I actually didn't find out until we were here
21 the other day that he was -- that there were no charges
22 ever brought.

23 Q. Okay. All right. Well, in January of 2017 though,
24 you put some things on Facebook; is that right?

25 A. Yes.

1 Q. And did Daniel put some things on Facebook?

2 A. Yes.

3 Q. All right. So it was obvious that you-all were not
4 happy at that time?

5 A. Oh, I was livid. I was not happy at all.

6 Q. All right. After the Facebook postings in January of
7 2017, did you ever go out looking for Mr. Turner?

8 A. No, sir.

9 Q. Did you ever go out trying to harm him in any way,
10 shape or form?

11 A. No, sir.

12 Q. Do you know -- if you know, do you know if Daniel ever
13 went out or anybody who's testified here today, ever went
14 out and tried to do Mr. Turner any kind of harm?

15 A. No, sir.

16 Q. Did he ever come back to any family functions or
17 anything like that?

18 A. No, sir.

19 Q. You-all -- you-all just didn't have anything to do
20 with him?

21 A. No, sir.

22 Q. Had you ever seen him prior -- and I'm talking about
23 Mr. Turner. Had you ever seen Mr. Turner prior to the
24 night of September 1, 2017?

25 A. After everything happened with the serious family

1 incident, I hadn't seen Eugene since then. So, no, sir.

2 Q. All right. So let's talk about the night of

3 September 1, 2017.

4 A. Yes, sir.

5 Q. Had you been at work that day?

6 A. Yes, sir.

7 Q. Were you tired?

8 A. Yes, sir.

9 Q. I mean, it was the end of the week, right?

10 A. Well, I was actually having a lupus flare. I was very
11 tired.

12 Q. All right. Did you want to go out that night?

13 A. No, I didn't. The reason that I went out was because
14 Monique had reached out to me and the majority of our
15 family no longer dealt or hung out with Monique. Monique
16 and I were very close, so she asked me if I would do her
17 lashes, and I had just got off work and I told her that I
18 would meet her at my son's house to do them, and we ended
19 up going to the hair store and I bought a wig because my
20 hair just wasn't suitable to go out because I hadn't
21 planned on going out, and I did her lashes. A friend of
22 mine, Shauna -- can I say her name? Shauna was with me. I
23 did her a ponytail and we decided to go out. At that time
24 my car -- do you want me to stop?

25 Q. That's okay.

1 A. My car was at the shop. My daughter had just got a
2 new truck for her 16th birthday, so I asked --

3 Q. What kind of truck was it?

4 A. A white Xterra. So I asked her if I could drive it
5 and she said yes, so that's how we started the night.

6 Q. So who -- how did you get to the Dugout that night?

7 A. Shauna and I drove my daughter's car. Shauna rode
8 with me.

9 Q. How did -- after you did Monique's lashes, what did
10 she do?

11 A. She said she was going to go home and get dressed and
12 get it together because by this time it was already almost
13 7:00 and I think she said that her event was starting
14 around 8:00.

15 Q. Okay. So you decided at some point that yes, you're
16 gonna go on to the Dugout --

17 A. Yes.

18 Q. -- for Monique's party?

19 A. Yes.

20 Q. And I said the Dugout. I mean, obviously, you know,
21 we've been talking about it, but that's where the party
22 was, right?

23 A. Yes. I told my son, I said I'm gonna go to the
24 Dugout, Shauna's gonna ride with me. I tried to get him
25 to go, but he said he was going to the studio, so I was

1 like well, we'll just leave from here. And, like I said,
2 I bought a wig and I just wore what I had on, did my makeup
3 and whatnot, and we got to the Dugout a little after eight,
4 if I'm not mistaken.

5 Q. All right. And things just progressed? I mean,
6 you-all were having a party, right?

7 A. Well, yeah, it was -- it was more so -- I'm not gonna
8 necessarily say a party, but we were enjoying ourselves.
9 It was her birthday and she had a table set up with like
10 balloons and -- there was no cake or nothing like that,
11 there was balloons at the table, like a high-top bar table
12 that seated probably about twelve, and it may have been
13 two pushed together, but, you know, we were at that table.

14 Q. All right. So you're in the Dugout and you're having
15 a party. I mean, were people drinking?

16 A. Yes.

17 Q. Did you have some drinks that night?

18 A. Yes, I did.

19 Q. And during the night prior to you seeing Mr. Turner,
20 were there any Facebook posts that were going on --

21 A. Yes.

22 Q. -- at the Dugout?

23 A. Yes. I believe I actually made -- I don't know if
24 I made mine -- yeah, I would have had to make them that
25 night because I wouldn't have posted nothing after that.

1 So I took pictures with Shauna before we went and we posted
2 them on Facebook. Me, her and Monique while we were at
3 the Dugout, we took pictures, and if I'm not mistaken, I
4 posted them myself as well, the pictures of us at the
5 Dugout.

6 Q. Was Monique taking any Facebook Lives?

7 A. Yeah, she ended up on Facebook Live and she was, you
8 know, going around recording herself and just people in the
9 place, letting people see there was people at the Dugout,
10 and at one point, I don't know how long she had been on
11 Live before I noticed that she kept putting me on Live and
12 I didn't feel I looked my best with me having a wig on, so
13 I didn't want to be on her Live and I was like let me
14 record you, and I ended up taking it from her, you know,
15 and started recording her Live.

16 Q. All right. So, I mean, it's out there --

17 A. Yes.

18 Q. -- that you-all are at the Dugout?

19 A. Yes.

20 Q. Later on that night did you see Eugene Turner?

21 A. Yes, I did.

22 Q. And he came in the Dugout?

23 A. Yes. As I explained, the way -- if you're in the
24 Dugout and from where I was sitting --

25 Q. I tell you what. Before you do that, if I come in the

1 Dugout, what am I looking at?

2 A. Well, if you walk in, I'm gonna say if that is the
3 front door, the front of the courtroom, and you walk into
4 the Dugout, to the left you'll come to a little security
5 thing, to the left would be like a stage and maybe one or
6 two tables, but where I am would be the bar, then you would
7 have tables to the right, you would have --

8 Q. Hold on a second. When you said you came in, you
9 said where you are. Where you're seated right now in the
10 witness stand --

11 A. Okay.

12 Q. -- is where the bar would be?

13 A. So -- yes, this is where the bar would be.

14 Q. And, I mean, we're not talking about where you were
15 that night?

16 A. Okay. Well, this is where the bar would be. If you
17 walked in the front door, the bar would be straight ahead.

18 Q. Okay. And so what's the left?

19 A. Well, if this is the bar and I walk straight in and
20 from where I am right now you would have a couple of tables
21 and then you would have a little room I'll basically say
22 where that door is that had like pool tables in it.

23 Q. What's to the right of the bar?

24 A. So if you're looking to the right, you'd have a couple
25 of tables, you have a bathroom and somewhere over in there

1 like where the TV is, you would have like a little small
2 stage where the DJ is usually and maybe one or two tables.

3 Q. All right. And where were you-all seated?

4 A. I would have been seated to the right. Her table
5 would have been to the right like right before --

6 Q. To the -- to the right what?

7 A. Oh, I'm sorry. So for you guys right now, if I'm at
8 the bar --

9 Q. If I'm coming in through the door --

10 THE COURT: All right. Only one of you can talk
11 at a time, all right?

12 THE WITNESS: Oh, I'm sorry.

13 THE COURT: That's fine. It's more directed at
14 him than you.

15 MR. SMITH: Judge, I'm a lawyer and you know I want
16 to talk.

17 THE COURT: Make sure one at a time.

18 THE WITNESS: So this is the bar and from my angle
19 -- so I guess I would have been to the left. I guess I
20 was getting confused of where I'm sitting, but I would
21 be here to the left at a table that would have been
22 probably center from the bar because the place is not
23 real big.

24 BY MR. SMITH:

25 Q. And you said there was a DJ booth. Is there a -- is

1 there a -- was there a DJ there that night?

2 A. Honestly, I don't know because I really wasn't paying
3 attention. The music was on and it's not like it's a big
4 booth. It would just be somebody with little turntables
5 and stuff that would be up there.

6 Q. But music was playing?

7 A. Yeah, music was playing.

8 Q. Okay. Was it loud?

9 A. Yes.

10 Q. All right. So Mr. Turner comes in?

11 A. Uh-huh.

12 Q. What do you -- what do you see? What happens?

13 A. So can I back up where I'm sitting as if I'm sitting
14 at my table here?

15 Q. Okay.

16 A. Okay. So I'm sitting here. My face -- I'm facing
17 this way, the door's to my right now, the bar's to my left.
18 Are you with me? I guess -- because I'm looking at you
19 right now waiting on you to -- okay. So it's to the right
20 and I'm sitting there and I'm at the end of the table at
21 the bar and because I'm sitting this way, I see somebody
22 walk in and when they walk in I notice they had on all
23 black. It was like black jeans, black T-shirt and like
24 a black like skull hat, a winter hat you would put on in
25 the winter, but it wasn't time for that, so that's why

1 Mr. Turner stood out to me. And when I looked, I was like
2 oh, my God, there's Eugene. Well, I said G.A. because
3 that's what we knew him by. And so in front of me, if I'm
4 sitting, my -- both cell phones, my work cell phone and my
5 regular phone, are in front of me. So when I saw him, I
6 immediately felt fear. The reason I felt fear is I just --
7 I felt fear because I was by myself in my eyes. I didn't
8 have any family with me. I was with a friend that was
9 drinking and everybody with me. I just knew that I didn't
10 feel safe at that time.

11 Q. All right. So let me -- let me stop you right there
12 for a second. You have a lot of friends sitting there with
13 you at the table.

14 A. They're not my family.

15 Q. I mean, why -- why do you draw a distinction between
16 your friends and your family?

17 A. My family will be there for me no matter what and I've
18 learned that in life friends are friends and every friend
19 is not dependable and I know that I was out by myself and
20 that was irregular. You know, I usually don't even go out,
21 so for me to be out by myself and to see someone we had a
22 serious, you know, incident with and I was the main person
23 pressing the police, I felt fear.

24 Q. All right. Okay. So you saw him come in the Dugout
25 and --

1 A. He walked in and as he walked in and I really knew
2 this was him for sure, I watched him walk to the bar, and
3 as he got to the bar, I reached down and I texted first.
4 I texted my niece and my brother, D.J., Daniel, and I said
5 G.A. just walked in. I didn't get a response back from
6 D.J., Daniel, so I sat there for a minute just like trying
7 to breathe it out, and G.A. orders -- I know it was a beer
8 in his hand and some shots, I'm not really sure what they
9 were or whatever. So from where I am sitting at at the
10 table, he walks over from the bar to the table and he comes
11 around in between me and Monique. Monique is standing next
12 to me and I'm actually sitting down, so at the space
13 between us he sort of like flops the shots -- the drinks
14 that he bought like on the table and he throws some change
15 out. When he flopped them, it's like it wasted some, and
16 he threw some dollar bills and stuff out and some change
17 and was like -- something like you bitches enjoy -- I'm
18 sorry. Can I -- well, you know, enjoy or whatever. So I
19 pushed the drink away and I leaned to my right to move away
20 from him because he's standing right next to me. So then
21 after he does that, I watch, he walks off and walks towards
22 the pool room that's behind us. That's when I picked up
23 the phone and called D.J., Daniel, and I was like come on,
24 he just came over to the table, you know, splashed drinks.
25 I was like where are you and he was like Chris, I'm on my

1 way, I'm coming down White Horse Road.

2 Q. Did you -- did you ask him to come get you?

3 A. Well, what he said was -- in the midst of me telling
4 him that, he said Chris, don't leave that bar. That's
5 what I was fixing to get to. He was do not leave. I'm on
6 my way.

7 MS. LIPINSKI: I'm gonna object as to hearsay and
8 her testifying to what he said to her.

9 THE COURT: Right. Sustained.

10 THE WITNESS: Okay. So, regardless, my brother was
11 on the way to get me from our conversation.

12 I have a question. Can I ask a question?

13 MR. SMITH: No.

14 BY MR. SMITH:

15 Q. All right. So he -- he was coming to get you, right?

16 A. Yes.

17 Q. All right. So when he was coming to get you, what
18 were you doing?

19 A. Sitting.

20 Q. Okay. And did you stay there the entire time?

21 A. Yes, I stayed in that same spot.

22 Q. All right. Did you -- did you get up to go to the
23 bathroom or --

24 A. I never left that spot until I walked out of the bar.

25 Q. All right. So you're -- you're waiting on -- I mean,

1 you called him and he said he was on -- well, you called
2 him and he was coming to get you?

3 A. Yes.

4 Q. Where was Mr. Turner in the bar while you were sitting
5 there?

6 A. When I was sitting there after I called D.J., Daniel,
7 and hung up, I looked around because I didn't see him and
8 I was trying to lay my eyes on him to see where he went.
9 So I didn't see where he went exactly, so I thought he
10 had went into the pool room, so then I turned back around.
11 In the meantime, I was looking -- I was actually looking
12 to locate where he was in that club because I didn't want
13 anything -- you know, I -- I was scared, so I was looking
14 around. Well, I saw him come out of the pool room. When
15 he came out of the pool room, you would have Monique
16 standing at the end of the table now, Monique's sister
17 would have been at the end of the table, her girlfriend
18 was standing next to her. In front of the table, you would
19 have had Larry sort of at the other end.

20 Q. All right. Who's Larry?

21 A. Larry is Monique's brother.

22 Q. All right. Go ahead.

23 A. He would have been at the other end of the table. At
24 one point his girlfriend was there, but she had left. I
25 really don't recall when she left. Shauna I didn't see,

1 but when I located my eyes on her she was like sort of
2 out in the little area part like dancing, drinking or
3 something. Well, Mr. Turner, Eugene, walked over to
4 Monique, her sister, her sister's girlfriend. They're at
5 the end of the table, so I really can't hear what they're
6 saying, you know. He said something to, you know, all of
7 them. Probably -- it wasn't --

8 MS. LIPINSKI: Objection. This is speculation or
9 her even saying what Mr. Turner said.

10 THE WITNESS: I don't know what he said.

11 THE COURT: Hold on. When somebody objects, you
12 need to stop so I can address it.

13 THE WITNESS: Okay.

14 THE COURT: All right. I mean, let's keep from
15 speculation and hearsay, so re-ask the question.

16 BY MR. SMITH:

17 Q. All right. So you see Mr. Turner. Does he eventually
18 leave the Dugout?

19 A. Yes, he does.

20 Q. Is he on the phone or anything?

21 A. I don't know if he had his phone up to his ear or
22 anything.

23 Q. All right. He leaves the Dugout. Does he -- do you
24 ever see him come back in?

25 A. No, I didn't.

1 Q. All right. So he leaves the Dugout?

2 A. Yes.

3 Q. And what do you do?

4 A. I have to ask a question. Can I? Because I don't
5 know if I can say what happened because I keep getting cut
6 off.

7 THE COURT: You can ask the question and --

8 THE WITNESS: Because I want to explain why I did
9 what I did, but I can't if I can't speak on it.

10 BY MR. SMITH:

11 Q. You can't -- you can't testify to what somebody else
12 has said to you.

13 A. Okay. So can I say I asked -- I asked a question to
14 Larry?

15 Q. You can say what you asked and you can say what you
16 said, but you cannot testify what somebody else told you.

17 A. Okay.

18 Q. All right.

19 A. So as we were sitting there before Mr. Turner walked
20 out, I don't know what he said to Larry, but I asked Larry
21 what he said. I can't say what he said, so I said okay.

22 I then picked up my phone and called Daniel again. When
23 I called Daniel this time, I heard screaming.

24 Q. Okay. Just -- you can't tell what anybody said.

25 A. I'm not. I heard screaming, I heard gunshots,

1 something was said to me. I looked at the waitress. I
2 told the waitress can you call the police, somebody's
3 trying to kill my brother and they're shooting at them.
4 I told Shauna let's go. I don't even know if Shauna
5 followed me out. I was like let's go. I went out of
6 the Dugout. When I walked out of the Dugout, I saw
7 Mr. Turner's -- Mr. Turner. That would be the street now
8 if I'm walking out of the Dugout in front me. I saw
9 Mr. Turner at the end of the parking lot in the middle of
10 the roadway just with a gun in his hand. I can't say he
11 was still shooting at that time, but it was still being
12 pointed at that time when I walked out. So he was standing
13 there. It's like he turned and saw me.

14 Q. All right. Hold on. Stop right there. He turned and
15 saw you?

16 A. Uh-huh.

17 Q. What did you do?

18 A. I froze.

19 Q. I mean, you couldn't -- you didn't -- I mean, he's
20 looking at you, he's got a gun. Did you not go into the
21 Dugout?

22 A. I froze.

23 Q. What did he do?

24 A. I just stood there.

25 Q. What did he do?

1 A. He started -- he started walking towards me and the
2 gun is still out the whole time he's walking towards me.

3 Q. Is he -- is he saying anything to you?

4 A. (Nods head.)

5 Q. You've got -- I know it's emotional. You've got to
6 say what -- you've got to say yes or no and not nod.

7 A. Okay. I'm sorry. Hold on. So as Mr. Turner is
8 walking towards me, he has the gun pointed at me and he's
9 saying bitch, you messed up my life, I'm gonna kill you.
10 He's saying bitch this, bitch that. I can't say verbatim
11 everything that was said. All I kept hearing him tell me
12 was bitch, I'm gonna kill you; bitch, you messed up my
13 life. Those were just all I was hearing.

14 As Mr. Turner got to me, I was still standing there.
15 I saw the gun pointed dead in my face and it was just like
16 the next thing you know I felt a blow to the side of my
17 head, but I can't say if it was the gun or his fist, but
18 that gun was still in his hand as he was walking towards
19 me. I did not fall, I sort of went back, and I remember
20 looking at him because I felt like I was gonna die and I
21 remember my momma always telling me you look your accuser
22 in the eye and I looked him eye to eye. As he cussed me
23 out, he took that gun and he put that gun at the top of my
24 forehead doing it like this, pulled it down my nose. He
25 shoved that gun into the back of my throat and shoved me

1 until I hit the ground. That gun did not come out of my
2 mouth and when I was on that ground he pulled that trigger
3 and I remember just looking at him thinking are my grand
4 kids gonna remember me, will my children remember me, I
5 don't want to die like this. I remember thinking all of
6 that, but honest to God, that gun, it's like it jammed or
7 something. I -- I heard the click. I felt the motion and
8 the pressure in my throat and it's like it jammed and then
9 after it jammed, I felt it again. Like he was still trying
10 to make it shoot. He didn't take it out and re-cock it.
11 It was like he was trying to force it to shoot and when it
12 didn't go off the second time, he started stomping me in my
13 head, and all I could do is was ball over to try to cover
14 my head.

15 Q. What do you mean? Did you say stomp or --

16 A. He was like kicking me with his foot in my head, you
17 know, so I balled over like this on the ground and I was
18 trying to cover my head, and from that moment I remember
19 seeing a guy sort of to the side because I was laying on
20 the ground with my eyes open and it was like everything was
21 getting foggy and then I sort of remember Shauna, I don't
22 really. Somebody helped me up, but I remember hearing the
23 waitress and I knew it was her because I ended up seeing
24 her saying the police are on the way, here come the police
25 or whatever, and that's when I saw Mr. Turner run. I don't

1 know what he ran to or which way, but, he -- you know, he
2 ran towards the right because I was laying on the ground,
3 and that's the last I saw of him.

4 Q. Were there people at the Dugout?

5 A. There was people at the Dugout. There was people
6 standing outside. Anybody could have stopped it. You had
7 security outside, you had people everywhere, but it was
8 like everybody was scared. Nobody did nothing to help me.
9 Nobody. So at some point -- everything was a little blurry
10 to me, I really don't recall, but I remember I was being
11 walked or -- I was walking, but I remember seeing Kim, but
12 I didn't know who she was. I just remember her standing --
13 somebody standing trying to get me to come there, but I
14 later found out that that was Kim, but I didn't recall that
15 that was Kim.

16 Q. What -- when we'll say Kim, you didn't know who it
17 was --

18 A. I didn't.

19 Q. -- when they got to you, what did you do?

20 A. I -- I remember pushing who -- whoever it was, you
21 know, away from me, trying to get them not to touch me,
22 and then I heard D.J.'s voice on the phone saying go with
23 Kim, she's bringing you to us. You know, he was telling
24 me to walk with Kim, but I don't know if he was on my
25 phone or Kim's phone, but I heard his voice like on

1 speakerphone.

2 Q. Okay. I mean, did you -- okay. So Kim's got you and
3 she's walking you back to the car?

4 A. Yeah, but I don't -- I don't recall being in the car
5 or not being in the car from, you know, dash cam videos.
6 I don't recall being in the car.

7 Q. I mean, at the -- at the time did you know where you
8 were even going?

9 A. I don't recall any of that. Like that part right
10 there, it was just like -- I really don't even remember
11 seeing D.J. or them until the hospital honestly, you know.
12 I remember being in an ambulance after that. I remember
13 looking up. There was an officer next to me in the
14 ambulance and then I felt like a peace, a calm. I don't
15 know. It was almost like -- I don't know. I looked and I
16 saw my son and when I saw my son, I was like where did you
17 come from.

18 Q. And you can't testify to what he said, but you saw
19 him?

20 A. Yeah.

21 Q. After you went into the ambulance, did you eventually
22 go somewhere else?

23 A. I was taken to the hospital.

24 Q. And do you remember giving statements to an officer?

25 A. Well, I didn't recall giving the statements until

1 later, you know, when it was brought to my attention that
2 I gave three different video cam statements.

3 Q. Okay. There was one at the vehicle?

4 A. From what I've been -- yeah, I've actually been able
5 to review, I gave a statement in the vehicle, I gave a
6 statement in the ambulance, all on body cam, and I gave a
7 statement at the hospital on body cam.

8 Q. All right. And was there somebody on the -- on the
9 scene at the time or at some point that had come up to you,
10 if you remember, that tried to help you because something
11 may have been wrong?

12 A. I don't remember.

13 Q. You don't know if like --

14 A. I don't recall.

15 Q. All right.

16 MR. SMITH: Judge, let the record reflect that I've
17 shown to opposing counsel what's previously been marked
18 as State's Exhibits 14, 15, 16, 17 and 18.

19 THE COURT: Any objection?

20 MS. LIPINSKI: No objection.

21 THE COURT: All right. Without objection. They're
22 in without objection.

23 MR. SMITH: Move them into evidence?

24 MR. GRUBBS: If you intend to show them to the jury,
25 yes.

1 (State's Exhibit Number 14, 15, 16, 17 and 18,
2 photographs, were admitted into evidence.)

3 BY MR. SMITH:

4 Q. I'm gonna show you what's been marked as State's
5 Exhibits 16 through 18, I believe, or whatever we just
6 stated. Can you look at those for me and tell me if -- if
7 you recognize those pictures?

8 A. Well, that's me in the hospital bed. Yes.

9 Q. All right. And -- I mean, just look at all of them
10 and just make sure that you know them.

11 A. Yes, sir. That's all me.

12 Q. All right. Those are -- those are what -- those are
13 all you?

14 A. Yes, sir.

15 Q. And where are you when those pictures were taken?

16 A. The hospital.

17 Q. All right. Do you remember those pictures being
18 taken?

19 A. No, sir.

20 Q. All right. I want to -- all right. This is State's
21 Exhibit Number 14. Is that you in the hospital?

22 A. Yes.

23 Q. All right. Before you went to the hospital or before
24 that night, did you have any abrasions or bruises or a
25 bloody nose or anything like that?

1 A. No, sir.

2 Q. Is this a picture -- what is this a picture of?

3 A. It looks like my arm.

4 Q. All right. And is that an abrasion on your arm right
5 there?

6 A. Yes, sir, it is.

7 Q. All right. Did you have that abrasion before that
8 evening?

9 A. No, sir.

10 Q. State's Exhibit Number 15. I think that -- is that
11 the same picture but with just a ruler next to it?

12 A. Yes, sir.

13 Q. All right. What does this picture look like to you?

14 A. It's of my shoulder.

15 Q. All right. Is that where -- I mean, is that a bruise
16 there on your shoulder?

17 A. Well, there was a bruise on it.

18 Q. All right. Did you have that bruise there before that
19 night?

20 A. No, sir.

21 Q. All right. What was that bruise from?

22 A. Me being kicked. I guess the pressure -- all from
23 whatever happened in the incident, whatever happened with
24 me being on the ground is the only thing I can think of
25 because I haven't seen the pictures. I don't -- I didn't

1 know how.

2 Q. All right. State's Exhibit Number 17, is that another
3 abrasion?

4 A. Yes.

5 Q. And here's State's Exhibit Number 18. What is that
6 picture indicative of?

7 A. It's where my nose had been bleeding from the impact
8 of being hit.

9 Q. I believe these are already in evidence, Judge.

10 MR. GRUBBS: No objection.

11 BY MR. SMITH:

12 Q. Do you remember being treated at the hospital?

13 A. That next morning. Like over in the morning I
14 remember.

15 Q. I mean, that evening do you remember -- I mean, I
16 think you said you talked with an officer --

17 A. Uh-huh.

18 Q. -- and given a statement then?

19 A. Yes.

20 Q. And at the time the nurses and the doctors had -- had
21 come in and talked with you?

22 A. Yeah, it had been a couple of hours, I guess,
23 after the event that happened that I recall being at the
24 hospital.

25 Q. All right. And they -- they treated you and you were

1 released earlier in the morning?

2 A. Yes.

3 Q. I believe you've already pointed out Mr. Turner. Is
4 that the same Mr. Turner that tried -- or that came in and
5 put that gun in your mouth?

6 A. Yes, it is.

7 MR. SMITH: Judge, one moment please.

8 Judge, I believe that's all I have.

9 THE COURT: All right. We're gonna take a break,
10 ladies and gentlemen. So go back in your jury room and
11 don't discuss the case. And we do -- I don't think it
12 will take too long, we do have a matter that's unrelated
13 to this case that I've got to -- to deal with so, we'll
14 bring you out just as soon as possible.

15 (Whereupon, the jury retires to the jury room at
16 10:50 AM.)

17 THE COURT: All right. Ms. Wolfe, you're in what
18 I call my witness bubble. That means you can get down,
19 you can go to the restroom or do whatever you want to,
20 but you can't discuss your testimony or anything about
21 it with anybody or your attorney -- or with the State's
22 attorney.

23 Do you understand that?

24 THE WITNESS: Yes.

25 THE COURT: Okay.

1 MR. SMITH: Judge, can you also instruct the
2 individuals in the courtroom maybe not to discuss
3 anything with her?

4 THE COURT: Right.

5 MR. SMITH: I know she's not to, but they don't
6 need to say anything to her either.

7 THE COURT: Right. No discussing about your
8 testimony from anybody or with anybody.

9 All right. Like I said, we'll take a break and
10 I've got to take a short plea that needs to be heard.

11 (Recess taken at 10:51 AM.)

12 (Back on the record at 11:16 AM.)

13 BAILIFF: Remain seated. Come to order. Court's
14 now in session.

15 THE COURT: All right. Is the State ready?

16 MR. SMITH: Yes, Your Honor.

17 THE COURT: Defense ready?

18 MS. LIPINSKI: Yes, Your Honor.

19 THE COURT: All right. Bring the jury in.

20 (Whereupon, the jury return to the courtroom at
21 11:18 AM.)

22 THE COURT: All right, ladies and gentlemen. As
23 you will recall, the State had completed their direct
24 testimony of this witness, so at this point it will be
25 cross-examination from the defense.

1 Ms. Lipinski, you may proceed.

2 CROSS-EXAMINATION

3 BY MS. LIPINSKI:

4 Q. How are you doing today, Ms. Wolfe? Are you okay?

5 A. Yes, ma'am.

6 Q. All right. And I see you've brought some water with
7 you.

8 A. Yes, it's here.

9 Q. All right. Okay. Good to know. And I'll try to make
10 this as targeted as possible because I know you've been
11 through an ordeal. On direct -- I just want to go back and
12 make sure I get some of the details correct, all right?

13 A. Yes, ma'am.

14 Q. You said you had been to work that day, right?

15 A. Yes, ma'am.

16 Q. All right. And were you then working as a bail
17 bondsman?

18 A. Yes, I was.

19 Q. And Monique, I think you told somebody at some point,
20 had told you about the party earlier, maybe put it on
21 Facebook and you didn't know if you were gonna go, but she
22 called you and then she wanted you to do her lashes and
23 peer pressure kind of got up at you and they -- they talked
24 to you into going out at night, right?

25 A. Yes, ma'am.

1 Q. All right. And you work now as a bail bondsman, but I
2 think at some point you've been a hairdresser; is that fair
3 to say?

4 A. Well, that was before. For fifteen years I was a
5 hairdresser.

6 Q. Okay. But you're obviously someone who takes a great
7 deal of pride in their appearance. Men don't understand
8 how much work it takes for us to go out at night, right?

9 A. Yes, ma'am.

10 Q. All right. And you said that because of that -- and
11 you didn't have time to do your hair because that takes a
12 long time; that when you went to get the lashes you had
13 got just like a cute little short bob kind of wig to wear,
14 right?

15 A. Yes, ma'am.

16 Q. And in the pictures of your injuries, it was kind of
17 like a shoulder length cut kind of thing, all one length
18 around your chin; fair to say?

19 A. Yes, ma'am.

20 Q. And that you-all had gone -- did you go to D.J.'s
21 house to do this? I think you said you went to your son's.
22 Was it him?

23 A. I went to my son's because it closer to my job.

24 Q. All right. And does Monique come there?

25 A. She actually came by there.

1 Q. All right. And is Angela and all them there or did
2 they get there later?

3 A. No, they never come to my son's.

4 Q. Okay. All right. And is it -- do you have more than
5 one son? I don't --

6 A. One biological son, but the son in particular is the
7 one son.

8 Q. Okay. So that is D.J. where you're doing the
9 lashes -- no, a different son.

10 A. D.J.'s my brother.

11 Q. Oh, he's your brother.

12 A. Yes, ma'am.

13 Q. I'm sorry. I'm getting confused with all this.
14 All right. So you go to your son Angelo's house?

15 A. No, Angelo's my grandson.

16 Q. Grandson. I'm never gonna get this.

17 All right. But you go somewhere, you do Monique's
18 lashes.

19 A. Yes.

20 Q. Is Shauna there, too?

21 A. Shauna comes there.

22 Q. Shauna's there. She even goes to like the beauty
23 supply store with you-all maybe?

24 A. Yes.

25 Q. And that you-all part ways about seven, right?

1 A. Somewhere in there.

2 Q. I know. You -- when these things happen, you don't
3 sit there and mark it down on a calendar kind of thing, but
4 then at some point between 9:00 and 10:00 you-all all end
5 up at the Dugout?

6 A. Yes, ma'am.

7 Q. She probably got there earlier. You said her thing
8 started at 8:00, right?

9 A. Yes, ma'am.

10 Q. But fair to say the Dugout the later it gets -- more
11 often than not the busier it gets, certainly between 10 and
12 12?

13 A. Yes, ma'am.

14 Q. All right. And you said it's not a very big place,
15 so even a small amount of people it's gonna get kind of
16 crowded sooner rather than later, right?

17 A. Yes, ma'am.

18 Q. And while you're at your son's place, you realize you
19 -- and I think you live, and I'm not gonna ask you your
20 address, but do you kind of live up near T.R. or something
21 like that?

22 A. I used to.

23 Q. You used to. Around this time were you up in --

24 A. Yes, ma'am.

25 Q. All right. And that's why you kind of talked your

1 daughter into borrowing her new car is because she had more
2 gas than you did?

3 A. I don't remember the reason, but I just knew I didn't
4 drive that day and I wanted to drive her car.

5 Q. All right. You just thought it was a fun car and
6 decided you wanted to drive it then?

7 A. I just knew it had gas. That point I do remember and
8 I remember talking her into letting me drive.

9 Q. All right. You didn't buy that car? Did you have to
10 talk her into it that much?

11 A. Well, I actually had bought it for her 16th birthday.

12 Q. Okay. Well, I mean, was it really an ask or more of a
13 tell? I mean...

14 A. Ask in a nice way.

15 Q. Okay. In a way daughter can't refuse. We'll go with
16 that.

17 A. Yes, ma'am.

18 Q. All right. And you say that you get there about
19 10:00. I think you told one of the officers at some point
20 you don't even take your purse in, you just kind of take
21 your ID and maybe a credit card or something?

22 A. I might have. If he said that, I did say that. Yes,
23 ma'am.

24 Q. Okay. You don't even remember that kind of thing?

25 A. I just don't remember the details of my purse and,

1 you know, ID.

2 Q. All right. And at some point you even -- and I
3 understand there was chaos, but you had said to someone
4 that he had took your purse and that's mainly just because
5 you didn't have it, right?

6 A. I may have been discombobulated and thought I had my
7 purse and didn't. I'm really not sure.

8 Q. But no matter what, somebody brings you your purse.
9 You have it in the ambulance, you take it to the hospital?

10 A. I don't remember that.

11 Q. Okay. But if we see that --

12 A. Yeah, then that's what happened. If you see it,
13 that's what happened.

14 Q. And obviously this has been a while ago. Your
15 recollection isn't as fresh as it was back then, right?

16 A. To some degree.

17 Q. All right. But certainly things you said that night
18 are gonna be your freshest recollection; fair to say?

19 A. Yes, ma'am.

20 Q. All right. And I understand some of it might be a
21 little chaotic and -- and those kind of things, but what
22 you're telling the officers that night right after it
23 happens is the best version of events. Is that fair to
24 say?

25 A. I would believe so. I just know I was very

1 traumatized because I think there's actually three video
2 cams of me giving testimony.

3 Q. All right. And would it shock you -- and when you say
4 three video cameras, you don't remember the officers?

5 A. No, I don't.

6 Q. All right. And you don't remember how many officers
7 you spoke to?

8 A. I don't.

9 Q. So if it was the same officer all three times, if it
10 was the same officer at the Yukon, that's in the ambulance
11 or whatever, you have no recollection of that?

12 A. I honestly don't.

13 Q. All right. They put that uniform on, they all look
14 the same, right?

15 So on -- but at some point you go inside and you
16 arrive there with Shauna, right?

17 A. Yes, ma'am.

18 Q. And you-all for the most part for about an hour, I
19 think, are having a good time, you-all are dancing, you're
20 putting stuff on Facebook, all of that kind of stuff?

21 A. Well, I don't dance, but, yeah, she's dancing.

22 Q. Okay. But you were putting it -- I think you said at
23 some point you and Shauna were posting a couple of pics on
24 Facebook?

25 A. Yeah.

1 Q. But then you decided, you know, you didn't think you
2 looked the best and you wanted -- it was all about Monique,
3 so you-all are gonna put more Monique on Facebook?

4 A. No, that wasn't my decision on why. The reason being
5 is I don't like Lives. If I post a Live, I post it after
6 I've left the event.

7 Q. Okay.

8 A. Yeah. I just don't like Lives.

9 Q. All right. Because I thought you just said it was --
10 I didn't think I looked my best or something?

11 A. I didn't and that's another reason. Lives is right
12 there. A picture can be edited, you can fix your hair, you
13 can do whatever with it.

14 Q. You can touch it up, you can filter that stuff?

15 A. Yeah.

16 Q. I'm not that tech savvy. I thought that's what it's
17 about.

18 A. Yes, ma'am.

19 Q. All right. So -- but you decide it wasn't about you,
20 it was about her and that you were gonna kind of put more
21 of her on Facebook, correct?

22 A. Yeah, once I noticed she had been recording for so
23 long, I was like hey, let me record for you.

24 Q. You enjoy the night?

25 A. I did enjoy my night.

1 Q. No, no, no. I mean, you're telling her you enjoy the
2 night, stop looking at your phone the whole time and
3 actually enjoy yourself?

4 A. I don't really think I said that.

5 Q. Okay.

6 A. It could have been something similar.

7 Q. And do you take her phone or did you use one of -- you
8 had two phones that night?

9 A. Yeah, I used her phone because she was on Live on her
10 phone.

11 Q. All right. But you do have two phones?

12 A. Yes.

13 Q. But you would have been signed into Facebook on your
14 own profile though?

15 A. Yeah.

16 Q. All right. And so one's like a work phone and one's
17 more of a personal phone. Kind of how you keep business
18 and life separate; fair to say?

19 A. Yes, ma'am.

20 Q. All right. And so Shauna -- and you're at these kind
21 of two tables that have been pushed together and there are
22 a bunch of people milling around, people coming and going,
23 right?

24 A. I mean, at our table itself, no, people weren't coming
25 to us. They sort of walk way. If they see you're having

1 party or something or trying to do a little something, they
2 try to go around you and not really crowd you.

3 Q. But somebody that knew Monique might come up and say
4 happy birthday to her or that kind of thing?

5 A. Yeah, could have.

6 Q. And this wasn't the first time you-all had ever been
7 to the Dugout?

8 A. Oh, no.

9 Q. All right. So we're not picking this as a new
10 restaurant we want to go to?

11 A. No.

12 Q. This is -- this kind of our place and we've hung out
13 there before?

14 A. It will never be our place because it's a hole the
15 wall --

16 Q. Okay.

17 A. -- and I really was skeptical about going because it
18 already is not a safe place really.

19 Q. But you had been there before?

20 A. Yes, I had.

21 Q. You were familiar with the layout?

22 A. Yes, I was.

23 Q. You were familiar with the location?

24 A. Yes, I was.

25 Q. This wasn't your one and only time because you're

1 able to give a fairly good description to Mr. Smith about
2 there's a DJ booth even if the DJ wasn't there and all that
3 kind of stuff?

4 A. Yes, ma'am.

5 Q. All right. And so at some point you see him walk in,
6 right?

7 A. Yes, ma'am.

8 Q. And initially it's what he's wearing that kind of
9 draws your attention to him, right?

10 A. Yes.

11 Q. But then he -- he kind of moves around and at some
12 point he comes over and he brings some drinks to the table?

13 A. Yes, ma'am.

14 Q. And you talked to the officers and at some point it's
15 you shove the drink, at some point he shoved the drink, but
16 he drinks get put down on the table?

17 A. Well, what happened was when the drinks were sit on
18 the table, they were sort of like slammed down to where
19 they spilt and I pushed it away from me.

20 Q. Okay. Because you didn't want anything to do with
21 that?

22 A. I didn't want anything to do with him or the drinks.

23 Q. All right. But, you know, when you're carrying a lot
24 of drinks sometimes when you -- when you plop them down it
25 not as gentle as you think, right?

1 A. It could have been.

2 Q. All right. And after that he goes off to the pool
3 room?

4 A. Yes.

5 Q. All right. But you decide if he's gonna be there you
6 don't -- you don't want to be there?

7 A. Him walking in, I made that decision when I realized
8 it was him.

9 Q. All right. But you have a car there?

10 A. Yes, I do.

11 Q. And you have people with you. I know they're not your
12 family, but there are people with you, right?

13 A. Shauna's with me.

14 Q. And I remember you saying you had a conversation with
15 somebody and somebody said something like you're in the
16 dish-dre (ph.), like you're fine, right?

17 A. I don't recall that conversation.

18 Q. All right. And -- but people are encouraging you to
19 stay?

20 A. Just Shauna.

21 Q. Just Shauna. But at some point he's at the bar buying
22 drinks. You-all could have walked out?

23 A. No, he brought the drinks when he first came in and
24 that's when he had to set them down.

25 Q. Okay. But while he's at the bar buying drinks,

1 you-all could have walked out?

2 A. I could have left at any time. Yes, ma'am.

3 Q. All right. And then -- but you call D.J., right?

4 A. Yes, ma'am.

5 Q. Well, you say you text him first, he doesn't respond
6 and then after the drinks you call him and kind of tell him
7 no, you need to get here, I want you here kind of thing?

8 A. Yeah, come on and get me. I'm ready to go.

9 Q. All right. But at that -- are you texting him or are
10 you talking to him?

11 A. As you said, I called him.

12 Q. Okay. Can you hear even in the Dugout?

13 A. Yes, I can.

14 Q. Okay. And he tells you that he's at the Applebee's
15 on White Horse Road, but they en route?

16 A. Yeah, he say he'd already pulled out and they're
17 en route.

18 Q. All right. And is the plan that you're going to leave
19 with D.J. or you're going to get D.J. to walk you to the
20 car or D.J. and all them are gonna come inside so you're
21 not alone or have you-all even discussed those particulars?

22 A. No, ma'am. That's what I was gonna say. It was just,
23 you know, for me to sit there until he got to me, so there
24 was no plan.

25 Q. There was no plan?

1 A. There was no plan.

2 Q. All right. But at some point while you're on the
3 phone with him, you realizes he's there. Does he call and
4 say I'm here, I'm here, come out?

5 A. No, ma'am. I called back.

6 Q. You called back?

7 A. Yes, ma'am.

8 Q. But you had no way of knowing like exactly how -- you
9 know, are you Life360'ing him to the -- did they even have
10 that in 2017 or you don't know?

11 A. I would have a way of knowing, but I can't repeat how
12 I know, so I pretty much knew that he was out there when I
13 called back.

14 Q. Okay. So there's some communication between the two
15 of you?

16 A. Yes, ma'am.

17 Q. All right. And so at that point you call because then
18 you're gonna figure out what you're gonna do now that he's
19 here, right?

20 A. No, because of what was said on the phone, it was we
21 need to leave now, immediately I needed to get out of that
22 club, and I needed to get to him.

23 Q. All right. So -- but just as he's telling you he's
24 here, that's when you say you heard the gunshots, right?

25 A. I heard everything on the phone, yes, ma'am.

1 Q. And your response -- and this is where I kind of get
2 confused. At some point when you're talking to the
3 officers you tell them that you stayed there for about five
4 to ten minutes and another time you say that you run out
5 immediately kind of momma bear protective like?

6 A. Well, I will say this. If I said two different
7 things, it was because I was traumatized, but mother bear
8 would have kicked in him being my younger brother.

9 Q. All right. And you say that you run out, right?

10 A. I said that I left going out. Yes, ma'am.

11 Q. And you say today that you see him standing in the
12 roadway, right?

13 A. I said -- I've always said that. Yes, ma'am.

14 Q. All right. And that you froze right there at the
15 front of the Dugout?

16 A. Somewhere in the front. Yes, ma'am.

17 Q. As a matter of fact, I think at some point you tell
18 someone like there's a truck or something and you don't
19 even make it, you know, past the length of the truck or
20 something like that. Would that be fair to say?

21 A. It would be fair to say because my memory was better
22 then.

23 Q. All right. And he's this far down in the middle of
24 the roadway and your testimony today is that you saw him?

25 A. Oh, I can't tell you what you're pointing at.

1 Q. Oh, I'm sorry.

2 A. I can't see that, but I can come look for you.

3 Q. Let's use -- let's use the one that's kind of zoomed
4 in on the Dugout. It might be a little bit better, okay?

5 A. Okay. So you-all are saying this is Dugout, right?

6 Q. Well, that's what Mr. Smith said the map --

7 A. I don't --

8 Q. No, orient yourself because I don't want to confuse
9 you. This is -- this important that we get this right.

10 You come out in this front kind of area?

11 A. Yes, ma'am.

12 Q. And I think you tell the officers you don't really
13 get more than truck length or a car length away?

14 A. Yeah, I didn't go far.

15 Q. But you're able to see him out --

16 A. I could see very well.

17 Q. You could see very good that night, but that you
18 froze, right?

19 A. Yes.

20 Q. All right. Have a seat.

21 A. (Witness complies.)

22 Q. And at -- at that point Shauna's not with you?

23 A. I don't know if she's with me or without. I remember
24 telling her let's go, but as of now I can't really recall
25 if she walked right out the door with me or if not. I --

1 my recollection was better when it happened.

2 Q. Okay. But you don't remember anybody standing right
3 beside you as he's walking up -- down upon you?

4 A. As of now I don't.

5 Q. All right. And if you never told anyone there that
6 night, then you wouldn't remember that?

7 A. Well, I could have said that that night, but you have
8 to realize since then I've been -- I was traumatized.

9 Q. I understand.

10 A. A lot of my memory I can't remember verbatim
11 everything that happened that night, but I will say if
12 you look at the video cameras, if you're gonna submit them,
13 it's gonna give a very accurate description of my testimony
14 and my statement.

15 Q. And, ma'am, I'm not --

16 A. No, I'm not --

17 Q. -- I'm not trying to confuse you. I'm just trying to
18 get clear what happened that night.

19 A. Yes, ma'am.

20 Q. And if you don't remember, then you don't remember.

21 A. Yes, ma'am.

22 Q. And I understand chronology gets twisted sometimes
23 when we re-tell these kind of events, so it's not that.

24 A. Yes, ma'am.

25 Q. But there are times where you say you run right out

1 momma bear all protective and then there's other times
2 when you talk about that you stayed there for about five
3 or ten minutes.

4 A. Well, I will say this again. If I said it, I said it.

5 Q. Do you remember staying in the club five to ten
6 minutes?

7 A. No, ma'am, I do not.

8 Q. All right. Do you remember saying to officers that
9 you actually had a conversation with D.J., that he tells
10 you he's way down at the Motel 6?

11 A. Yes, I do remember him telling him that, but he didn't
12 tell me when it's been said that he told me.

13 Q. All right. Do you remember telling officers that you
14 had a conversation with him while he was at the Motel 6?

15 A. I don't recall which hotel he said he was at.

16 Q. All right. Do you remember having a conversation with
17 him while he's at the motel?

18 A. I don't know which hotel he was at.

19 Q. I didn't say which hotel.

20 A. Okay. I remember --

21 Q. I said a hotel.

22 A. A hotel, yes, ma'am. I do remember talking to him and
23 he was in a hotel parking lot.

24 Q. All right. In between when the gunshots are fired at
25 him and when you run outside and you say you encounter

1 Eugene, do you remember having a conversation or telling
2 officers that you had a conversation with your son on the
3 phone and at that point you're saying come get you and he's
4 saying he doesn't want to come get you because of what's
5 gone on?

6 A. No, I would have never had a conversation to say my
7 son didn't want to come get me. I would have never told
8 anyone that. Because if I had called my son, he would have
9 came.

10 Q. All right. Do you remember telling Officer Mitchell
11 that you told D.J. at that point that you already had
12 enough to get warrants on him?

13 A. No, I do not recall saying that.

14 Q. All right. Do you remember telling the officers that
15 you stated after the gunshots were fired that you're in the
16 club and you stayed in there and you actually try to flag
17 down a waitress to call 9-1-1?

18 A. I repeated I flagged down a waitress in the beginning
19 of my testimony. So, yes, ma'am, I do remember saying I
20 stopped a waitress.

21 Q. Right. Between the points that the gunshots are fired
22 and when you walk outside, you're in the club and that you
23 flag down a waitress and tell her to call 9-1-1?

24 A. I can't tell her outside. I told her inside before I
25 went outside.

1 Q. That was my question. So you're inside, you hear the
2 gunshots being fired, you flag down a waitress and tell her
3 to call 9-1-1?

4 A. Yes, I did.

5 Q. And that -- so you did that. You have two phones?

6 A. Uh-huh.

7 Q. You could have called 9-1-1?

8 A. I could have did a lot of things, but that is what I
9 did.

10 Q. All right. And instead you walk outside?

11 A. I went outside as I stated.

12 Q. But you don't have a recollection of telling officers
13 that when you're having that conversation with D.J. before
14 you walk outside that you already have enough to get
15 warrants on him?

16 A. No, I don't recall saying that, ma'am.

17 Q. And so then you say today that you go outside and you
18 see Eugene in the road, right?

19 A. I said that then as well.

20 Q. And that you see him walk towards you, but then you
21 froze, correct?

22 A. Yes, I froze.

23 Q. But it still took some amount of time for him to walk
24 these car lengths. Even if he's running, it takes some
25 amount of time for him to get up on you, right?

1 A. I would assume so walking.

2 Q. Because you're not running out to -- to confront him,
3 right?

4 A. No, ma'am.

5 Q. All right. So you're back at the club by the door,
6 right?

7 A. I'm in the front of the club.

8 Q. They have security or bouncers at the door?

9 A. They have security on-site.

10 Q. And there are people in the club that night and around
11 the front of the Dugout?

12 A. Yeah, people are everywhere. Yes, ma'am.

13 Q. All right. And that he comes up on you and puts a gun
14 on you, hits you, right? Knocks you to the ground?

15 A. That's what you're saying. I didn't say that. That's
16 not how --

17 Q. You don't say he knocks you to the ground?

18 A. I did not say he knocked me to the ground. What I
19 said was I was forced to the ground with the gun in my
20 mouth. When he hit me, I did not fall to the ground.

21 Q. All right. So you didn't get knocked to the ground,
22 but you steady your feet, but then when he puts the gun on
23 you, that's when he -- he puts you on the ground?

24 A. You are confusing by the way you're saying it. What
25 happened in my statement is true. I did end up on the

1 ground. I ended up on the ground not from the force of the
2 first hit. I ended up on the ground from the strength of
3 being forced to the ground with a gun in my mouth. That's
4 how I ended up on the ground.

5 Q. All right. And the abrasions that -- Mr. Smith showed
6 these pictures, right?

7 A. Yes, ma'am.

8 Q. You said you never -- he never showed them to you
9 before you got up there?

10 A. Not today or not since we decided to come to trial,
11 no, ma'am.

12 Q. All right. But you did meet with him, right?

13 A. Yeah.

14 Q. And I'm gonna show you State's 14, 15 and 17.

15 A. Yes, ma'am.

16 Q. And these are kind of close-ups, but I'm just trying
17 to be clear. Is this all the same elbow or is this both of
18 your elbows?

19 A. I honestly don't know because I didn't remember them
20 taking those pictures.

21 Q. All right. But in this you can see your face?

22 A. Yes.

23 Q. All right. So you can obviously tell in this picture
24 if it's oriented to that side of your body that this would
25 be the right-hand side, right?

1 A. I would think so.

2 Q. And the abrasion in 14 is kind of between your elbow
3 and your wrist. Is that what that photo depicts?

4 A. I guess. I don't know. I did not take those pictures
5 and I don't even recall them taking them. I have a lot of
6 tattoos on my body, so it could have been of anything. If
7 it's not labeled, I can't tell you because it's not
8 focussed. I had lot of designs, veins, flowers, different
9 things. I'm honestly not sure of what part of my body that
10 is.

11 Q. Okay. But these pictures at least all appear to be of
12 your right-hand arm?

13 A. Yes, ma'am.

14 Q. All right. And you also tell the officers that your
15 head hurts, right?

16 A. Yes, ma'am.

17 Q. You tell the EMTs and the doctors that, right?

18 A. Yes, ma'am.

19 Q. And I think at some point you even kind of put your
20 hand to the back of your head?

21 A. I don't recall doing that, but I did -- I do recall my
22 head hurting.

23 Q. And I think also at some point the officers are trying
24 to see if they can see any injury to the back of your head,
25 but because of the wig it's hard to kind of part your hair

1 and see your scalp. Do you remember that?

2 A. No, I don't recall anything of them touching me,
3 trying to see anything, taking pictures. Once I got to
4 the hospital, at some point they gave me Morphine for the
5 pain. And then I also have lupus, so my body went into
6 stress. So that being said, I honestly would be lying on
7 the stand if I said I remembered any of that, but I don't
8 know.

9 Q. All right. But it would be fair to say because of the
10 way you have your hair done and you have a wig on, right?
11 We know that, right?

12 A. Uh-huh.

13 Q. And if somebody tried to visualize the back of your
14 scalp, especially a man not familiar with those things,
15 they might have difficulty if they saw an injury, right?

16 A. Yes, anybody would have.

17 Q. And you never got any stitches to the back of your
18 head?

19 A. No, I did not have stitches.

20 Q. They didn't put you on any kind of concussion protocol
21 or --

22 A. Well, I am actually on medi -- after that time, yes,
23 I was put on medications and then I have seizures and
24 whatnot indicating trauma, and I have migraines.

25 Q. Okay. From the trauma?

1 A. From the trauma.

2 Q. All right. But you're treated and released that
3 night?

4 A. Yes, I am.

5 Q. And when you're in the ambulance, they're kind of able
6 to -- and you even tell the officers and the EMTs that you
7 kind of -- like you said, you have lupus, right?

8 A. Yes, I do.

9 Q. And at some point you make some statements that you
10 even have like an aneurism or something between C-1 and
11 C-2. That's in your neck?

12 A. I do have an aneurism.

13 Q. All right. And that you had some other kind of
14 preexisting health conditions, right?

15 A. Pertaining to my lupus system. Yes, ma'am.

16 Q. Right. I'm not gonna go into all of that. It's not
17 really relevant to this kind of thing, but they went all
18 over that with you, right?

19 A. Yes, ma'am.

20 Q. And I think they even did some x-rays that night?

21 A. I'm not sure. They may have.

22 Q. All right. So they -- you don't walk out of there
23 with a splint or a brace or anything?

24 A. No, ma'am.

25 Q. No stitches?

1 A. No stitches.

2 Q. All right. And at some point he leaves?

3 A. Yes, ma'am.

4 Q. And you don't remember who, somebody helps you up,
5 right?

6 A. Yes.

7 Q. And at some point you then don't go to the -- your car
8 here, right?

9 A. No, I never went to my car.

10 Q. And instead you walk all the way out into the roadway?

11 A. If that's what they said I did, I did.

12 Q. You don't have any recollection of that?

13 A. No, ma'am.

14 Q. And that you don't have any recollection of walking
15 all the way down here to where they were parked?

16 A. No, ma'am.

17 Q. All right. But if -- that is where they were parked,
18 right?

19 A. I don't know.

20 Q. Just hold on. Go with my question for a minute. I
21 think you'll be able to answer.

22 A. All right.

23 Q. Nobody else picked you up and took you to them. You
24 got there on foot. Wherever they are, you got there on
25 foot, right?

1 A. Yes, ma'am.

2 Q. No other car gave you a lift, no officer picked you
3 up, nobody carried you?

4 A. I believe Kim helped me there.

5 Q. Right, at some point Kim comes walking away from the
6 car and meets you and maybe grabbed you by the arm and they
7 -- they got you to where you are?

8 A. I just know that's where they said I ended up at.

9 Q. All right. And Mr. Smith asked you about some
10 difficulty between you -- you-all had some difficulties
11 between you and Mr. Turner before this night, correct?

12 A. Yes.

13 Q. And that was in part why you didn't want to be there
14 with him, correct?

15 A. Yes.

16 Q. And you stated that prior to 2016 there hadn't been
17 any problems, correct?

18 A. Not between Eugene and I, no.

19 Q. But there had been problems between Eugene and D.J.,
20 correct?

21 A. There have been altercations.

22 Q. And D.J. was actually charged, correct?

23 A. I believe so.

24 Q. And then after this happened because you stated you
25 were livid, I believe those were your words, right?

1 A. After him and D.J.'s incident?

2 Q. No, but after the family incident in 2016 --

3 A. Okay.

4 Q. -- you said that you were livid?

5 A. Yes, I was.

6 Q. And you shared D.J.'s posts on Facebook?

7 A. Yes, I did.

8 Q. And you made your own post on Facebook?

9 A. Yes, I did.

10 Q. And you posted I'm giving it to God because if the law
11 don't get you, the streets will?

12 A. I posted more than that. I posted a lot of things.
13 That's one of them.

14 Q. All right. You also posted that Mr. Turner had
15 blocked you, but that you had managed to get his family
16 and friend information before he did?

17 A. Well, in that particular post, that post was very long
18 and you're only speaking on parts of it. I said a lot in
19 that post, that's part of it, and the reason being was
20 because I wanted to point out certain things, so that was
21 a very long post if you would, you know, read over it. I
22 didn't just say that.

23 Q. But you also -- you start off that post with you can
24 run, but I promise you can't hide for long?

25 A. Yes, ma'am. I said a lot in that post.

1 MS. LIPINSKI: Court's indulgence for a moment,
2 Your Honor.

3 BY MS. LIPINSKI:

4 Q. Just briefly, Ms. Young, they showed you the pictures
5 they took of your injuries, correct?

6 A. Yes, ma'am.

7 Q. All right. And obviously you said you don't recall
8 those injuries -- you don't recall the pictures.

9 A. I didn't recall them taking pictures.

10 Q. And you said you didn't even recall where the bruises
11 were, right?

12 A. I didn't recall any of the pictures and that night I
13 didn't recall anything of -- anything but my head hurting.

14 Q. Your head hurting?

15 A. That's the only thing that I can recall that I can
16 constantly remember is how bad my head hurt.

17 Q. All right. You never described for the officers or
18 the EMT or the doctors about your mouth hurting?

19 A. No, I did not describe that my mouth hurt, but I did
20 tell them what happened. The pain from my mouth came once
21 it was time to swallow. When it was time to swallow water,
22 it was time to swallow anything that next morning at the
23 hospital before I was released, it was too painful to
24 swallow, and I did let them know about that.

25 Q. All right. But that night in the hospital they gave

1 you some water?

2 A. They gave me Morphine that helped with the pain, so I
3 take it maybe when the Morphine kicked out.

4 Q. But you didn't bring to them any injuries to your
5 mouth?

6 A. I didn't have any outer injuries. My injuries were
7 in my throat later.

8 Q. All right. And I believe you told even the EMT or
9 someone at one point that you have some kind of front
10 partial?

11 A. I have a side partial.

12 Q. A side partial, but you have some kind of partial,
13 right?

14 A. Uh-huh.

15 Q. And that night the -- you're fan of this color, I must
16 say, which I'm a fan of this color, so it's actually kind
17 of the same color you had on that night?

18 A. I'm not a fan of the color though.

19 Q. You just have a lot of it in your wardrobe?

20 A. I'm not a fan.

21 Q. Okay. But on that night you're wearing a very similar
22 in color shirt?

23 A. Uh-huh.

24 Q. And you have that on your dress today, right?

25 A. Yes, ma'am.

1 Q. And that night because you were going to the club, as
2 I said when I took -- when I started, you're a woman who
3 takes a great deal of pride in your appearance, right?

4 A. Yes, ma'am.

5 Q. And I think you can see on the body cams you have
6 rings on that night?

7 A. I'm not really sure.

8 Q. But if there are rings depicted on the body cam, so
9 you would have had rings on?

10 A. If they're on there, yes, ma'am, I had them on.

11 Q. You didn't stop after all this happened and said hey,
12 let me put some rings on?

13 A. Ma'am, if there were rings on, I had them on.

14 Q. All right. And you had some earrings on?

15 A. Yes, ma'am.

16 Q. And you had kind of a choker necklace on?

17 A. Yes.

18 Q. All right.

19 MS. LIPINSKI: That's all we have, Your Honor.

20 THE COURT: Any redirect?

21 MR. SMITH: Yes, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. SMITH:

24 Q. You just stated that while you were at the hospital
25 they gave you Morphine?

1 A. Yes, sir.

2 Q. Okay. And that was kind of when you first got there
3 maybe?

4 A. Yes.

5 Q. All right. And did they -- did they give you another
6 shot of Morphine a couple of hours later?

7 A. Yeah, I did -- I had several doses of Morphine.

8 Q. And you -- you explained you have lupus, but does
9 stress make that flare up?

10 A. Yes, it does.

11 Q. All right. So you had some other issues with lupus
12 that night as well?

13 A. Yes.

14 Q. You've stated that there's a lot of things that you
15 may not remember?

16 A. Yes, sir.

17 Q. I mean, as far as that night, right?

18 A. Yes, sir.

19 Q. All right. But you also said -- stated that if there
20 were things on body cams, that would be what happened that
21 night, right?

22 A. Yes, sir. I stated that because I feel like a lot of
23 things that I said that night I said it based on me being
24 vividly knowing it happened whether I was traumatized or
25 not. It may have came out different, highly elevated

1 different things, but it's just that a lot of things are
2 triggered in my mind when -- like when I watched the body
3 cam myself, you know, things that were not in my actual
4 handwritten report, I was able to see, you know, like,
5 yeah, it triggered a lot of memory watching that video cam
6 that I had suppressed.

7 MR. SMITH: All right. Judge, that's all I have.

8 THE COURT: All right. You may step down.

9 THE WITNESS: Thank you.

10 (Witness excused.)

11 MR. SMITH: Judge, I'd call Kevin Azzara to the
12 witness stand.

13 THE COURT: All right.

14 (Whereupon, Kevin Azzara was duly sworn by the
15 Clerk of Court.)

16 THE CLERK: And if you will please state your name
17 for the record.

18 THE WITNESS: Master Deputy Kevin Azzara.

19 THE CLERK: Thank you.

20 KEVIN AZZARA,

21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. SMITH:

24 Q. Can you spell your last name for the record?

25 A. Sure. A-Z-Z-A-R-A.

1 Q. All right. How are you employed, I'll say Deputy
2 Azzara, because you're in a sheriff's uniform?

3 A. Yes. Greenville County Sheriff's Office since 2008.

4 Q. You started in 2008?

5 A. Yes.

6 Q. Did you have any prior law enforcement experience
7 before you got there?

8 A. Yes. Waterford Township in New Jersey and U.S. Army
9 military police.

10 Q. All right. And so in 2008, you started working for
11 the sheriff's department. In what capacity were you
12 employed?

13 A. As a deputy in the uniform patrol division.

14 Q. All right. And how -- what rank do you have now?

15 A. Master deputy right now. When I started, I was a
16 Deputy 2 if you want to be technical.

17 Q. All right. In 2017, how were you employed?

18 A. I was a master deputy on the Echo platoon in the
19 uniform patrol division.

20 Q. All right. And what shift were you on that night?

21 A. That was a 2:00 PM to 2:00 AM shift at the time.

22 Q. Do you recall the night of September 1, 2017?

23 A. I do.

24 Q. Did you get a call to go to the Dugout?

25 A. Yes.

1 Q. How did you get that call?

2 A. Via the radio.

3 Q. All right. And the radio, we've already heard a
4 little bit of testimony, but does dispatch send you a radio
5 transmission?

6 A. If I recall correctly, it was a BOLO. I think it was
7 a shots fired call at the Dugout. I was very close to the
8 area. I was -- my shift was actually coming to a close, so
9 I was on the way to get gas and go up to the office and do
10 some paperwork and our gas station is right by there, so I
11 just happened to be right in the area when the call came
12 out.

13 Q. All right. So do you remember what time the call came
14 out?

15 A. I believe it was about 11:42 PM.

16 Q. And do you recall about what time you arrived
17 on-scene?

18 A. Very shortly thereafter. I was the first one there.

19 Q. All right. And when you say very shortly, if I showed
20 you a CAD report or whatever, I mean, you'd remember about
21 what the time was when you --

22 A. I would say within five minutes probably, but I will
23 defer to the actual CAD report.

24 Q. I'm gonna hand this up to you and see if you can find
25 -- what am I showing you right there?

1 A. This is our CAD printout from when they initiate a
2 call. They put the information in there. They put what
3 unit is responding, what time we get there, what time we
4 go on-scene, what time we start heading that way. So let's
5 see here. Does this start at the top or the bottom? So at
6 23:45, which is 11:45, I was en route, and I was there at
7 22:55. So ten minutes.

8 Q. All right. So about ten minutes. You were nearby,
9 you got there, and you were the first officer on the scene?

10 A. Correct.

11 Q. When you arrived on-scene, what did you find?

12 A. It was -- it was pretty chaotic. There were a lot of
13 people. Most shooting scenes are like that, everybody's
14 going around trying to get out. I honed in. There was a
15 large group of people around an SUV. They were kind of
16 shouting at me to come over there, so I went to that SUV
17 and that's when I found Christine sitting in the backseat
18 and she was identified to me as the primary victim at the
19 time.

20 Q. And when you got there, was there an ambulance already
21 there?

22 A. No. No, the ambulance would have been staging until
23 we cleared the scene.

24 Q. All right. And did the ambulance arrive shortly after
25 you were there?

1 A. Relatively. Probably within ten to fifteen minutes.

2 Q. So when you arrived on the scene, you were called over
3 and you saw Christine sitting in the -- in the car?

4 A. Yes, the backseat of an SUV.

5 Q. All right. Well, let me just show you State's
6 Exhibit 24. Would that be the vehicle that she was sitting
7 in?

8 A. It looks like it to me.

9 Q. All right. Is that the silver Yukon? Is that the
10 silver Yukon it looks like?

11 A. Yes. Yes.

12 Q. What kind of state was she in?

13 A. She was panicked, upset, obviously seemed to have
14 been traumatized to -- just almost to the point of
15 hyperventilating, could barely really get out much of a
16 sentence without having to stop and -- and take a breath,
17 and I was trying initially to calm her down to make sure
18 she was okay.

19 Q. And there were other people around as well, right?

20 A. Yes.

21 Q. And what kind of state were they in?

22 A. They were obviously amp'd up. They were excited.
23 They weren't to the level of -- of traumatized as she was.
24 They were -- everybody tries to interject, like putting
25 their two cents in, like well, this is what happened, this

1 is what happened, and basically I was like hey, let her
2 talk, trying to get information from the firsthand person
3 who was involved, and eventually she started talking to me
4 after she slightly calmed down a little bit.

5 Q. All right. At some point did you realize that there
6 were a number of victims in this -- in this case?

7 A. Yes.

8 Q. All right. And when you were -- but you were focussed
9 in on Christine?

10 A. At that time, yes, she was -- she was the one that was
11 right in front of me. She obviously needed some attention.
12 I wasn't sure what her condition was, if she was injured,
13 if she needed immediate attention. I was trying to get as
14 much information from her as I could.

15 Q. All right. At some point in time did you -- well,
16 let me just ask you. What did you do with the other
17 individuals that were around the car while you were trying
18 to get in touch with -- or talk to Christine?

19 A. At that point there was not much I could do, so I was
20 just trying to keep them quiet so I could talk to her and
21 hear her without being interrupted by people talking to me.

22 Q. All right. So did you continue to have that
23 conversation with Christine while everybody was around?

24 A. I wouldn't say everybody, but there were a number of
25 people that was around us, yes.

1 Q. All right. And at some point did you have to get them
2 to just all step back?

3 A. I don't remember if I told them to step back, but I
4 remember telling somebody that -- they kept trying to
5 interject and I was like hey, look, let her go, let her go,
6 she's on a roll, she's telling me what's going on.

7 Q. All right. So when you got that initial statement out
8 from her, what happened then?

9 A. So it was kind of in the middle of that she was
10 telling me what was going on and that's when the ambulance
11 arrived and -- and so I kind of helped her out of the car
12 and I think I held her hand and walked her over to the
13 ambulance so she could be checked out while I was still
14 talking to her and kind of trying to assess what had
15 happened.

16 Q. All right. And the EMTs came over and were there as
17 well?

18 A. Yes.

19 Q. And did you-all get her to the ambulance?

20 A. Yes, I got up in the ambulance with her and while they
21 were kind of examining her, I was continuing to have her
22 tell me what happened.

23 Q. All right. We'll move on from that, but we're gonna
24 come back to that. So after you talk with her in the
25 ambulance, what did you do?

1 A. After I had pretty much gotten a grasp of generally
2 what had gone on, I got her information, her name and
3 date of birth, her particulars, phone numbers and such.
4 I got down. I started trying to see if I could get any
5 other information because at that point my shift was
6 about to close, so I was just trying to get a basic
7 overall assessment to pass onto the nightshift so they
8 could take over what was going to be an obviously lengthy
9 investigation.

10 So I got out of the ambulance and while I was walking
11 over to the nightshift deputy, I saw that crowd of people
12 that I believed that was around me while I was talking to
13 her, so I went over to them and I was trying to decide like
14 okay, who here was involved in this incident, and various
15 ones raised their hands, and I was okay, stay here, I'll
16 have another deputy come by to take your statement and get
17 information from you, and I kind of went and briefed some
18 of the nightshift deputies.

19 Q. All right. So there were -- when you came out of the
20 ambulance, there were other officers already there then?

21 A. Yes.

22 Q. And did other officers to your knowledge come and take
23 statements from those individuals?

24 A. Yes, they would have.

25 Q. All right. When you talked with them and then you

1 went -- who did you go and talk with? Was there somebody
2 else there on the scene?

3 A. Are you talking about deputy-wise?

4 Q. Yes.

5 A. I talked to Master Deputy Jason Owens. He was on the
6 nightshift, so I was turning it over basically to him and
7 his people.

8 Q. All right. And you-all walked around the vehicle and
9 stuff and just kind of saw and did you tell them anything
10 that you had already heard or found out from individuals?

11 A. Yeah, I gave him a -- a synopsis that I was able to
12 put together from Christine and a little bit of what the
13 other people told me and that they pointed out that there
14 was -- they thought there were some gunshots on the vehicle
15 and Jason and I walked over and looked at that, and I just
16 briefed him what I was told.

17 Q. All right. And just out of curiosity, I mean, you're
18 there, you say you were kind of at the end of your shift,
19 you're turning it over to them, did you do a supplemental
20 report in this case?

21 A. I did not, no.

22 Q. All right. But did you have your body cam on the
23 entire time that you were there?

24 A. Yes.

25 Q. And we've been over this before. You've seen a copy

1 of this before?

2 A. Right.

3 Q. Is that a copy of the body cam footage on this disk?

4 A. I would assume so. It has my name on it.

5 Q. All right.

6 MR. SMITH: And, Judge, we'll have this marked as
7 our next State's exhibit.

8 THE COURT REPORTER: I think that will be 27.

9 MR. SMITH: It will be State's Exhibit 27, Your
10 Honor.

11 Move into evidence as State's Exhibit 27, Your
12 Honor.

13 THE COURT: Any objection?

14 MS. LIPINSKI: No objection.

15 THE COURT: Admitted without objection.

16 (State's Exhibit Number 27, Azzara body-worn camera
17 video, was marked and admitted into evidence.)

18 BY MR. SMITH:

19 Q. You've -- you've viewed that before, right?

20 A. Yes.

21 Q. And other than maybe some things that we needed to
22 redact, that's a -- that's an accurate reflection of the
23 way everything happened that night?

24 A. Yes.

25 Q. I mean, you didn't doctor it up or anything like that?

1 A. I surely did not.

2 Q. Okay. All right. On that body cam footage, when you
3 go back to Ms. Christine Wolfe Young, what did she tell you
4 that night about the incident?

5 A. Are you talking about from my initial encounter?

6 Q. When -- when you were talking with her, what did she
7 tell you --

8 A. So --

9 Q. -- that night on the cam?

10 A. Okay. So I got there --

11 MR. SMITH: I'll tell you, Judge, at this point
12 I'd like to publish part of that to the jury.

13 THE COURT: Okay.

14 (Whereupon, a portion of State's Exhibit Number 27
15 was played.)

16 BY MR. SMITH:

17 Q. Deputy Azzara, is that the way it appeared that night?

18 A. Yes, it is.

19 Q. I mean, there's more that -- that goes on throughout.
20 I mean, you-all put her in the ambulance and all that
21 stuff?

22 A. Correct.

23 Q. Does that accurately reflect how she was acting that
24 night?

25 A. Absolutely.

1 Q. I mean, pictures don't lie, right?

2 A. Correct.

3 Q. Did you stay on-scene a long time after that?

4 A. No, I believe I was on-scene fifty minutes total.

5 The majority of it was -- was that conversation there when

6 I was in the ambulance with her and then I briefly went

7 and had a couple of other conversations and briefed the

8 nightshift deputies, and that was it for me.

9 Q. Okay. And then you left the scene?

10 A. Yes.

11 MR. SMITH: Judge, that's all I have.

12 THE COURT: Cross-examination.

13 CROSS-EXAMINATION

14 BY MS. LIPINSKI:

15 Q. How are you doing?

16 A. Pretty good. How about you?

17 Q. I just found out I've been misspelling your name.

18 I've been using two R's and one Z, but now you tell me it's

19 two Z's and one R.

20 A. It may be hard to believe, but you're not the first

21 one.

22 Q. Really? With a name likely Lipinski, I find that easy

23 to believe.

24 All right. Part of that is you don't actually do a

25 report?

1 A. Correct.

2 Q. You're the first person on the scene, correct?

3 A. Yes.

4 Q. The first officer on the scene?

5 A. Yes.

6 Q. And so no one else beat you there?

7 A. No.

8 Q. So you're the first person that gets fresh eyes on the
9 situation?

10 A. Yes.

11 Q. You're the first person to talk to D.J. Stokes, right?
12 Do you even know that he's a victim?

13 A. Not off the top of my head, no.

14 Q. All right. And you're the first person to talk to the
15 other victim the State has, Christine Wolfe, right?

16 A. Yes.

17 Q. And you talk to a bunch of other people because
18 they're all trying to get up in there, right?

19 A. Yes.

20 Q. And you never do a report?

21 A. Correct.

22 Q. But when you encounter the public, the first person
23 on the scene, you should have done a report?

24 A. Not necessarily, no.

25 Q. Because what you see doesn't really matter?

1 A. No, I wasn't the lead investigator.

2 Q. Only lead investigators do a report?

3 A. Generally they would be the ones who are handling the
4 case and would take the report.

5 Q. Okay. But Deputy McHale did a report, right?

6 A. I -- if you're telling me she did, I would assume so.

7 Q. Well, were you the approving officer on these reports?

8 A. Possibly. I don't know.

9 Q. All right. So you have the authority to approve the
10 reports of other officers, but you didn't feel the need to
11 do a report yourself?

12 A. I didn't do one, that's correct. Yes.

13 Q. Does that show you as the approving officer on Deputy
14 McHale's report?

15 A. It does.

16 Q. So you clearly had some authority there in that you
17 could approve the reports of others, correct?

18 A. Correct.

19 Q. You at least did some paperwork because at some point
20 on your body cam it looks like you're at least doing a
21 victim impact statement form, right?

22 A. Yes.

23 Q. And the allegations they're making to you are pretty
24 serious, correct?

25 A. Correct.

1 Q. And the things that you're able to see, the closest
2 to when the event occurs, you don't feel it's necessary to
3 document it?

4 A. At the time I guess I did not.

5 Q. Because you were getting off?

6 A. I believe so, yes.

7 Q. So paperwork's not important?

8 A. (No verbal response.)

9 Q. I mean, you do understand the value of documenting
10 these types of things, right?

11 A. Yes.

12 Q. But the purpose of generating these reports is because
13 your recollection of events is fresher at the time you do
14 the report than when you actually end up two or three years
15 down the road testifying, correct?

16 A. Correct.

17 Q. So that other officers who come back later and
18 hopefully conduct an investigation can rely upon the things
19 that you saw and observed, correct?

20 A. Correct.

21 Q. And the reason that that's so important is because
22 occasionally witnesses change their story over time,
23 correct?

24 A. That can happen, yes.

25 Q. Mr. Smith made the comment at the end of direct that

1 pictures don't lie, but people do.

2 MR. SMITH: Judge, I object that. I don't know
3 that I said that. I think I said I mean, it's on the
4 camera and the pictures don't lie.

5 BY MS. LIPINSKI:

6 Q. Right. And my point is pictures don't lie, but people
7 do, correct?

8 A. That is a true statement.

9 Q. You've been an officer since 2008?

10 A. Yes.

11 Q. And even before that in New Jersey?

12 A. Yes.

13 Q. And the United States military police?

14 A. Yes.

15 Q. And so you're aware that people are not always a
16 hundred percent accurate with you?

17 A. That is correct.

18 Q. Sometimes maliciously, sometimes innocently, right?

19 A. Yes.

20 Q. Things happen in trauma. We don't all have this kind
21 of like playback in our heads so when we tell you things we
22 might not get the order right or things like that, but then
23 sometimes people have a motive in what they're telling you,
24 correct?

25 A. That could be true, yes.

1 Q. You even have victims who tell you it's really bad
2 one night and then once they get arrested come back and
3 tell you you exaggerate, I never said all of those things,
4 correct?

5 A. Yes.

6 Q. And that is why it is important to document at the
7 time what they said and what you observed, correct?

8 A. Yes.

9 Q. And you didn't do that because you were getting off,
10 correct?

11 A. Correct, and because I had a body camera recording of
12 the incident which documented everything exactly how it
13 happened.

14 Q. All right. Did you keep your microphone active the
15 entire time?

16 A. I don't believe it was active the entire time.

17 Q. And by that, you can actually mute it, right?

18 A. Correct.

19 Q. And sometimes you do that when people are giving you
20 personal information that you don't want it on body cam,
21 that kind of thing, right?

22 A. Yes.

23 Q. But sometimes it's because you-all talk about stuff
24 you don't want revealed later, correct?

25 A. Sometimes we're in side conversations and something

1 that is not --

2 Q. You-all talk about where you're going to lunch I
3 suspect?

4 MR. SMITH: Judge, I object. I mean, he's got to
5 be able to finish his statement.

6 THE COURT: All right. Yeah, let him finish his
7 statement before you ask the next question or comment
8 on it.

9 BY MS. LIPINSKI:

10 Q. Would it be -- would you find it odd that there's
11 probably ten minutes of your body cam towards the end that
12 is not live on mic?

13 A. No.

14 Q. And that you're actually walking around the crime
15 scene during that time?

16 A. Not necessarily.

17 Q. You don't recall that or it wouldn't shock you that
18 you were muted while that was happening?

19 A. No, it wouldn't shock me.

20 Q. All right. And sometimes the importance of keeping a
21 hot mic, particularly if you're walking through a crime
22 scene, is even if you're not saying it, you can actually
23 pick up what people are saying walking by, correct?

24 A. I imagine that could be a possibility.

25 Q. All right. But once you start walking upon the crime

1 scene at the Dugout where you believe this happened, you
2 mute the mic?

3 A. I don't remember exactly the time I muted it, but
4 it was at the time I was figuring that my part of the
5 investigation was coming to a close.

6 Q. And you would admit that if that mic isn't active and
7 those conversations you then have with others discussing
8 this case aren't documented?

9 A. That would be correct, yes.

10 Q. So that body camera because you muted it is no longer
11 your backup for your justification of not having a report,
12 correct?

13 A. You wouldn't document in a report conversations that
14 you have with other officers or things like that either
15 though.

16 Q. All right. How long are you on the scene; do you
17 recall?

18 A. I believe it was about 51 minutes or so according to
19 the body camera.

20 Q. You're there almost an hour and you didn't see
21 anything or do anything worth documenting, correct?

22 A. I did not do a report. That is correct.

23 Q. All right. When you get there though do you remember
24 what the original BOLO is?

25 A. Not off the top of my head, no.

1 Q. Mr. Smith showed you the CAD report though. That's a
2 document you rely on?

3 A. Yes.

4 Q. All right. And is this kind of a printout of that?

5 A. It looks like it.

6 Q. And does it have the original BOLO?

7 A. It looks like 10-49 B from a silver SUV, unknown if
8 any injuries, but there is a gunshot from a silver SUV.

9 Q. From a silver SUV, right?

10 A. Yes.

11 Q. And that's what would have been put out to you,
12 correct?

13 A. Yes.

14 Q. And it's important for you to know that just for
15 officer safety, right?

16 A. Sure.

17 Q. Somebody's got a gun in a car, you want to know about
18 that?

19 A. Ideally, yes.

20 Q. All right. So that's something you would have paid
21 attention to?

22 A. It would have been a detail, yes.

23 Q. But once you pull up, you don't pat anybody down? Do
24 you pat any of the people down?

25 A. No, I didn't have an opportunity to pat anybody down.

1 There was a large crowd.

2 Q. All right. But there's one guy that walks up to you
3 initially away from the car and kind of you said flags you
4 down, right?

5 A. I don't know if there was one guy or if there was
6 multiple people. I can't remember specifically.

7 Q. And they're standing near a car where the only
8 information you have at that point is that shots were fired
9 from that car?

10 A. Not from that car. And I actually neglected to read
11 the rest of that BOLO where it said that the suspect was
12 going Code 1, which means he was leaving the scene.

13 Q. Okay. But, again, some of this information you, for
14 your own officer safety and otherwise, need to corroborate
15 that, right?

16 A. Sure.

17 Q. You've been told people leave the scene and they're
18 still hanging around?

19 A. Or they can come back.

20 Q. You don't know who the suspect is?

21 A. Correct.

22 Q. There was not a specific physical description or name
23 given out?

24 A. Correct.

25 Q. So at that point you're still investigating?

1 A. Yes.

2 Q. And you're the first officer?

3 A. Yes.

4 Q. And so when you walk up to the people in this car, the
5 information you have is that there's been a shooting from
6 that car?

7 A. I don't know if it's from that car. It said from a
8 silver SUV. There's more than one silver SUV.

9 Q. Well, did you go up to any other silver SUVs that
10 night?

11 A. No, I went up to the one where there was people around
12 saying that that's where the victim was.

13 Q. All right. But that was a Yukon; was it not?

14 A. Yes.

15 Q. And so you talked to -- you tried to have a
16 conversation with Ms. Wolfe, correct?

17 A. Correct.

18 Q. And you do have a fairly thorough conversation with
19 him -- her, correct?

20 A. Yes.

21 Q. And at times it's kind of difficult, she gets more
22 emotional and then I think at one time you even say she's
23 on a roll, let her go, right, because they're all wanting
24 to put their two cents in, right?

25 A. Correct.

1 Q. But you are trained in first aid?

2 A. Yes.

3 Q. And so -- because you said it takes a while for the
4 ambulance to get there, right?

5 A. Yes.

6 Q. And you said the original call comes in around 11:42?

7 A. I believe so, yes.

8 Q. You're on the scene around 11:52, 11:55?

9 A. No, I think it was 11:55. It was about 13 minutes if
10 I remember correctly from the CAD I looked at.

11 Q. All right. But you're the first one there, right?

12 A. Yes.

13 Q. And that somebody else testified, you can correct me
14 if they're wrong, that ambulances stage before you say it's
15 safe to come in here?

16 A. Correct.

17 Q. But I believe you're the one who actually says you
18 need an ambulance?

19 A. Yes.

20 Q. That's the little mic on your shoulder thing?

21 A. Correct.

22 Q. So initially they don't even dispatch an ambulance out
23 there, you call it?

24 A. Correct.

25 Q. But you don't render first aid to Ms. Wolfe?

1 A. I looked at her head where she said she was hit.
2 I didn't see anything that I could do to improve any
3 situation. There was no bleeding, there was nothing that
4 I could do at that time that would have improved her
5 situation.

6 Q. But you were trained in how to do that?

7 A. I'm trained if there is an injury that I can treat,
8 that I can treat. I did not see an injury that I was able
9 to treat. She was -- had no bleeding. I don't have an ice
10 pack to put on a contusion or a bruise or anything. We
11 have tourniquets for massive blood loss, something along
12 those lines, but if somebody has been beaten up or hit and
13 has bruising or other type injury like that, there's
14 nothing that I can do.

15 Q. There's not much you can do, right?

16 A. Correct.

17 Q. And it's fairly dark where you're talking to her?

18 A. Yes.

19 Q. Not the best lighting where you-all are?

20 A. Right.

21 Q. You're not underneath a parking lot light or something
22 like that?

23 A. No.

24 Q. And she for the most part appears comfortable in the
25 backseat of the car. You don't feel the need to move her

1 or change her position or anything?

2 A. I don't know if I'd say she was comfortable. She was
3 clearly upset and -- and not having a good moment right
4 there, but she didn't express that she needed to get out
5 from there. At that point generally if there is -- if
6 there are injuries, I'm not gonna move her if there's not
7 a situation where I felt the scene was unsafe, and there
8 was really nowhere I could have moved her to until the
9 ambulance got there.

10 Q. All right. And at some point she's kind of telling
11 you this story of what she believes happened and an
12 ambulance arrives, right, but at that point she's kind of
13 on a roll and you kind of let her go and then I believe
14 one of the EMTs walks over because sometimes they even
15 check them out before they, you know, get them to the
16 ambulance?

17 A. Right.

18 Q. And you give her the option. You can kind of stay and
19 talk to me or if you want to be checked out and she kind of
20 takes the option to go to the ambulance, right?

21 A. I don't remember that specifically, but I wouldn't
22 dispute that.

23 Q. But you say you walk her there on her own accord?

24 A. Yes. I didn't force --

25 Q. All right. You kind of hold her hand --

1 A. -- her to go.

2 Q. -- and make --

3 THE COURT: One person talk at a time, Ms. Lipinski.

4 MS. LIPINSKI: I'm sorry, Your Honor.

5 BY MS. LIPINSKI:

6 Q. But she walks over there on her own?

7 A. Yes. Under her own power, yes.

8 Q. Right. We don't have to move the ambulance closer or
9 anything like that?

10 A. No.

11 Q. And while she tells you about she's got lupus and all
12 these other things, you tell her I think even -- she
13 mentions vertebrae in her neck and you're like you're up,
14 you're moving, that's a good sign, right?

15 A. Yes.

16 Q. All right. And that even after she's in the back of
17 the ambulance you then get up in the back of the ambulance
18 and continue talking to her?

19 A. Correct.

20 Q. And fair to say it's typical with most victims it's
21 kind of confusing what's going on?

22 A. Yes.

23 Q. Even her version of the events, you kind of have to
24 keep backing her up, right?

25 A. Most people when they're in an event like that they

1 jump all around and you have to keep them steady and going
2 from one thing to the next so you can understand what's
3 going on.

4 Q. But she says she's calling D.J. there, but that she's
5 scared and you're like well, then you didn't have a car,
6 then she tells you that she does have a car and all of
7 that, right?

8 A. Yes.

9 Q. All right. And then after you find out about the
10 altercation with her, you kind of find out there's this
11 other incident of the shooting at the Yukon, correct?

12 A. Right.

13 Q. And this is kind of where all these other people
14 milling around have a lot more to say?

15 A. Right.

16 Q. Because they're not necessarily there when the
17 encounter with Christine allegedly occurs, right?

18 A. I'm pretty sure, no. I think they had backed out
19 after the original shooting and then that encounter with
20 Christine occurred.

21 Q. You never identified any eyewitnesses to the encounter
22 between Christine and Eugene?

23 A. No.

24 Q. All right. But there are some occupants of the car
25 that you do identify, correct?

1 A. I spoke to them, yes. I didn't get their information
2 or anything. I tried to corral them so the other deputies
3 could go and talk to them and interview them and take their
4 statements.

5 Q. Because the other deputies made mention that they were
6 separated when they took the statements, but while you're
7 there before they get there, you corral them together,
8 correct?

9 A. At that point when you have a large crowd, it seems
10 like that. You're trying to keep people from leaving, so,
11 yes, I was trying to keep people in eyesight. When there's
12 only so many of us there, there's only so much you can do.
13 Ideally, of course, you're gonna want to separate the
14 witnesses so that when, you know, things are calmed down
15 and you have enough deputies to go one-on-one and bring
16 somebody over here, of course, that's the way we would do
17 things, but in the heat of the moment it's -- you're trying
18 to manage what you have.

19 Q. Okay. But I just want to bring up the point that it
20 takes you about eight minutes to get there while they could
21 have talked, correct?

22 A. Sure.

23 Q. And then between the time you start talking to all of
24 them and you kind of corral them over, you don't want them
25 to leave, and for officer safety you want them to gather

1 where you can kind of keep eyes on them, right?

2 A. Yes.

3 Q. So her son comes up, right? We saw that in the
4 video. He gets very hot. You don't want the situation to
5 re-erupt certainly while you're the only man there, right?

6 A. At that point there were other deputies on-scene --

7 Q. Oh, okay.

8 A. -- but not a lot, no.

9 Q. Right. Certainly --

10 A. And they were doing other tasks. I think there were
11 -- some people found shell casings and were standing by
12 with them, other people were checking the crowd. It still
13 wasn't locked down and --

14 Q. It still wasn't a contained crime scene, right, where
15 you felt you-all had universal control of the situation?

16 A. Not at -- that's correct.

17 Q. All right. And you learn at some point that the
18 people in the car had actually left the scene and come
19 back?

20 A. Yes.

21 Q. Do you recall that?

22 A. Yes.

23 Q. All right. And they'd actually gone not to this hotel
24 next door, but to some hotel nearby, correct?

25 A. That sounds right, yes.

1 Q. All right. You didn't do a report so you don't
2 necessarily remember that detail, but if it's in your
3 body-worn camera, that's how it went down?

4 A. Yes.

5 Q. All right. And at some point, if you recall, she
6 tells you that he actually stole her purse. Do you
7 remember that?

8 A. No, I don't recall that.

9 Q. But then also at some point when you're with her in
10 the back of the ambulance, somebody hands her her purse,
11 correct?

12 A. That sounds right.

13 Q. All right. You never tell them I think an armed
14 robbery occurred or anything like that?

15 A. No, I don't remember anything about a purse. I was
16 more keyed in on the -- the gun going down her throat.

17 Q. All right. But she's able to talk to you?

18 A. Yes.

19 Q. And you're able to understand her words clearly? I
20 know she's upset --

21 A. Right.

22 Q. -- but you've been around victims who have some type
23 of mouth or other trauma or injury that can sometimes be
24 difficult to understand?

25 A. Uh-huh.

1 Q. You didn't have that problem with Ms. Christine,
2 correct?

3 A. No, I could understand what she was saying.

4 Q. All right. And that at some point you then hand the
5 investigation off you said to Master Deputy Owens?

6 A. Yes.

7 Q. But you still do -- do you recall approximately where
8 you parked when you first pulled up?

9 A. Jeez, probably right along Woodmede Way, I would
10 imagine. I know I generally would not pull very deep into
11 a crowd in that type of situation.

12 Q. Especially a one-way parking lot like that?

13 A. Yeah.

14 Q. That's not ideal for you. I get it.

15 A. Yeah.

16 Q. Do you remember being actually at the hotel next door
17 versus being actually at the Dugout?

18 A. Meaning the Camelot?

19 Q. Yes.

20 A. Being there as in that's where I parked or just
21 walking through there?

22 Q. Where you spend most of your time talking to
23 Christine.

24 A. That was at -- at the door of that SUV and then in
25 the ambulance is where I spent the time talking to her. I

1 can't remember exactly where that car was sitting at this
2 time now.

3 Q. Do you remember if it was closer to the motel or the
4 Dugout?

5 A. I feel like it was closer to the motel. It was kind
6 of in the middle if I remember right.

7 Q. All right. And you're told that the Yukon was fired
8 upon --

9 A. Uh-huh. Correct.

10 Q. -- versus being shots fired from? That was the
11 original 9-1-1 caller, right?

12 A. That's what the CAD report said, yes.

13 Q. Okay. And at some point do you recall going and
14 looking for shell casings?

15 A. I didn't look for shell casings. I believe somebody
16 had already found them at some point.

17 Q. All right. At some point do you remember examining --
18 the people who are milling around the car point out some
19 damage to the car?

20 A. Yes.

21 Q. And I'm gonna show you State's Exhibit 24. I think he
22 just marked that as one big number. Is that the damage you
23 saw?

24 A. It looks to be, yes.

25 Q. And do you remember when you're looking at it making

1 the statement there's really no ricochet to it?

2 A. That sounds likely, yes.

3 Q. And you're somebody who's investigated car shootings
4 before?

5 A. I've been to calls where cars have been shot, yes.
6 I'm not a forensic expert, no.

7 Q. And do you remember making the statement if they were
8 backing up, there's no way it would have hit the back?

9 A. I don't remember saying that, but that would probably
10 be a logical statement.

11 Q. And in terms of this, because you did have a chance to
12 look at this kind of up close, right?

13 A. Uh-huh.

14 Q. And these are to scale, right?

15 A. I would imagine, yes.

16 Q. When you go looking for shell casings, you made the
17 statement, I believe, like you're looking for a 22 or a BB?

18 A. I don't think I said a BB. I suspected maybe a 22
19 because it didn't penetrate the vehicle.

20 Q. All right. And a BB isn't even around that caliber.
21 There are some BB's that are even 22's, right?

22 A. Yes.

23 Q. So what you think because of the smaller damage, the
24 lack of penetration, you're gonna find something small?

25 A. It was a wild speculation, yes.

1 Q. I understand that, but this is something that you do,
2 right, as a master deputy?

3 A. I go to calls, yes, but I don't -- as I said, I'm not
4 a forensic expert.

5 Q. And there's one to the back of the windshield, right,
6 or to the back of the car underneath the back windshield,
7 right?

8 A. Right.

9 Q. There's a windshield wiper right over it, correct?

10 A. Right over as in on top of it or right over it --

11 Q. This is a windshield wiper --

12 A. Right.

13 Q. -- this kind of diagonal line you see in the photo?

14 A. Yes.

15 Q. And if we back up to the photo where you can see the
16 license plate, correct --

17 A. Yes.

18 Q. -- there's a little --

19 A. Dent.

20 Q. -- dent right here, but there's a windshield wiper
21 that overhangs that dent?

22 A. It rests on top of the glass. The dent is kind of on
23 the -- the cusp of the glass and the -- the metal body
24 part.

25 Q. All right. But this is the back of the car?

1 A. Yes.

2 Q. Fair to say, right?

3 A. Yes.

4 Q. So if the bullet crossed across the back of the car,
5 it couldn't have made that dent from the driver's side
6 because it would have encountered this windshield wiper,
7 correct?

8 A. Depending on the angle, I guess that's possible, yes.

9 Q. But it doesn't appear to be at any angle, it appears
10 to be fairly straight on, correct?

11 A. I would assume. I don't know. As I said, I'm not a
12 forensic expert.

13 MR. SMITH: Judge, I'm gonna object to this. I
14 mean, he does not know what angle the -- the gun was
15 fired or how it did or the --

16 MS. LIPINSKI: I'll rephrase the question.

17 BY MS. LIPINSKI:

18 Q. This close-up picture of the dent, does there appear
19 to be any angle to it?

20 A. I don't know. I mean, it looks like a dent.

21 Q. All right. But it is up close enough, especially to
22 this windshield wiper housing, that if it was travelling
23 from the passenger, right, across to the driver's side --

24 MR. SMITH: Judge, it calls for speculation.

25 Objection.

1 MS. LIPINSKI: He asked the same question of his
2 earlier officer about these dents.

3 THE COURT: Overruled.

4 MR. SMITH: And she didn't object to it. I mean,
5 I'm objecting to this.

6 MS. LIPINSKI: I did object to it. I said he
7 wasn't an expert.

8 THE COURT: I'm gonna let her go a little bit.
9 It's what he knows.

10 BY MS. LIPINSKI:

11 Q. Based on your experience, if it was travelling from
12 the passenger side across, there are things overhanging it,
13 this windshield wiper hanging down, this mechanical, you
14 know, brace or whatever --

15 A. Right.

16 Q. -- it would have encountered those type things?

17 A. That seems logical to me, yes.

18 Q. Thank you.

19 MS. LIPINSKI: Court's indulgence. One moment,
20 Your Honor.

21 MS. LIPINSKI: That's all we have, Your Honor.

22 THE COURT: Redirect.

23 REDIRECT EXAMINATION

24 BY MR. SMITH:

25 Q. Master Deputy Azzara, if somebody's at the Dugout,

1 fires down Woodmede towards the car and there's a
2 hippopotamus in the middle of the road, is it possible
3 that the bullet could hit the hippopotamus?

4 MS. LIPINSKI: Your Honor, I'm gonna object as to
5 any hypothetical that involves a hippopotamus. I think
6 at that point we have probabilities.

7 THE COURT: Yeah, sustained. Rephrase your
8 question.

9 BY MR. SMITH:

10 Q. You weren't there that night, were you? I mean, when
11 the incident occurred.

12 A. No.

13 Q. I mean, you don't know how the shot's fired and how
14 the bullets could have hit the back of the car or the front
15 of the car or the side of the car or anything, do you?

16 A. I do not.

17 Q. All right. You're a master deputy at that point,
18 right?

19 A. Yes.

20 Q. All right. If there's another call three days after
21 that and somebody needs a report approved, are you able to
22 approve that report?

23 A. Yes.

24 Q. Who gets to approve a report?

25 A. Sergeants and master deputies can approve reports.

1 Q. So, I mean, anybody associated with this case could
2 have come to you and said hey, would you approve my report?

3 A. I'm not sure I understand that. I mean, they don't
4 ask. It's on a server and me and the sergeants would go
5 through the server and just check them off as they come in.

6 Q. Okay. So you don't have to be associated with this
7 case to approve a report?

8 A. No, not at all.

9 Q. And it doesn't matter whether you're the first, second
10 or last officer to show up on a scene, as a master deputy
11 you can still approve a report, correct?

12 A. Yes.

13 Q. All right. And you don't even have to be on the
14 scene for anything, you just -- you're just able to approve
15 reports. That's one of your jobs, correct?

16 A. Just checking to make sure all the required
17 information's in there, everything is -- is checked out,
18 spellings are right, blocks are filled out, and we check
19 it off.

20 Q. As far as putting a supplemental report together, what
21 do you put in your reports?

22 A. All depending on what you think is pertinent. I mean,
23 if it's something that is pertinent to the case, then I
24 would generally put it in a supplemental report. I am kind
25 of surprised I didn't do a supplemental in this case. The

1 only thing I can think of is I meant to do it the next day
2 and I got busy and forgot, and that is my error.

3 Q. And -- but you had a body cam on?

4 A. Correct.

5 Q. And is -- anything that's in the body cam, it is -- I
6 mean, that shows what happened that night, right?

7 A. Yes.

8 Q. All right. And what goes in your supplemental report?

9 A. The same thing that would be on the body camera,
10 just usually less detail because the body camera captures
11 everything and in your report you're basically summarizing.

12 Q. And while you're on-scene, do you ever have
13 conversations with other officers?

14 A. All the time.

15 Q. Are you always talking about what you see on a case --
16 or on the scene?

17 A. No. It could be anything.

18 Q. I mean, if you had dinner with an officer the night
19 before, could you-all be talking about something that
20 happened the night before?

21 A. Absolutely.

22 Q. Is that something that you may want to cut your body
23 cam off for?

24 A. I certainly would think so.

25 Q. All right. And on the body cams themselves, I mean,

1 we were watching the body cams, are there certain things
2 that either we have all agreed on that -- that cannot come
3 out in front of a jury and things --

4 A. Yes.

5 Q. -- or at a hearing or things like that?

6 A. Correct.

7 Q. And I believe in that body cam we actually had a
8 short section that you couldn't hear any sound; is that
9 right?

10 A. Correct.

11 Q. I mean, that doesn't mean that you cut you're camera
12 off -- I mean, your sound off during that time, that may
13 just mean when I said is this a redacted copy that means
14 that we have redacted some sound in that?

15 A. Yes.

16 Q. Okay. The CAD report, I've asked you before, but from
17 your information what's in this CAD report is that always
18 what you hear when you get called to a scene?

19 A. Not always. Sometimes, you know, stuff will be in
20 the call that the dispatcher won't read out and a lot of
21 times you take that with a grain of salt because you get
22 conflicting CAD reports and witnesses may not even be
23 correct. So, yes, while that may say that this silver car
24 was -- was the suspect vehicle, you may get there and it
25 may be a blue truck that was actually involved. So while,

1 yes, it's something you want to know, it's not something
2 that you're gonna go in and take it as one hundred percent
3 truth that this is what happened.

4 Q. But, I mean, is it possible that it could have just
5 come out as a 10-49 B, shots fired, go to the Dugout?

6 A. Yes.

7 MR. SMITH: Judge, that's all I have.

8 THE COURT: All right. You may step down.

9 MS. LIPINSKI: Your Honor, can I -- and I apologize.
10 Just briefly, Your Honor.

11 RECROSS EXAMINATION

12 BY MS. LIPINSKI:

13 Q. Body cams do malfunction, correct?

14 A. Like every other piece of electronic equipment, I'm
15 sure that's possible, yes.

16 Q. And that's why you can't always rely on them as the
17 end all. That's why reports are important, correct?

18 A. Yes.

19 Q. And -- but you have reviewed your body cam?

20 A. Yes.

21 Q. And so in your comments about the ricochet, that
22 you're skeptical and you're doubtful, that's on there?
23 That's what you said that night?

24 A. If that's what I said, that's what I said, yes.

25 MR. SMITH: Very briefly, Your Honor.

FURTHER REDIRECT EXAMINATION

BY MR. SMITH:

Q. You've reviewed your body cam. Did your body cam malfunction that night?

A. Not to my knowledge. It looked like everything was fine.

Q. Is that everything the way it occurred that night?

A. Yes.

Q. And did you do a full investigation on the -- the whole case?

A. No.

Q. All right. So your comments at the time you made them, you hadn't done a full investigation, right?

A. Not at all. We were just speaking extemporaneously.

Q. I mean, when somebody says they fire a weapon at a car, do you expect to see bullet holes maybe?

A. Generally, if they hit the car, but there's also times when they'll miss completely, and that's not uncommon.

MR. SMITH: Judge, that's all.

THE COURT: All right. You may step down.

THE WITNESS: Thank you, Your Honor.

(Witness excused.)

THE COURT: Can you-all approach.

MR. SMITH: Judge, I ask that Deputy Azzara be excused if he wants.

1 THE COURT: Any objection?

2 MS. LIPINSKI: No.

3 (Proceedings held at the bench; not reported.)

4 THE COURT: All right. It's my understanding we
5 have a short witness next, so we're gonna go ahead. Is
6 everybody okay with that?

7 FOREPERSON: Yes, sir.

8 THE COURT: All right.

9 MR. SMITH: Judge, the State calls Kyle Price to
10 the witness stand.

11 THE COURT: The witness may come forward.

12 (Whereupon, Kyle Price was duly sworn by the Clerk
13 of Court.)

14 THE CLERK: If you would please have a seat. If you
15 would please state your full name for the record.

16 THE WITNESS: Kyle Price.

17 THE CLERK: Thank you.

18 KYLE PRICE,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. SMITH:

22 Q. All right. You're Kyle Price?

23 A. Yes, sir.

24 Q. How old are you, Mr. Price?

25 A. I am 36.

1 Q. All right. Where are you employed right now?

2 A. Michael's Wholesale Flooring and Cabinets.

3 Q. All right. And at the time in 2017, where were you
4 employed?

5 A. Greenville County Sheriff's Office.

6 Q. And what was your title in 2017 or what were you doing
7 at that time?

8 A. I was a deputy and I was assigned to the K-9 services
9 unit.

10 Q. Okay. That means you had a dog?

11 A. Yes, sir.

12 Q. What was your dog's name?

13 A. Hugo.

14 Q. All right. So you were -- were you working that
15 night?

16 A. Yes, sir.

17 Q. And what, if anything, did you do that evening as it
18 relates to this case? Did you hear a call?

19 A. Yes, sir. I responded to a call for service at the
20 location.

21 Q. Okay. Were you one of the first officers out there or
22 did you just arrive at some point later?

23 A. I arrived at some point later.

24 Q. Okay. You weren't like trying to get there fast with
25 lights and sirens and all?

1 A. No, sir.

2 Q. When you arrived on-scene, did you check in with
3 anybody?

4 A. That's our normal standard practice to always check in
5 and see who needs assistance with anything.

6 Q. All right. And you did that in this case?

7 A. I believe so, yes, sir.

8 Q. And what were you assigned to do?

9 A. I was mainly assigned for scene security, so I was --
10 my assignment was to stay around the outskirts and make
11 sure no one entered or left or tampered with any type of
12 evidence or the crime scene.

13 Q. And when you say the scene, is that where the -- the
14 shells were found?

15 A. Yes, sir.

16 Q. Okay. It was not like in the Camelot or talking to
17 witnesses or anything like that?

18 A. No, sir.

19 Q. Was it to go up the to Dugout and do any kind of
20 investigation or anything?

21 A. No, sir.

22 Q. All right. So you stayed at the scene right around
23 where the shell casings were?

24 A. Yes, sir.

25 Q. I want to show you what's been previously marked as

1 State's Exhibits 2 through 11 and ask if you could identify
2 those photos for me?

3 A. Yes, sir.

4 Q. All right. How is it that you're able to identify
5 those photos?

6 A. From the location. I recognize the location and also
7 I recognize those shell casings. Mainly it's because in
8 one of the photos I can see a washer with a reflective tape
9 on it.

10 Q. Okay. So what does that have to do with how you're
11 able to identify those photos?

12 A. So when I was on the scene because it was a little bit
13 windy, when we first started finding shell casings we put
14 business cards, we folded them up, and we were putting them
15 by the shell casings. Well, the problem was that since it
16 was windy it was blowing those cards away, so I walked back
17 to my patrol car and one of the things that I came up with
18 was a heavier -- basically like a fender washer wrapped
19 with some reflective tape, basically like construction
20 tape, so you would be able to see it if light was hit on it
21 because, A, it was heavy enough that it wouldn't be moved
22 by the wind, but it was also clearly visible.

23 Q. When you came upon the scene, were there other
24 officers standing around where the shell casings were?

25 A. Yes, sir.

1 Q. All right. And had they already put the crime scene
2 tape up?

3 A. I don't recall if it was already up when I got there
4 or not.

5 Q. Okay. But at some point crime scene tape was place
6 up?

7 A. Yes, sir.

8 Q. And when you left to go back to get your -- the
9 washers and everything and came back, was everything the
10 same way that it had been when you left?

11 A. Yes, sir.

12 Q. And how did you put your washers down?

13 A. I just dropped them close to the shell casings.

14 Q. Okay. And in some cases, did you take the -- or did
15 somebody take the cards up as you were placing them down?

16 A. Yeah, I think in some cases someone did.

17 Q. All right. And after you put your washers down with
18 reflective tape, did you leave the scene after that?

19 A. Shortly after, yes, sir.

20 Q. All right. You say shortly after?

21 A. I don't know if it was immediately right after I put
22 the washers down or if it was just a short time later.

23 Q. Okay. Well, did you stay on the scene until forensics
24 came?

25 A. I don't believe so. I don't recall.

1 Q. All right. But the way those are in that picture,
2 that's what you recall the scene looking like as you -- or
3 when you left?

4 A. Yes, sir.

5 Q. All right. I'm gonna show you what's been marked
6 as State's Exhibit 19 for identification purposes only.
7 Without showing that can you hold it down and look inside
8 and see if there's anything in that envelope?

9 A. Do you want me to break the seal?

10 Q. Sure. And, if you know, why would it be sealed?

11 A. Excuse me? I'm sorry.

12 Q. If you know, why would it be sealed?

13 A. That's our standard practice when it goes into
14 property and evidence. We seal it so it can't be tampered
15 with.

16 Q. All right.

17 A. Yes, sir.

18 Q. All right. What does that appear to be in the
19 envelope?

20 A. Shell casings.

21 Q. All right. Does it appear to be the same shell
22 casings that were on the scene that evening?

23 A. It appears to be.

24 Q. All right.

25 MR. SMITH: Judge, if I may have one moment.

1 Judge, at this point I ask that those be moved into
2 evidence as State's Exhibit Number 19.

3 THE COURT: All right. Any objection?

4 MR. GRUBBS: No objection.

5 (State's Exhibit Number 19, shell casings, were
6 admitted into evidence.)

7 MR. SMITH: Judge, that's all I have of this
8 officer.

9 THE COURT: Cross-examination.

10 MR. GRUBBS: Very briefly, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. GRUBBS:

13 Q. Mr. Rice, you arrived on the scene, right?

14 A. Yes, sir.

15 Q. And then you watched over the shell casings?

16 A. Yes, sir.

17 Q. Making sure nobody came in and disturbed your scene?

18 A. Yes, sir.

19 Q. You marked them with your washer idea?

20 A. Yes, sir.

21 Q. Which was a good idea by the way. I thought that was
22 very good.

23 A. Thank you.

24 Q. You sort of monitored that area?

25 A. No, sir.

1 Q. Never went and saw the vehicle involved?

2 A. No, sir.

3 Q. Never talked to any witnesses involved?

4 A. No, sir.

5 Q. Never attempted to talk to anyone?

6 A. No, sir.

7 Q. Didn't try to stop any of the crowd unless they were
8 coming into your area?

9 A. Correct.

10 MR. GRUBBS: Okay. Nothing further.

11 THE COURT: Any redirect?

12 MR. SMITH: No, Your Honor.

13 THE COURT: All right. You may step down.

14 THE WITNESS: Thank you, sir.

15 (Witness excused.)

16 THE COURT: You-all approach while we figure out
17 the schedule here.

18 (Proceedings held at the bench; not reported.)

19 THE COURT: All right, ladies and gentlemen.

20 We're gonna break for lunch. If you could -- it's ten
21 till one now. If I give you-all until 2:15, will that
22 give everybody sufficient time for lunch?

23 All right. Again, my same rule. Don't discuss
24 the case among yourselves or with anybody, do not do
25 any type of research whatsoever, do not pay any attention

1 to media coverage, including social media. If anybody
2 contacts you other than from us or the clerk's office,
3 please let the bailiffs know.

4 I'll see you back at 2:15 and have a good lunch.

5 (Whereupon, the jury was excused for lunch at
6 12:50 PM.)

7 THE COURT: All right. Anything else from the
8 State before we break for lunch?

9 MR. SMITH: No, Your Honor.

10 THE COURT: All right. Defense?

11 MR. GRUBBS: No, Your Honor.

12 THE COURT: All right. We'll see you back at
13 2:15.

14 (Whereupon, a luncheon recess was taken.)

15 (Back on the record at 2:18 PM.)

16 BAILIFF: All rise. Court's now in session.
17 Honorable Perry Gravely presiding.

18 THE COURT: Thank you. Thank you. Please be
19 seated.

20 All right. Anything from the State? Is the State
21 ready?

22 MR. SMITH: The State's ready, Your Honor.

23 Judge, I -- once again, I'm not sure as far as
24 being proactive, I don't know how far we're gonna get
25 today, but if the defendant were to take the witness

1 stand, I -- I may need Hollie's information or her
2 transcript or something like that, so I'm not sure
3 what --

4 THE COURT: I'm sure she doesn't have a transcript.

5 MR. SMITH: Well, not a transcript, but she's got --

6 THE COURT: Unless you requested one and she's home
7 typing, I don't think she probably does.

8 MR. SMITH: If she's sick, I'm sure she's not
9 typing.

10 THE COURT: Well, I'm not sure how to get it.

11 MR. SMITH: Well, I mean, the tape or something.
12 I mean -- but, I mean, I guess we'll cross that bridge
13 when we get there.

14 THE COURT: That's what -- that hasn't changed.

15 MR. SMITH: But we are ready to proceed, Your Honor.

16 THE COURT: All right. Defense ready?

17 MR. GRUBBS: Yes, Your Honor.

18 THE COURT: But we will address -- if he doesn't
19 -- and I'll just -- hold on. And just for you-all's
20 planning purposes, because of that and everything,
21 we'll have that discussion this afternoon if they rest
22 and then we will address it in the morning, if needed,
23 but if it doesn't need to be addressed, then, of course,
24 we won't be addressing it.

25 MR. GRUBBS: Sounds good.

1 THE COURT: All right. Bring the jury in.

2 (Whereupon, the jury return to the courtroom at
3 2:22 PM.)

4 THE COURT: I hope everybody had a good lunch.
5 If you will recall, we're still in the State's case.
6 The State can call its next witness.

7 MR. SMITH: Your Honor, the State calls Cody
8 Mitchell to the stand.

9 THE COURT: If you'll come forward and be sworn.
10 (Whereupon, Cody Mitchell was duly sworn by the
11 Clerk of Court.)

12 THE CLERK: Thank you. Please be seated.
13 Please state your name for the record.

14 THE WITNESS: Cody Mitchell.

15 CODY MITCHELL,
16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. SMITH:

19 Q. All right. Mr. Mitchell, how are you employed right
20 now?

21 A. With Wal-Mart Logistics.

22 Q. How long have you been with them?

23 A. For about four years.

24 Q. And before you were employed with them, where were you
25 employed?

1 A. The Greenville County Sheriff's Office.

2 Q. How long were you employed with the Greenville County
3 Sheriff's Office?

4 A. A little under three years.

5 Q. All right. So you were employed with the Greenville
6 County Sheriff's Office on September 1, 2017?

7 A. Correct.

8 Q. And what were your duties at that time?

9 A. I was a road deputy, so calls for service. Pretty
10 much any 9-1-1 call that would come in, I would respond to
11 in my area.

12 Q. And what was your area?

13 A. The south end of Greenville.

14 Q. And we've already heard about where the south end of
15 Greenville is. It's a pretty large area though, right?

16 A. Correct. About South Pleasantburg, Mauldin Road,
17 all the way down to Belton, Simpsonville, all the way to
18 -- almost to the hospital, Grove Road, White Horse Road
19 area.

20 Q. And that's where you were patrolling this night?

21 A. Yes, sir.

22 Q. When a call comes in, what do you do?

23 A. So when a call comes in, dispatch will ask where your
24 area's at -- or where you're at to try to get the closest
25 deputies to the scene. So I would say I'm en route when

1 the call would come out if I'm close by or if I'm able to
2 finish up a call and go to the next scene to assist other
3 deputies, then I would let dispatch know I was on the way
4 to that call.

5 Q. And when a call comes in, how do you know what you're
6 going to? What do they tell you over the radio?

7 A. They will give a location of where the incident's
8 happening and then one of our 10 codes for what the
9 incident is or the information they're getting and if they
10 can kind of tell what's going on, we'll get a 10 code that
11 represents a certain incident.

12 Q. Okay. And when a 9-1-1 call comes in, do you always
13 get all the information that a 9-1-1 call comes in on?

14 A. No. A lot of time when a call comes in, dispatch is
15 still on the phone with the victim and feeding information
16 to us as she gives it or he gives it as well, so they'll
17 give the location first so we can be responding, and a lot
18 of times we're getting information as we're en route to the
19 call.

20 Q. All right. And is that -- if you remember, do you
21 remember what happened in this case?

22 A. I don't. I remember the call coming out as a 49
23 Bravo, which is firearms involved, a vehicle being
24 involved, and that it was at 24 Woodmede Way, the Dugout.
25 As far as details en route or arriving on-scene, I can't

1 recall.

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

4 A. 11:41, I believe.

5 Q. And do you remember what time you arrived on-scene?

6 A. 12:05 AM.

7 Q. So it took you a little bit of time to get to the
8 scene?

9 A. Correct.

10 Q. Okay. And when you arrived on-scene, what did you
11 find?

12 A. When I first arrived on-scene, I pulled up, there was
13 another deputy already on-scene, there was an ambulance.
14 He was at the back of the ambulance speaking to a victim.
15 There was a lot of cars going up and down the road, people
16 still walking around the Dugout. The ambulance and the
17 deputy that was already on-scene was in a different parking
18 lot at a hotel beside the Dugout, so when I got out
19 on-scene I was trying to figure out what was going on and
20 we're told that it actually happened at the Dugout, not
21 where the ambulance was and the victims. So myself and
22 another deputy, Deputy Woody, went and tried to secure the
23 scene the best we could and tried to figure out what
24 exactly was going on, I don't remember if we talked to
25 anybody, and to just get more details.

1 Q. All right. So when you pulled up on-scene, where did
2 you park?

3 A. I parked at the -- one of the entrances of the hotel
4 beside the Dugout.

5 Q. And you got on the scene. What's normal when you get
6 onto a scene? I mean, what did you do when you first get
7 there?

8 A. Try to -- in an instance like this call where we
9 were told the suspect is no longer on scene, it's just
10 scene security so we can try to collect evidence, maybe
11 additional victims that are in the parking lot, if other
12 property got hit, but the biggest thing is scene security
13 and in that instance just trying to make sure we get all
14 of the victims so we can try to speak with them.

15 Q. So do you just go do that on your own?

16 A. Well, stuff is delegated. Once you arrive, if
17 somebody's doing something they may point to you and say
18 hey, I haven't done this or see if that hadn't been done
19 yet and -- especially when there's multiple deputies
20 on-scene, stuff just gets delegated.

21 Q. All right. So you at first were delegated to go for
22 scene security or to investigate what happened down at the
23 Dugout or what?

24 A. Myself and Deputy Woody were focussed on scene
25 security at that time.

1 Q. All right. You-all -- so you-all started walking
2 towards the Dugout?

3 A. Correct.

4 Q. And when you walked towards the Dugout -- let me ask
5 you, when you first arrived on-scene -- well, I'll even go
6 back further. How long had you had body cams at that time?

7 A. They were fairly new at that time. I can't remember
8 exactly. It was that same year, 2017, that we did. I
9 can't remember exactly what time, maybe the summer before
10 that, but I can't remember an exact timeframe, but it was
11 fairly new at the time.

12 Q. All right. And so when you got on the scene, did you
13 immediately cut your body cam on?

14 A. I did not. Deputy Woody, as we were walking to the
15 Dugout had asked if I had mine on, and then I'm like, oh,
16 yeah, then I clicked it.

17 Q. All right. So -- so he didn't say do you have it on,
18 did he?

19 A. No. He said are you hot, are you hot, which we would
20 say that meaning is your camera hot, is it on.

21 Q. Okay. And so when he said that, you cut it on?

22 A. Yes, sir.

23 Q. All right. And you-all were walking to -- towards the
24 Dugout?

25 A. Yeah, while we were walking towards the Dugout.

1 Q. All right. And as you're going towards the Dugout --
2 well, do you get to the Dugout?

3 A. Yes, sir. When we were walking, we stayed on
4 Woodmede. We walked through -- on Woodmede Way up to the
5 Dugout and to the parking lot, like where the parking lot
6 first starts.

7 Q. And did you go up into the Dugout at that time?

8 A. We didn't go inside the Dugout. We went to the
9 parking lot.

10 Q. So when you got up into the parking lot of the Dugout,
11 what were you doing?

12 A. We were trying to find someone that would be willing
13 to talk to us to find out exactly what happened because,
14 like I said, when a call comes out and a lot of times the
15 details are different when you get on the scene, there's a
16 lot going on, so we're just trying to figure out exactly
17 what happened, where it happened, and just talk to people,
18 see if there was any additional victims that were not
19 located yet.

20 Q. And when you got to the Dugout parking lot, did you
21 try to find anybody that would talk with you?

22 A. Yeah, we were asking the questions did anyone's
23 vehicle get hit, anybody else see what happened, where did
24 it happen, things like that.

25 Q. And was anybody willing to talk with you?

1 A. No. There was -- there was one guy that did come up
2 to us and say it happened over there and kept pointing
3 towards the road, but that's the only person that really
4 talked to us.

5 Q. All right. Did you get any names or numbers of
6 anybody there that may have said anything to you on camera
7 or anything?

8 A. No, sir.

9 Q. All right. What about was there a security guy there
10 from the Dugout standing out in the parking lot do you
11 recall?

12 A. Yeah, I remember there being somebody that was
13 employed in some capacity by Dugout in the parking lot.

14 Q. And did he tell you where the incident happened or --
15 or did he tell you anything at that point?

16 A. No, he didn't provide any details at that time.

17 Q. All right. Did he point you in any direction where
18 things may have happened?

19 A. We were told it happened down at the road in front of
20 the Dugout.

21 Q. All right. But definitely not in the Dugout parking
22 lot?

23 A. At that time we were told everything was happening at
24 the road out of the parking lot and they were pointing to
25 the road.

1 Q. All right. So based on what you had, I mean, did you
2 then head down towards the road?

3 MR. GRUBBS: Object to the leading.

4 THE COURT: Yeah, rephrase it, please.

5 BY MR. SMITH:

6 Q. After you spoke with him, what did you do?

7 A. After he had pointed to the road and said that's where
8 it happened, myself and Deputy Woody then went to where he
9 had pointed out in the road.

10 Q. On the way down, did you look for anything else?

11 A. As we were in the parking lot, and even when we
12 walked up to the parking lot, it was at night, we had our
13 flashlights, we were scanning the parking lot for anything
14 potentially that could be evidence, as well as, like I
15 said, trying to find somebody willing to -- to talk or
16 additional victims.

17 Q. What kind of evidence were you looking for?

18 A. We were told shots were fired, so we were trying to
19 find shell casings.

20 Q. All right. And I believe that you already testified
21 that the suspect was not on-scene?

22 A. Correct. That's what we were -- that's the
23 information we had, yes.

24 Q. Before we go any further, throughout this entire thing
25 did you -- did you ever find the suspect?

1 A. No, sir.

2 Q. All right. And after your entire investigation, who
3 was the suspect in this case?

4 A. I'm sorry?

5 Q. After your investigation and everything that you did
6 in this case, who was the suspect?

7 A. Eugene Turner.

8 Q. All right. And did you ever find a gun that may have
9 been used by Mr. Turner?

10 A. No, sir.

11 Q. All right. So while you're checking the scene, you
12 never found a gun?

13 A. Correct.

14 Q. And when you're in the parking lot and you're looking
15 around for anything, at the Dugout parking lot, did you
16 find any evidence?

17 A. No, sir.

18 Q. All right. So after the Dugout, I think you testified
19 you-all started to walk towards the road, Woodmede. Were
20 there any other deputies down there, if you can recall?

21 A. There was Deputy Anderson. I don't recall if he was
22 already down there when we were walking, I don't believe
23 so, but he was down there at some point because I
24 remembered him starting to assist me and Woody. It might
25 have been later on before me and Woody -- or after me and

1 Woody were walking out to the road.

2 Q. All right. So you-all got down to the road and you
3 were starting to looking for shell casings or any other
4 evidence or anything?

5 A. We were looking for shell casings, yes.

6 Q. All right. And did you find any shell casings?

7 A. Yes, sir.

8 Q. All right. And where were they?

9 A. In the roadway on Woodmede, but in front of the
10 Dugout.

11 Q. All right. Can you step down to what I believe is
12 State's Exhibit 23, which is that large map right there?
13 Can you kind of point to the jury where the shell casings
14 were found?

15 A. Yeah. So there's the Dugout and the parking lot. We
16 started walking down right here and we found them in this
17 area right here.

18 Q. Okay. Now I know you pointed and I know there's some
19 red lines right there. Are you pointing where those red
20 lines that cross Woodmede are?

21 A. Yes, sir. In the area where the red lines are.

22 Q. All right. Did you-all put crime scene tape up down
23 there?

24 A. We did.

25 Q. Are the red lines on that map, is that indicative of

1 about where the crime scene tape eventually went up?

2 A. Yes, sir.

3 Q. Okay. You can have a seat.

4 A. (Witness complies.)

5 Q. Were you part of the team that located and also put
6 cards down where the shell casings were?

7 A. Yes.

8 Q. All right. How many shell casings did you find?

9 A. Seven.

10 Q. Okay. And when you found them, what did you do?

11 A. We didn't have -- forensics hadn't shown up on-scene.

12 Deputy Anderson had some washers with red like neon
13 highlight tape and we put those where the shell casings
14 are so we could see them and not lose track of them.

15 Q. You're saying Deputy Anderson. Could it have been
16 Kyle Price?

17 A. I'm sorry. Yes, sir. Kyle Price.

18 Q. All right. And he had the little washers with the
19 reflective tape?

20 A. Correct.

21 Q. Okay. At first did you-all put some cards down?

22 A. We were trying to put something down, I can't remember
23 what it was, and the wind would blow them away and so
24 that's why he had got the washer to give weight the tape
25 to mark it so it wouldn't blow away.

1 Q. All right. I want to show you what's been marked as
2 State's Exhibit -- collectively I think it's 24. Excuse
3 me. That's wrong. State's Exhibits 1 through 11. Can you
4 tell me what those are, if you know?

5 A. Photos of the Dugout, the parking lot, the marked
6 shell casings. That would be where the evidence was found,
7 where we had it roped off, where the shell casings were
8 marked on the road.

9 Q. All right. And those are the -- is that the way the
10 scene looked that night?

11 A. Yes, sir.

12 Q. Okay. And so these photographs adequately reflect the
13 way the shell casings were in the road and where they were
14 in the road?

15 A. Correct.

16 Q. Did you stay on-scene there for a while?

17 A. Not long. Not long after that, no, sir.

18 Q. What did you do after that?

19 A. After we were able to go rope off the -- where we
20 narrowed down the evidence and mark it, I was then
21 delegated to get a statement from the victim that was in
22 the ambulance. When I first arrived, she had already been
23 transported to the hospital, so I had went to St. Francis
24 to talk with her.

25 Q. All right. I believe I asked you about body cams and

1 -- and whether or not -- how long you had had them and
2 things like that. You said you cut your body cam on when
3 you were walking down the street on Woodmede?

4 A. Correct.

5 Q. And you had your body cam on until you left the scene
6 almost?

7 A. Correct.

8 Q. I'll ask you -- I've got something here.

9 MR. SMITH: Let's have it marked as State's
10 Exhibit 28.

11 (State's Exhibit Number 28 was marked for
12 identification.)

13 BY MR. SMITH:

14 Q. In preparation for this trial, did we go over your
15 body cam footage?

16 A. Yes.

17 Q. What does that appear to be?

18 A. My body cam footage.

19 Q. All right. I mean, that's a disk?

20 A. Yes, that's a disk.

21 Q. And does that disk contain your body cam footage while
22 you were on-scene?

23 A. Yes.

24 Q. All right. And that -- there are portions that have
25 been redacted from that?

1 A. Yeah, a lot of times talking to victims on the scene,
2 it could be personal information, phone numbers, address,
3 social security numbers, things like that, that we don't
4 want everyone to hear obviously.

5 Q. And that is a disk that contains your body cam?

6 A. Yes, sir.

7 Q. And it adequately reflects what happened out there
8 that day?

9 A. Correct.

10 MR. SMITH: Judge, I ask that this be moved into
11 evidence as State's Exhibit 28.

12 THE COURT: Any objection?

13 MR. GRUBBS: No objection.

14 THE COURT: Admitted without objection.

15 (State's Exhibit Number 28, Mitchell body-worn
16 camera video, was admitted into evidence.)

17 BY MR. SMITH:

18 Q. All right. And that's just what happened on the
19 scene, right?

20 A. Correct.

21 Q. Now tell me about a supplemental report. What's a
22 supplemental report?

23 A. A supplemental report is a report that's added after
24 the initial report by other people on the scene.

25 Q. What do you put in your supplemental report?

1 A. I'm sorry?

2 Q. What do you put in your supplemental report?

3 A. Your part on-scene, whatever you did on-scene, you add
4 it to your initial report.

5 Q. And let me ask you something. If -- let's say that
6 you're doing the initial report. There's a lot of things
7 up there that's like who the complainant is and who -- tell
8 me what else is up top up there.

9 A. It will have the incident location, the call type, the
10 time that the call came out, that you arrived, and then it
11 will have like the victim, defendant and stuff like that.

12 Q. All right.

13 A. Other deputies that are involved in the -- that were
14 on the scene or --

15 Q. Well, other deputies that are on the scene, is that
16 something that the -- I'll say the main officer or somebody
17 who's writing an initial report would put in their
18 supplemental?

19 A. You would put it in an initial report or at least I
20 would always put everybody involved or everybody that was
21 on the scene at the top of my report.

22 Q. All right. So when do you -- let's say you're the
23 initial reporter, you're the initial officer and you're
24 filling in all the blanks and checking the boxes and all
25 those things, when you're doing that, let's say that I'm

1 a secondary officer and I come in, how do -- how do I get
2 my supplemental report in?

3 A. So the supplemental reports would be -- from what I
4 remember, it's -- everything has the case number attached,
5 so you would pull up the incident report and there was like
6 a section to add a supplemental report where you would put
7 your information in.

8 Q. All right. So there's a case number?

9 A. Correct.

10 Q. And I enter that case number in?

11 A. (Nods head.)

12 Q. You've got to answer out loud.

13 A. Yes.

14 Q. So when that case number -- if I put it in the
15 computer, the case number, it just pops up a report?

16 A. Yeah, it will pull up the report from that incident.

17 Q. All right. If I'm doing that supplemental, do I have
18 to go back in and fill out the boxes and things at the top
19 and all that stuff as to who the complainant is or who
20 victims are and all that stuff?

21 A. I don't believe so.

22 Q. All right. Is that stuff autopopulated after somebody
23 has already put in that initial report?

24 A. From what I remember, yes.

25 Q. So whoever puts in that initial report, it just kind

1 of follows through for everybody in the supplemental?

2 MR. GRUBBS: Object to the leading, Judge.

3 THE COURT: All right. Rephrase your question.

4 MR. SMITH: All right.

5 BY MR. SMITH:

6 Q. If I'm the secondary officer, once again, do I have to
7 put anything into a report?

8 A. No, just the initial report. The supplemental report
9 from what I remember was like a box to type your paragraph
10 in. It wasn't to repopulate all the boxes and checkmarks
11 and all that.

12 Q. All right. So when you're doing your report, you did
13 your -- you did your report, right?

14 A. Correct.

15 Q. I mean, you did one in this case?

16 A. Yes, sir.

17 Q. All right. And you're trying to put what in your
18 report?

19 A. What I seen, what I observed of the facts that I was
20 able to gather from the scene, any victims and just any
21 details that I seen while I was on the scene or information
22 I gathered from talking with people or other victim forms
23 that I received, stuff like that.

24 Q. All right. Before we move off-scene, did you -- do
25 you recall making any statements in the very beginning

1 when you walked around the vehicle up at the Camelot?

2 A. I can't remember.

3 Q. All right. So you eventually went to the hospital?

4 A. Correct.

5 Q. And what did you do at the hospital?

6 A. I went to the ER room that Christine was in to get a
7 victim statement from her and to speak with her about what
8 happened at the Dugout.

9 Q. And is that what you did?

10 A. Yes, sir.

11 Q. When -- where did you take this statement?

12 A. St. Francis ER.

13 Q. All right. And were you in the -- was there a private
14 room there?

15 A. It was her regular ER room, but it was just me and
16 her in the room. I didn't -- I made sure nobody was gonna
17 come in there or sitting in there with us while she gave a
18 statement.

19 Q. Did any medical personnel come and go while you were
20 in there?

21 A. I can't remember if any nurses or doctors came in and
22 out, but I do remember no other family member or anybody
23 else at the hospital came in or out.

24 Q. Did a family member try to come in at one point?

25 A. I believe so, yes.

1 Q. All right. Did -- were you able to get a statement
2 from her?

3 A. Yes.

4 Q. All right. And did you have your body cam on while
5 you were taking this statement?

6 A. I did.

7 Q. And when you're taking a statement, do you put
8 everything that she tells you into that statement?

9 A. Not everything. We have a body camera on so that it
10 will capture everything that the victim says, but in the
11 statement we want just the facts of what happened. We
12 can't record word for word what they said, that's why I
13 have a body-worn camera on, but it's just the facts of what
14 happened at an incident they had or what happened on-scene,
15 stuff like that.

16 Q. All right. Just out of curiosity, you had these body
17 cameras, but they were fairly new? Is that what I remember
18 you saying?

19 A. Yes, sir.

20 Q. About how good at holding a charge were they?

21 A. From what I remember, not very well. They would buzz
22 a lot when the battery was draining from what I remember
23 and it would buzz a lot.

24 Q. I mean, it's fairly new technology, right?

25 A. At the time, yeah.

1 Q. I mean, it had to be light enough for you-all to carry
2 it around on your person?

3 MR. GRUBBS: Object to the leading, Judge.

4 THE COURT: Overruled.

5 BY MR. SMITH:

6 Q. Were they heavy?

7 A. The way to keep it on our person was heavy. It was
8 like a magnet that went on either side of our shirt and
9 then the camera had a magnet and it would attach to the
10 magnet on you, but it had some weight to it.

11 Q. How did you charge those things?

12 A. The only way that -- at the time that we could charge
13 it was a cord in our car. It was just like a regular car
14 charger for like a phone almost that would plug into the
15 body camera.

16 Q. So you're driving along. Was it a magnetic thing or
17 was it something like an iPhone that actually fit into a
18 slot or what?

19 A. I believe it was like the iPhone. It had like a cord
20 that you plug it into.

21 Q. All right. Just out of curiosity, did you ever get
22 out of your car leave, it plugged in and try to get out
23 with --

24 A. Several times, yeah.

25 Q. Okay. I mean, it doesn't work if you don't cut it on

1 though, right?

2 A. Correct.

3 Q. All right. And have there been times in the past
4 where yours ran out of battery?

5 A. It's happened before on-scene, yeah.

6 Q. All right. Like I said, was it new technology?

7 A. It was new for Greenville County, yeah.

8 Q. All right. Did that happen while you were at the
9 hospital?

10 A. The camera dying?

11 Q. Yeah.

12 A. I can't remember if it did at the hospital or not.

13 Q. Now we've -- I mean, you've reviewed it, right?

14 A. Yeah.

15 Q. So, I mean, it -- does it have the entire interview
16 with her on there?

17 A. I don't believe so, no.

18 Q. You don't believe so? We may need to look at again.
19 I mean --

20 A. I can't remember. I don't remember it dying, no. I
21 remember having it on while I spoke with her, but I don't
22 remember it dying at the hospital.

23 Q. All right. So it should have the entire interview on
24 it then if it didn't die?

25 A. Correct.

1 Q. What do you recall her telling you at the hospital?

2 A. So when I spoke with Christine, the first thing she
3 said was that she was at the Dugout and she had seen Eugene
4 Turner, G.A. is what she told me that he goes by, and that
5 there was already tension between them, there was an
6 incident between the family --

7 Q. Okay. All right.

8 A. -- and that's where that tension came from. So
9 when she seen him, it caught her off guard, so she had
10 texted her brother Daniel to come to the Dugout, that
11 Eugene was there and that she -- she didn't feel
12 comfortable around him. So Daniel, Kimberly, Nachrisha
13 and Angela, who were with Daniel, started driving to the
14 Dugout to get Christine.

15 Q. And they eventually arrived at the Dugout?

16 A. Yes.

17 Q. And what happened when they got to the Dugout?

18 A. So when Daniel got to the Dugout, everybody was in his
19 car except Christine was already at the Dugout. As they
20 were pulling up to the Dugout, they noticed Eugene Turner
21 -- yeah, Eugene, in the parking lot of the Dugout.

22 Q. And what happened -- did they come to a stop? Did she
23 tell you? Well, if she -- if she knew.

24 A. Christine was -- at the time Daniel pulled up,
25 Christine was still inside she said, so she was on the

1 phone with him when Daniel and everyone else showed up.
2 She said she was actually on the phone with him at that
3 time. When Daniel pulled up, he had said that he had seen
4 Eugene in the parking lot and that's when he pulled out a
5 firearm and started shooting at the car. Christine told
6 me that she could hear the gunshots through the phone, but
7 not at the club because the Dugout was so loud at the time,
8 and -- I'm sorry. She had heard it through the phone, but
9 not from inside the Dugout.

10 Q. When you say not inside the Dugout, if you're in the
11 Dugout and somebody's firing a gun outside, you wouldn't be
12 able to hear it, right?

13 A. It's loud inside of the Dugout.

14 Q. So she said what? She's on the phone?

15 A. She was on the phone with him at that time and she
16 said that she heard gunshots through the phone.

17 Q. All right. What did Christine do at that point?

18 A. Christina exited. She had got a waitress at that time
19 and said hey, there's somebody in the parking lot shooting
20 at -- shooting a gun at a car and to call 9-1-1.

21 Q. And then what did she do? What did she tell you that
22 she did?

23 A. That she -- from what I remember, she left the club
24 at that time. Daniel and everyone else had already pulled
25 away and exited down Woodmede and then when she stepped

1 outside she observed Eugene in the parking lot still.

2 Q. All right. And what happened? What did she tell you
3 happened next?

4 A. She told me that he started calling her some names.

5 Q. And I know you're trying not to repeat those names,
6 but did she tell you what -- exactly what?

7 A. She said that he was calling her --

8 Q. Well, you don't have to say them if you don't want
9 to. I'm just --

10 A. The B word and -- and saying it multiple times and
11 then that he hit her in the parking lot.

12 Q. And then what happened?

13 A. He -- he had hit her and then he stuck the gun in her
14 mouth forcing her to the ground where he hit her some more.
15 She said that while the gun was in her mouth on the ground
16 he was saying B word, I'm gonna kill you, he pulled the
17 trigger, she heard a clicking noise like he had tried to
18 fire the gun and there wasn't a round that went off, and
19 that he then kicked her in the head and then it was just
20 people shuffling around after that and he kind of ran off.
21 Her friend Shauna had came up towards the end of that.

22 Q. Yeah, let's not talk about Shauna at that point.

23 A. I'm sorry.

24 Q. So how did she get -- did she tell you how she got
25 from the parking lot to the Camelot?

1 A. She was able to call I believe it was Angela back and
2 say that her head hurt, it was Eugene, then they drove the
3 car back to the Dugout and she was assisted in the car.

4 Q. All right. Are you sure they said that they came all
5 the way back to the Dugout?

6 MR. GRUBBS: Object to the leading.

7 THE WITNESS: Came back down Woodmede.

8 THE COURT: Hold on. Wait. Overruled. I think
9 it's just a clarification question. I'm gonna overrule
10 it.

11 Go ahead.

12 BY MR. SMITH:

13 Q. The bottom line is your -- your body cam was on the
14 entire time, right?

15 A. Yes, sir.

16 Q. All right. And it's been five years since this
17 incident?

18 A. Correct.

19 Q. I mean, you've been at Wal-Mart Logistics. Is it
20 logistics?

21 A. Yes, sir.

22 Q. Okay. And you've been there for a while. You haven't
23 been on the force?

24 A. No, sir.

25 Q. Okay. All right. So the bottom line is she ended up

1 over at the Camelot parking lot?

2 A. Correct.

3 Q. And that's where she was when you arrived on-scene?

4 A. Correct. When I arrived on-scene, she was already in
5 the ambulance at the Camelot parking lot, yes.

6 Q. All right. Did you conclude your interview at that
7 point when -- once you finished all the --

8 A. Yeah, once I finished speaking with Christine and
9 getting the statement, that was it.

10 Q. All right. And you were trying to write a lot of this
11 down into a statement when that occurred?

12 A. Correct.

13 (State's Exhibit Number 29 was marked for
14 identification.)

15 BY MR. SMITH:

16 Q. I'm gonna hand you what I'm going to call State's
17 Exhibit Number 29. Can you tell me what that is?

18 A. It's a disk of my body-worn camera at the hospital.

19 Q. Once again, has that been redacted in certain ways?

20 A. Yes, I'm writing down a lot of personal information
21 that don't need to be shown to the public like social
22 security numbers, address, stuff like that.

23 Q. If there's no -- I mean, if there's no sound in this
24 for a little bit of time there might be some things that --

25 A. When she's speaking to me that could be personal

1 information not about the incident.

2 Q. Okay.

3 MR. SMITH: Your Honor, we move this in as State's
4 Exhibit 29.

5 THE COURT: Any objection?

6 MR. GRUBBS: No objection.

7 THE COURT: State's 29 in evidence.

8 (State's Exhibit Number 29, Mitchell body-worn
9 camera video, was admitted into evidence.)

10 BY MR. SMITH:

11 Q. Did that conclude your involvement in the case?

12 A. It concluded my involvement, yes.

13 Q. All right. So when you left the scene, were there
14 other people still on the scene?

15 A. Yeah, people were still on the scene.

16 Q. And what would normally happen in an investigation
17 like this as far as follow-up with things?

18 A. So usually when it's like a general session-type
19 charge of a serious nature, multiple victims, stuff like
20 that, a lot of deputies on-scene, moving parts, you would
21 do your report or your supplemental report on-scene and it
22 would be followed up with a violent crime investigator. If
23 it was property crime, a property crime investigator. It
24 would be followed up with from an investigator to do more
25 investigating, more talking with the victims, going to the

1 crime scene and things like that.

2 Q. Do you know if that happened in this case?

3 A. It did not, but I didn't know it until well after the
4 first time I got a subpoena for trial.

5 Q. All right. So let me ask you this. When you're out
6 on a scene, I think you've already testified that you
7 showed up and you were delegated certain things to do?

8 A. Correct.

9 Q. As a uniform patrol deputy, do you go outside the
10 parameters to do any kind of investigations other than what
11 you were told to do?

12 A. I mean, we look for different things on -- on-scene
13 while we're there, but in this instance scene security,
14 speaking with the victims that haven't been spoken with,
15 gathering their statements, was what I thought at the time
16 the scope of -- my part on that during this incident.

17 Q. All right.

18 MR. SMITH: I beg the Court's indulgence, Your
19 Honor.

20 Judge, that's all I have.

21 THE COURT: All right. Cross-examination.

22 CROSS-EXAMINATION

23 BY MR. GRUBBS:

24 Q. Good afternoon, Mr. Mitchell. Now you wrote the
25 initial report on this case, correct?

1 A. Correct.

2 Q. So does that make you the lead officer on this case?

3 A. No, sir, I wouldn't say that.

4 Q. You said the people were delegating information in
5 this case?

6 A. Correct.

7 Q. Delegating tasks?

8 A. Correct.

9 Q. Who was delegating these tasks?

10 A. So once we -- as I said, when I arrived on-scene
11 Azzara was already speaking to a victim. At the time,
12 Deputy Woody grabbed me to go do scene security at the
13 Dugout, talk to more witnesses potentially.

14 Q. So who was the one delegating? Azzara or Woody?

15 A. There wasn't a specific person delegating, but when
16 you see things that need to be done, you kind of branch out
17 and start partnering people to do that.

18 Q. So you had your discretion to do things, right?

19 A. Yes.

20 Q. You could go out and do things that you thought were
21 necessary?

22 A. Yes, sir.

23 Q. You didn't have to wait to be hold to go do something,
24 right?

25 A. Correct.

1 Q. You could have gone out and collected whatever
2 evidence you thought was important in this case?

3 A. Well, at the time the biggest thing was scene security
4 and shell casings, stuff like that.

5 Q. But you could have gone out and collected whatever
6 evidence you thought was necessary in connection with this
7 case, right?

8 A. I had the potential to, yes.

9 Q. You could have, right?

10 A. Could have.

11 Q. But you -- I'll get into that in a little bit.

12 But you wrote a report in the case, right?

13 A. Yes, sir.

14 Q. And that was that initial report that you were asked
15 about on direct?

16 A. Correct.

17 Q. And did you write a supplemental after that?

18 A. No, sir. The initial report was -- that night was all
19 I had wrote.

20 Q. So you didn't do any follow-up on this case?

21 A. Correct.

22 Q. After that initial report, your involvement was
23 completed?

24 A. Correct.

25 Q. But that report is something you're trained to do,

1 right?

2 A. Correct.

3 Q. And it's important to put information in there?

4 A. Correct.

5 Q. Information that's gonna help you to remember things
6 later?

7 A. Correct.

8 Q. Like when we're in court right now?

9 A. Correct.

10 Q. And you said you were there to secure the scene, but
11 you got there about twenty minutes after the call?

12 A. Correct.

13 Q. And you know that in these types of events there's a
14 lot of movement, right?

15 A. Yes, sir.

16 Q. So people would have probably left the scene; is that
17 fair to say?

18 A. Yes, sir. And people were still leaving as we were
19 getting there.

20 Q. People were still leaving the scene. So there's no
21 way, would there be, where those shell casings were that
22 that probably hadn't been disturbed, right?

23 A. It could have been, yes.

24 Q. Well, in fact, you or Deputy Woody, one of the two,
25 comments that it looks like some of those shells were even

1 run over?

2 A. It could have happened. There were cars coming up and
3 down Woodmede.

4 Q. So it was disturbed at that point?

5 A. Yes, sir.

6 Q. Now you were asked some questions about wearing a
7 body cam and that -- some charging issues and all of that,
8 right?

9 A. Yes, sir.

10 Q. And that might be why you didn't catch the tail end of
11 Ms. Wolfe's body camera interview, right?

12 A. Correct.

13 Q. But Ms. Wolfe wasn't the only one that you spoke with
14 on that day, right?

15 A. Correct.

16 Q. You spoke with Angela Anderson as well?

17 A. I did.

18 Q. You took her statement?

19 A. I did.

20 Q. You interviewed her?

21 A. I did.

22 Q. That interview is not on your body cam either, is it?

23 A. It is not.

24 Q. There wasn't any charging problems with that one,
25 right?

1 A. I remember speaking with her right before going to the
2 hospital, so I'm not sure.

3 Q. Now I know it's been a while since you were a
4 sheriff's deputy, but you're aware that there's general
5 orders, right?

6 A. Correct.

7 Q. And you're aware that there's a general order
8 involving body cameras, right?

9 A. I can't remember at that time if there was.

10 Q. Okay. Well, I have a copy of it if you'd like -- if
11 you'd like to see it. It's a general order 249 that was
12 issued in March of 2016.

13 A. Okay.

14 Q. Okay. I'll let you look at that to kind of refresh
15 your memory. I don't expect you to know all of those
16 orders.

17 Okay. March of 2016 was over a year before this
18 incident happened, right?

19 A. Correct.

20 Q. So body cams were not really a new thing, right?

21 A. I would say within that year we were just starting to
22 use the body cameras.

23 Q. I'm sure you've been on plenty of calls with body
24 cameras since 2016, right?

25 A. So March of 2016 was when I got hired. I didn't even

1 go out on the road until -- or cut lose until after the
2 academy and everything, so it looks like December or
3 January.

4 Q. Okay. And part of the order I just showed you says
5 that a deputy will utilize body cam or in-car camera upon
6 arrival at a call for service or upon initiation of other
7 law enforcement or investigative encounter between a deputy
8 and a member of the public. That's what that order says;
9 would you agree?

10 A. Yes, sir.

11 Q. But that's not what you did?

12 A. Correct.

13 Q. Let's go back to September 1st, okay? You say you
14 got there about 11:41? Or I'm sorry. The call came in at
15 11:41.

16 A. Yes, sir.

17 Q. And you got there about 12:04?

18 A. Yes, sir.

19 Q. And within a few seconds of your body camera being on,
20 there's a young man that approached you. Do you recall
21 that?

22 A. I believe so. Yes, sir.

23 Q. Some guy who asked you have you-all found any shell
24 casings yet. Do you remember that?

25 A. Yes, sir.

1 Q. And there were people standing around?

2 A. Correct.

3 Q. The parking lot's not well lit?

4 A. Correct.

5 Q. People that were there when you got there were not
6 running around, right?

7 A. Correct.

8 Q. You didn't see anybody --

9 A. Taking off.

10 Q. -- taking off or anything? Everyone was fairly calm
11 by that point?

12 A. Correct.

13 Q. And you walked towards the Dugout?

14 A. Yes.

15 Q. And that's when you clicked on your flashlight like
16 you testified to on direct?

17 A. Yes.

18 Q. And as you're walking towards the Dugout, there's a
19 white Nissan Xterra on your right?

20 A. Correct.

21 Q. And you click on your camera, right?

22 A. I believe my camera was on before that.

23 Q. And you stop around that Xterra?

24 A. Correct.

25 Q. And you shined that light around?

1 A. Correct.

2 Q. You said on direct that when you were shining that
3 right around that's when you were looking for evidence,
4 right?

5 A. Correct.

6 Q. When I watched your body cam, it looks like you looked
7 around that area for about six seconds. Does that sound
8 about right?

9 A. If that's what you say. If it's on the camera. I
10 remember about that time that's when the man came up and
11 directed us that that stuff happened in the road, so that's
12 when we focussed our attention on the roadway.

13 Q. That's when you turned your back and you walked the
14 other way?

15 A. Correct, back towards the road.

16 Q. And you never went inside the Dugout?

17 A. That's correct.

18 Q. You never talked to the managers at the Dugout?

19 A. Correct.

20 Q. Never talked to the bouncers at the Dugout?

21 A. Correct.

22 Q. Besides maybe that one security guard?

23 A. Yeah, he seemed to be employed in some capacity there.

24 Q. Right. You just testified that Ms. Wolfe told you
25 about talking to a waitress?

1 A. Yes.

2 Q. You never tried to seek out that waitress, did you?

3 A. No, sir.

4 Q. Never attempted to find anyone inside the club?

5 A. That's correct.

6 Q. You also knew that she was there for the party, right?

7 A. Correct, it was a birthday party.

8 Q. A birthday party. You never attempted to talk to any
9 member of that birthday party, did you?

10 A. Correct. I did not.

11 Q. You never tried to talk to Ms. Fletcher, Monique
12 Fletcher?

13 A. No, sir.

14 Q. You didn't try to talk to her sister, Tiffany
15 Fletcher?

16 A. No, sir.

17 Q. You didn't try to talk to her brother, Larry?

18 A. Correct.

19 Q. You didn't try to talk to anyone who was inside the
20 club?

21 A. Correct.

22 Q. You didn't try to talk to anyone else that could have
23 given you any context to what happened inside that club,
24 right?

25 A. Correct.

1 Q. So a hundred percent of the information you got was
2 from Ms. Wolfe?

3 A. Correct.

4 Q. So after you -- you walked away from the Dugout, you
5 went and you found the shell casings in the road?

6 A. Yes, sir.

7 Q. And we've already established that those shell casings
8 probably had been disturbed in some way, right?

9 A. Yes, sir.

10 Q. Okay. And they were 9-millimeter shell casings?

11 A. I believe. I can't remember. It's in the report.

12 Q. But there were seven of them?

13 A. Yes, sir.

14 Q. And I asked you that at least one of them looked like
15 someone had driven over it, correct?

16 A. That's what it looked like, yeah.

17 Q. And you have no idea or no way to tell if those had
18 been moved from where they originally fell?

19 A. Correct.

20 Q. You'd have no idea if anyone moved them?

21 A. Correct.

22 Q. Whether that was on purpose or on accident?

23 A. Correct.

24 Q. And you didn't collect any witness statement from
25 anyone else that says that Eugene Turner was in the road?

1 A. The only -- the only victims I spoke with were Angela
2 and Christine.

3 Q. Right. And there were no other witness statements
4 that you took, whether on your body camera or written, that
5 says they saw Eugene Turner in the road?

6 A. Correct.

7 Q. And according to what you had understood, this all
8 started in the parking lot, right?

9 A. Well, inside the -- are you talking about with
10 Christine?

11 Q. Right. The actual events where Mr. Stokes pulled into
12 the parking lot.

13 A. Correct.

14 Q. And that based on what others had told you that he was
15 by a white Xterra?

16 A. Yes.

17 Q. Do you remember where that white Xterra was?

18 A. I believe it was like four -- maybe four spaces from
19 the -- the top of the Dugout parking lot.

20 Q. And you say at the top of the parking lot. That is as
21 you're coming in from the road?

22 A. Like from the Dugout like down.

23 Q. So somewhere right around in this area? I'm pointing
24 to about the middle of the parking lot.

25 A. I believe so, yes.

1 Q. Okay. And that's on your body cam, right?

2 A. Yes, sir.

3 Q. So if the jury needs to reference that, they could see
4 in your body cam exactly which space that it's in?

5 A. Where the Xterra was, yes.

6 Q. Right. So you're not the lead investigator, but
7 someone had to call forensics out to collect the shells,
8 right?

9 A. Correct.

10 Q. Who called forensics out?

11 A. I do not remember.

12 Q. Okay. But somehow they got out there?

13 A. They came. They were called, yes.

14 Q. And all they ever did was collect the shells?

15 A. Collect shells and took some photographs, I believe.

16 Q. That's right, yeah. And took some pictures. I forgot
17 about that. Thanks for reminding me.

18 But to your knowledge they never did any testing of
19 those shells?

20 A. Not that I'm aware of.

21 Q. They never tested those for latent fingerprints?

22 A. Not that I'm aware of.

23 Q. They never tested them for touch DNA?

24 A. Not that I'm aware of.

25 Q. They took some pictures of the car?

1 A. Yes, sir.

2 Q. The alleged damage to the car?

3 A. Yes, sir.

4 Q. You're not aware if they did any kind of paint
5 scrapings on that, are you?

6 A. When forensics came out, I was -- I believe I was
7 already at the hospital. I'm not sure what they did
8 on-scene other than the photographs and collecting shell
9 casings.

10 Q. But you were the primary investigator in that your
11 report was the initial one?

12 A. I wrote the initial report, yes.

13 Q. Right. But you weren't delegating?

14 A. I'm sorry?

15 Q. But you were weren't delegating tasks to people?

16 A. Correct.

17 Q. Now you testified that just because you were being
18 delegated a task, doesn't mean that you couldn't go out and
19 independently search for evidence, right?

20 A. Correct.

21 Q. You never went inside the Dugout and asked for camera
22 footage?

23 A. I did not.

24 Q. You never went to the Camelot Inn next door and asked
25 for camera footage?

1 A. Correct.

2 Q. You never went to the V-GO across the street and asked
3 for camera footage?

4 A. Correct.

5 Q. You never went to the Mike & Jack's and asked for
6 camera footage?

7 A. No, sir.

8 Q. And it's not just like you could go and ask. You have
9 the power of a search warrant, right?

10 A. Correct.

11 Q. So someone, whether you or another law enforcement
12 officer, could have gotten a search warrant for that
13 information?

14 A. Yes, sir.

15 Q. But nobody ever did?

16 A. No, sir.

17 Q. Mr. Mitchell, in your experience as a sheriff's
18 deputy, I'm sure that at some point you encountered times
19 where evidence didn't match up with what people say?

20 A. Correct.

21 Q. So it's important to collect that evidence because
22 it's independent, right?

23 A. Yes.

24 Q. Some evidence may show that things happened a
25 different way?

1 A. Potentially.

2 Q. Potentially. But one thing's for sure, which is if we
3 never collect that evidence we'll never know; isn't that
4 right?

5 A. That's correct.

6 Q. So after you left the Dugout, you went to the
7 hospital?

8 A. Yes, sir.

9 Q. And you went to go talk to Christine?

10 A. Yes.

11 Q. And you started interviewing her?

12 A. Yes.

13 Q. And she told you that it caught her off guard when she
14 saw Mr. Turner?

15 A. Yes.

16 Q. And that she didn't feel comfortable?

17 A. Correct.

18 Q. But she also told you that Mr. Turner gave her a
19 drink?

20 A. She said that he attempted to give her a drink, yes,
21 and that she had pushed it away.

22 Q. She pushed it away?

23 A. Yes.

24 Q. She didn't tell you anything that Mr. Turner overtly
25 did that was threatening inside the Dugout, did she?

1 A. I'm trying to remember exactly. I don't recall.

2 Q. Well, your body camera's in evidence, so that would
3 fill in any gaps, right?

4 A. Yes, sir.

5 Q. And we went through some of the other names that she
6 talked about; Monique, Larry, and I've already asked you,
7 you never had any contact with those people?

8 A. Correct.

9 Q. Never attempted to talk to those people?

10 A. No, sir.

11 Q. And these aren't just random people, but these are
12 friends of hers?

13 A. Correct.

14 Q. These are people that she went to the birthday party
15 to go see?

16 A. Correct.

17 Q. And she mentioned -- or you mentioned earlier in your
18 testimony that she texted her brother Daniel?

19 A. She initially had texted him to come to the Dugout,
20 yes.

21 Q. But -- so she's told you that she's in fear when she's
22 at the Dugout, right?

23 A. Yes.

24 Q. She's told you that she's texted her brother, right?

25 A. Correct.

1 Q. She's told you that she's texted her brother saying
2 that she's in fear at the Dugout, right?

3 A. Texted her brother to come get her is what I remember.

4 Q. Because she's afraid?

5 A. Yes.

6 Q. You never asked to see those text messages, did you?

7 A. I did not.

8 Q. You never tried to collect those text messages, did
9 you?

10 A. I did not.

11 Q. That would have been important to verify that if
12 someone was afraid that you could have proof to show that
13 they were actually afraid, isn't it?

14 A. Correct.

15 Q. But you didn't get that information?

16 A. I did not.

17 Q. Now she then went into talking to you about this
18 incident where she was confronted by Mr. Turner, right?

19 A. Yes.

20 Q. And she described several things, including a gun
21 being forced down her mouth?

22 A. Correct.

23 Q. Now I know you're not in law enforcement anymore, but
24 previously you did have firearms experience?

25 A. Yes.

1 Q. Firearms training?

2 A. Correct.

3 Q. So you'd be able to identify the various parts of a
4 firearm?

5 A. Correct.

6 Q. And if I'm talking to the jury about various parts of
7 a firearm, would it help if I was able to show you and help
8 to educate the jury on the different parts of a firearm?

9 A. Yes.

10 Q. All right. I'm gonna show you a training type of
11 mockup of a semiautomatic firearm. Is that what it looks
12 like?

13 A. Correct.

14 THE COURT: And for purposes -- this is my
15 understanding, but from prior discussions this is not
16 a real gun, it's just a --

17 MR. GRUBBS: Absolutely, Judge. It is made of hard
18 plastic.

19 THE COURT: Well, that's not authenticated. It
20 doesn't mean anything.

21 MR. GRUBBS: True, Judge. Very true.

22 BY MR. GRUBBS:

23 Q. So this is a semiautomatic pistol or a mockup of a
24 semiautomatic pistol?

25 A. Correct.

1 Q. It's not a revolver?

2 A. No, sir.

3 Q. If it was a revolver, it would have a chamber, a
4 circular chamber, where if someone is pulling the trigger
5 it would rotate the chamber and then the hammer would fall
6 on it and then it would eject the projectile from there,
7 right?

8 A. Some revolvers you have to manually eject them.

9 Q. Okay. But in a semiautomatic handgun, there's a clip
10 usually that goes into it?

11 A. The magazine, yes.

12 Q. And then after the clip is loaded, you have to cock it
13 or rack it, correct?

14 A. Correct.

15 Q. And then when you pull the trigger the casing ejects
16 out of the side?

17 A. Correct.

18 Q. Okay. And this top part is called the slide, right?

19 A. Yes, sir.

20 Q. And the bottom part, that's the handle?

21 A. Correct.

22 Q. And then this part around the trigger is called the
23 trigger guard?

24 A. Correct.

25 Q. This little thing sitting up here at the top, that's

1 the front sight?

2 A. Correct.

3 Q. And then at the back is the rear sight?

4 A. Correct.

5 Q. And then this little part sticking out here, that's
6 the muzzle of the weapon?

7 A. Correct.

8 Q. And so on a semiautomatic weapon that fires, the slide
9 goes backwards and forwards, right?

10 A. Yes.

11 Q. And that's what loads the next round into the chamber?

12 A. Right.

13 Q. So what Ms. Wolfe told you is that a semiautomatic
14 firearm of some type, I'm not gonna say that this is, of
15 course, the exact kind, we don't know what kind of size or
16 make or model or anything like that that she's alleging.

17 A. Correct.

18 Q. But on a similar semiautomatic-type weapon, she told
19 you that this was stuck down her mouth?

20 A. Correct.

21 Q. And she told you that it was shoved down her throat?

22 A. That it was put in her mouth, yes.

23 Q. And that it stayed in her mouth until she got all the
24 way down to the ground?

25 A. Correct.

1 Q. So while this portion from the trigger guard forward
2 is in her mouth, she is being forced to the ground?

3 A. That's what I was told.

4 Q. While the end of the weapon is in her mouth?

5 A. From my understanding, yes.

6 Q. While this little front sight is inside of her mouth?

7 A. If the gun had that front sight, yeah.

8 Q. But most semiautomatic weapons, you'd agree, probably
9 have a front sight?

10 A. Most, yes.

11 Q. And then she's forced down to the ground?

12 A. Yes.

13 Q. Now you sat with her for a long time, right?

14 A. I did.

15 Q. Had plenty of time to observe her?

16 A. I did.

17 Q. Plenty of time to look at her face?

18 A. Yes.

19 Q. Plenty of time to notice if there's blood coming out
20 of her mouth?

21 A. She had already been treated well before I got there,
22 but, yes.

23 Q. But you -- you were there on-scene, too?

24 A. I didn't have a visual on Christine at any point
25 on-scene. Remember, she was already in the back of the

1 ambulance and, like I said, I immediately went over to the
2 Dugout. I didn't speak to her at all on the scene.

3 Q. She didn't have a busted lip?

4 A. By the time I got to the hospital, not that I
5 remember.

6 Q. Well, Mr. Mitchell, if someone had a gun forced down
7 throat and had a busted lip on-scene, it's not gonna get
8 better by the time they get to the hospital, right?

9 A. No.

10 Q. So she'd still have a busted lip. It's not like it
11 would magically repair itself?

12 A. Correct.

13 Q. She didn't have a busted lip?

14 A. Not that I remember, no.

15 Q. She wasn't missing any teeth?

16 A. No, sir.

17 Q. She didn't have any cuts in her mouth that you could
18 see?

19 A. I didn't check her mouth on the inside.

20 Q. But you didn't see her spitting up blood?

21 A. No, sir.

22 Q. You didn't see her tongue being cut up?

23 A. I did not.

24 Q. She wasn't having any problems talking to you?

25 A. No, sir.

1 Q. She was clear, she didn't sound like she had cotton in
2 her mouth or anything?

3 A. Correct.

4 Q. Let's go back to the body camera footage that you
5 don't have of Angela Anderson's statement. Now we already
6 been through that the report can't contain all of the
7 information, right?

8 A. Say that again.

9 Q. We've already been through that your reports cannot
10 contain all the information a witness might give to you.

11 A. The statements?

12 Q. Yeah, the statement or your written report.

13 A. Correct.

14 Q. Otherwise, you'd be writing War and Peace every day,
15 right?

16 A. Correct.

17 Q. So you have your body cam to back you up?

18 A. Yes.

19 Q. I think it's fair to say that there's gonna be more
20 information given on a body cam statement than would be in
21 a written statement?

22 A. Correct.

23 Q. Information that we might need here in court today,
24 right?

25 A. Correct.

1 Q. But we don't have that, do we?

2 A. We do not.

3 Q. You said that normally what happens after an event
4 like this is that a violent crimes investigator is
5 assigned?

6 A. Yes, sir.

7 Q. And that never happened?

8 A. It did not.

9 Q. Now, of course, you weren't there during any of these
10 events?

11 A. Correct.

12 Q. So everything that you're getting as far as the facts
13 or the alleged facts, you're getting from the witnesses?

14 A. Correct.

15 Q. Because the only physical evidence that you obtained
16 was the shell casings?

17 A. Correct.

18 Q. The shell casings from a crime scene that was already
19 corrupted?

20 A. Yes, sir.

21 Q. Without any independent evidence?

22 A. Correct.

23 Q. And you only took statements from the alleged victims
24 in the case?

25 A. Correct.

1 Q. Being Ms. Anderson, right?

2 A. Correct.

3 Q. And Ms. Wolfe?

4 A. Correct.

5 Q. That you personally never requested any forensic
6 testing be done of any items, right?

7 A. Not me personally, no.

8 Q. And to the best of your knowledge, that was never
9 done?

10 A. I found out later it was not.

11 Q. And that you never attempted to collect any camera
12 footage?

13 A. That's correct.

14 Q. You're aware that there was a 9-1-1 call that came in
15 about a silver SUV where gunfire was coming from?

16 A. What I recall was that came out, yeah, to dispatch.

17 Q. You never followed up with that 9-1-1 caller, right?

18 A. I don't know who called 9-1-1 originally.

19 Q. Do you know if anyone even bothered to look?

20 A. I'm not sure.

21 Q. But to the best of your knowledge as you sit here in
22 court today, that person was never spoken to by law
23 enforcement?

24 A. I'm not aware.

25 Q. And you didn't do anything after September 1st or

1 early September 2nd?

2 A. Correct.

3 Q. And you never investigated this case any further than
4 what these family members and friends told you?

5 A. My involvement ended after I left the hospital and
6 wrote the initial incident report.

7 MR. GRUBBS: Nothing further.

8 THE COURT: All right. Redirect.

9 MR. SMITH: A little bit, Your Honor.

10 Your Honor, I want to publish a little bit of
11 State's Exhibit 29.

12 (Whereupon, a portion of State's Exhibit Number 29
13 was played.)

14 REDIRECT EXAMINATION

15 BY MR. SMITH:

16 Q. Just stop it right there.

17 Mr. Mitchell, what does this appear to be on the
18 screen?

19 A. The body camera footage when I -- her at the hospital
20 while I'm talking to Christine.

21 Q. And so that's at the beginning, right?

22 A. Yes, sir. I believe so.

23 Q. And so you would have cut your body cam on at this
24 time?

25 A. Correct.

1 Q. Okay. This is -- I'm not playing it, I just want you
2 to look at the screen. What's in your hand right there?

3 A. I am writing the statement she's giving me.

4 Q. Okay. So apparently she's been talking and have you
5 been writing?

6 A. Correct.

7 Q. How many pieces of paper do you have in your hand
8 there?

9 A. It looks like one. It looks like a victim form.

10 Q. All right. You've got a victim form. Is that one of
11 the last things you do?

12 A. Well, the victim form is given to a victim any time
13 they're a victim of a crime, so we usually give it to them
14 after we do the statement. At the same time we get a
15 statement, we'll give them a victim form so they'll have a
16 copy of the written statement.

17 Q. All right. So you took a written statement and then
18 did you do a victim's form?

19 A. Yes.

20 Q. And that's your body cam, right?

21 A. Correct.

22 Q. And what does that show you doing?

23 A. Leaving the hospital room.

24 Q. All right. So we saw from the beginning when you cut
25 your camera on?

1 A. Correct.

2 Q. And now you're leaving the room?

3 A. Correct.

4 Q. All right. So your body cam was working the entire
5 time?

6 A. Correct.

7 Q. Thank you. That night on-scene did you do what you
8 were delegated to do?

9 A. Yes, sir.

10 Q. And is it -- for whatever reason there was no violent
11 crimes investigator assigned to this case?

12 A. That's correct.

13 Q. All right. Did the -- the reports that you did and
14 body cams that you did, did you do everything you were
15 supposed to do with all of those things?

16 A. Yes, sir.

17 MR. SMITH: Judge, that's all.

18 THE COURT: All right. You may step down.

19 (Witness excused.)

20 THE COURT: Are you okay or would you-all like to
21 take a short break?

22 All right. Call your next witness.

23 MR. SMITH: Judge, we call Jared Greer.

24 Judge, I ask that Mr. Mitchell be allowed to
25 leave.

1 THE COURT: Any objection to Mr. Mitchell?

2 MR. GRUBBS: No objection.

3 THE COURT: All right.

4 MR. SMITH: Judge, we call Jared Greer to the
5 witness stand.

6 THE COURT: Come forward and be sworn.

7 (Whereupon, Jared Paul Greer was duly sworn by
8 the Clerk of Court.)

9 THE CLERK: Please be seated. Please state your
10 name for the record.

11 THE WITNESS: Jared Paul Greer.

12 THE CLERK: Thank you.

13 JARED PAUL GREER,

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. SMITH:

17 Q. Deputy Greer, who are you employed with?

18 A. The Greenville County Sheriff's Office.

19 Q. And how long have you been employed with them?

20 A. A little over seven years.

21 Q. All right. So you were employed with them back in
22 September of 2017?

23 A. Yes, I was.

24 Q. And in what capacity were you employed with them?

25 A. In 2017, I was with uniform patrol. I was a deputy on

1 Bravo platoon.

2 Q. All right. And did you have a reason to go to
3 Mr. Turner's residence regarding an arrest?

4 A. I'm not sure who the complainant was at the time,
5 but we did receive a call from dispatch stating that the
6 suspect was at home. Due to his -- to it being an
7 attempted murder charge, we have a high profile warrants
8 team we refer to as FASIT. They usually utilize cool cars
9 and unmarked vehicles, things like that, so we stayed out
10 of the area until they could get there. By the time I
11 arrived on-scene, I believe our FASIT team, the warrants
12 officers, had already made contact with the suspect and had
13 him detained in handcuffs.

14 Q. All right. So where -- what was the address?

15 A. It was 2601 Duncan Chapel Road.

16 Q. And what was the apartment number?

17 A. Apartment H-101.

18 Q. After the arrest was made, did you or anyone on your
19 team get a search warrant for that place?

20 A. Yes, sir, I did. With the crime possibly involving
21 a weapon, I decided to get a search warrant in search -- in
22 hopes of finding that weapon.

23 Q. All right. And did you-all conduct a search of the
24 apartment?

25 A. Yes, sir. We did a search of the apartment, Hotel

1 101, and his vehicle that was parked outside of the
2 apartment.

3 Q. And in that apartment or the vehicle, were you able to
4 find a weapon?

5 A. Unfortunately not. No, sir.

6 MR. SMITH: Judge, that's all I have.

7 THE COURT: Cross-examination.

8 CROSS-EXAMINATION

9 BY MR. GRUBBS:

10 Q. Deputy Greer, what date was this?

11 A. I believe it was September 6, 2017.

12 Q. Which is five days after September 1st, right?

13 A. I guess, yeah.

14 Q. My math's pretty bad, but, I mean, I think I know
15 that much. So about five days after the initial incident,
16 right?

17 A. Yes, sir.

18 Q. And that's when you went and initiated the search
19 warrant?

20 A. Yes, sir.

21 Q. And you said you were delegated the task of getting
22 the search warrant?

23 A. Yes, sir.

24 Q. Were you delegated any other tasks?

25 A. I -- I assisted in searching the apartment as well.

1 Q. But no one told you to go get other search warrants?

2 A. No, sir.

3 MR. GRUBBS: Nothing further.

4 THE COURT: Any redirect?

5 MR. SMITH: No, Your Honor.

6 (Witness excused.)

7 MR. SMITH: I ask that he be allowed to be excused.

8 THE COURT: Any objection?

9 MR. GRUBBS: No objection.

10 MR. SMITH: Your Honor, at this time we're gonna
11 publish to the jury the last 9-1-1 call.

12 THE COURT: All right.

13 THE COURT: And this is exhibit what?

14 MR. SMITH: This was from Exhibit 21.

15 THE COURT: All right.

16 Hold on. Wait a minute.

17 (Whereupon, a portion of State's Exhibit 21
18 was played.)

19 MR. SMITH: Your Honor, at this time I ask that
20 Mr. Grubbs and I approach.

21 THE COURT: All right.

22 (Proceedings held at the bench; not reported.)

23 THE COURT: All right, ladies and gentlemen. We're
24 gonna take a short break to make sure everything's in
25 order here. Don't discuss the case and I'll bring you

1 back out in just a few minutes.

2 (Whereupon, the jury retires to the jury room at
3 3:34 PM.)

4 THE COURT: All right. Let's make sure everything's
5 in working order.

6 (Recess taken at 3:34 PM.)

7 (Back on the record at 3:42 PM.)

8 BAILIFF: Remain seated. Come to order. Court's
9 in session.

10 THE COURT: All right. Is the State ready?

11 MR. SMITH: Yes, Your Honor.

12 THE COURT: Is the defense ready?

13 MR. GRUBBS: Yes, Your Honor.

14 (Whereupon, the jury return to the courtroom at
15 3:45 PM.)

16 THE COURT: All right. I believe we're ready.
17 You may proceed, Mr. Smith.

18 MR. SMITH: Yes, Your Honor. We're gonna play
19 the 9-1-1 tape.

20 (Whereupon, State's Exhibit Number 21 was played.)

21 MR. SMITH: Your Honor, at this time I'd ask that
22 the maps, State's Exhibit 23 and 24 -- excuse me, 22
23 and 23, be moved into evidence.

24 MR. GRUBBS: No objection.

25 THE COURT: All right. In without objection.

1 (State's Exhibit Number 22 and 23, aerial maps,
2 were admitted into evidence.)

3 MR. SMITH: Judge, that's the State's case.

4 THE COURT: All right. So the State has rested?

5 MR. SMITH: Yes, Your Honor.

6 THE COURT: All right, ladies and gentlemen. The
7 State has rested their case in chief, which means that
8 that's all the evidence that they will put in at this
9 time.

10 I'm gonna ask that you go back to your jury room
11 because there's some things I have to go over with the
12 attorneys at this point and we'll bring you back out
13 in just a few minutes.

14 (Whereupon, the jury retires to the jury room at
15 3:54 PM.)

16 THE COURT: All right. Anything else from the
17 State?

18 MR. SMITH: No, Your Honor.

19 THE COURT: Defense?

20 MR. GRUBBS: Yes, Your Honor.

21 At this time we would renew all pre-trial motions,
22 including the immunity motion, renew the mistrial motion
23 that was made at the beginning of the trial, and also ask
24 for a directed verdict on all charges.

25 THE COURT: All right. And I'll deny your request

1 as far as the pre-trial motions and I believe that the
2 State has put forth sufficient evidence for this to be a
3 jury question on all charges, okay?

4 Anything else?

5 MR. GRUBBS: Not at this time, Your Honor.

6 THE COURT: All right. Are you-all ready for me
7 to talk to your client about testifying?

8 MS. LIPINSKI: Yes. We told him that it was his
9 decision and that you may inquire as to that.

10 THE COURT: I mean, other than his testimony, do
11 you-all have any additional evidence outside of his?

12 MS. LIPINSKI: The defense does not intend to
13 present a case.

14 Thank you.

15 THE COURT: All right. Mr. Turner, if you will
16 stand at this time.

17 All right. And all my questions here are just
18 gonna relate to your rights.

19 If you'll raise your right hand.

20 (Whereupon, Eugene Turner was duly sworn by the
21 Court.)

22 THE COURT: All right. And you can put your hand
23 down.

24 How old you are?

25 THE DEFENDANT: 48.

1 THE COURT: How far did you go in school?

2 THE DEFENDANT: Twelfth grade. GED.

3 THE COURT: All right. Are you on any medication
4 today?

5 THE DEFENDANT: Yes.

6 THE COURT: And what kind?

7 THE DEFENDANT: Lisinopril, Gabapentin, metformin.
8 I can't think of -- it's a water pill, and I take
9 something else. I can't think of the other.

10 THE COURT: Are you taking all of this as --

11 THE DEFENDANT: Daily.

12 THE COURT: And you're taking it pursuant to a
13 doctor's prescription?

14 THE DEFENDANT: Yes.

15 THE COURT: And are you taking it the way the doctor
16 prescribed it?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And what kind -- what is this medication
19 for?

20 THE DEFENDANT: High -- I've got high blood
21 pressure. It runs in the family. Diabetic runs on
22 both sides of my family.

23 THE COURT: All right. Does any of it affect your
24 mental capacity or your ability to understand anything
25 or follow what's going on?

1 THE DEFENDANT: No, just pain here and there.
2 You know, it throws me off a little, but none other
3 than that.

4 THE COURT: But you don't have any problem
5 understanding the proceedings we're having or my
6 questions and you feel like that you're fully capable
7 of making decisions and answering my questions?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Other than that, do you
10 have any health or mental issues that would keep you
11 from understanding what's going on?

12 THE DEFENDANT: No, sir.

13 THE COURT: All right. We're at the stage of the
14 trial where the State has rested their case, so now it's
15 the time for the -- for you and your attorneys to decide
16 if you-all want to put up any evidence. Ultimately this
17 decision, as far as your testimony goes, will be up to
18 you.

19 Now as I'm sure your attorneys have explained to
20 you, you have a Fifth Amendment right, a constitutional
21 right, which means that if you decide not to testify,
22 then that cannot be used against you and I would charge
23 this jury that they are not to consider that at all
24 because you have no burden of proof in this matter and
25 that you have the right not to testify. You also have

1 the right to testify.

2 So basically what our discussion here is to make
3 sure you understand your rights and that you want to --
4 what your decision is.

5 Now if you testify, you would be subject to the
6 same cross-examination as any witness, and that would
7 be on any prior statements that you made, any criminal
8 record.

9 Any kind of criminal record that he could be --
10 could be used to impeach him?

11 MR. SMITH: Judge, it's so far removed. I don't
12 believe so. I mean, it's from like the nineties.

13 THE COURT: Okay. So there wouldn't be anything --
14 any impeachable offenses then.

15 So do you, first of all -- and, again, this is your
16 decision to make. Now you can make this decision --
17 if you need additional time to discuss it with your
18 attorneys, I'll be glad to give you that, but ultimately
19 my question to you is do you understand your rights and
20 do you want to testify, okay?

21 First of all, do you understand your rights; that
22 you have a right to testify, but you also have a right
23 not to testify.

24 THE DEFENDANT: Yes, I understand my rights.

25 THE COURT: All right. And do you have a decision

1 that you want to tell me now or do you want to discuss
2 it further with your attorneys?

3 THE DEFENDANT: I have decision to make now.

4 THE COURT: All right. And what is your decision?

5 THE DEFENDANT: That I don't want to testify.

6 THE COURT: You don't want to testify.

7 Now is this your decision?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Has anybody coerced you or threatened
10 you or made you make this decision?

11 THE DEFENDANT: No, sir.

12 THE COURT: Is this decision made voluntarily by
13 you?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: It's made freely by you?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And so that is -- you don't need any
18 additional time to discuss this with your attorneys?

19 THE DEFENDANT: No, sir.

20 THE COURT: All right. So, therefore, you do not
21 wish to testify and I will charge the jury accordingly,
22 so.

23 All right. You can be seated.

24 Okay. I find that after consultation with the
25 defendant that he has decided not to testify and that

1 this decision was made after advising him of his rights
2 and it was freely, voluntarily and intelligently made,
3 so thank you.

4 All right. And do you want me to -- I'm gonna
5 bring the jury back out. Do you-all want to rest on
6 the record or do you want me to tell them you rested?

7 MR. GRUBBS: We can rest on the record. That will
8 take, of course, ten seconds.

9 THE COURT: Right. I mean, what I'll do is I'll
10 bring them out and tell them that concludes all the --
11 I mean, I'll bring them back out, I will look to you-all
12 and you-all can rest and I'll tell them that concludes
13 the evidentiary portion of the trial and then we'll argue
14 and charge in the morning, so.

15 All right. Anything else then before I bring the
16 jury out?

17 MR. SMITH: Not before the jury, Judge. Obviously
18 we'd want to talk to you about your charge.

19 THE COURT: We'll do that. Don't worry. I'm gonna
20 -- I'll give you the opportunity.

21 MR. SMITH: I understand.

22 THE COURT: All right. Bring the jury.

23 (Whereupon, the jury return to the courtroom at
24 4:01 PM.)

25 THE COURT: All right, ladies and gentlemen. As

1 you heard, the State rested their case. I will now --
2 what does the defense wish to do?

3 MR. GRUBBS: The defense rests, Your Honor.

4 THE COURT: All right.

5 Ladies and gentlemen, the defense has determined
6 they're not gonna be presenting any evidence, and as I
7 told you and will elaborate further, that the burden
8 is on the State and they have the right to do that, to
9 exercise that right.

10 So what we we've got now is all of the evidence
11 that you will have before you to make your decision, so
12 that we're at the final stages of the trial, and we're
13 not gonna be able to do that today because it's very --
14 one, it's a very involved process for me to go over the
15 with attorneys about the charge, so the final stage of
16 the trial will be closing arguments by the attorneys
17 and then I will charge you on the law, okay, and then
18 at that point you will begin your deliberations -- you
19 can go back to your jury room and begin deliberations,
20 so -- and at this stage at 4:00, I mean, the closing
21 arguments and -- I mean, we'd be 6:00 even before
22 you-all could go back to your jury room.

23 So, anyway, so I'm gonna go ahead and release
24 you for the day. And does 9:30 still work good for
25 everybody tomorrow?

1 Okay. So -- all right. My four rules, and I'm
2 sure you can say them in your sleep, do not discuss
3 the case among yourselves or with family members. As
4 I said, that's very important because even though
5 you've heard all the evidence at this point, you have
6 not heard the law which you need to apply to those
7 facts.

8 Also it's important that you do not do any type
9 of research. Again, everything you're supposed to get
10 to make your decision should be information that you
11 -- evidence that you got from this courtroom under our
12 rules of evidence. Do not pay any attention to any
13 media coverage. Like I said, I'm not aware of any media
14 coverage out there, but specifically social media.

15 And, finally, if anybody contacts you other than
16 somebody from the clerk's office, just please let the
17 bailiffs know in the morning.

18 Otherwise, I will see you-all in the morning and
19 hope you-all have a good evening.

20 (Whereupon, the jury was excused for the day at
21 4:04 PM.)

22 THE COURT: All right. Anything else from the
23 State? I think let's -- do you-all have any charges?
24 What I'd like to do is have kind of a preliminary
25 discussion about the charges this afternoon and we can

1 discuss that, we can finalize those, and then have a
2 more formal discussion in the morning in chambers, and
3 then just before I bring the jury out I'll let anybody
4 put any exceptions or objections, if there are any, on
5 the record, so, all right?

6 So I'll give you-all a few minutes and then if
7 you-all want to step back in chambers so we can kind
8 of see where we're headed on the charges.

9 MR. GRUBBS: Judge, just for preservation of the
10 record in case I needed to renew --

11 THE COURT: Okay. Yes.

12 MR. GRUBBS: -- all of my motions after close of my
13 case, I renew all motions.

14 THE COURT: All right. And I think -- like I said,
15 I don't feel like there's any basis to change my decision
16 either on the pre-trial stand your ground hearing and
17 other motions. I think that's the only one I ruled --

18 MR. GRUBBS: And the mistrial motion, Judge.

19 THE COURT: The mistrial. Okay. And I think
20 it's a factual issue for the jury, so.

21 All right. Like I said, you-all take a few minutes
22 and then you-all can come back so we can discuss the
23 charges.

24 (Whereupon, the proceedings were concluded for
25 September 8, 2022, at 4:06 PM.)

1 (The following proceedings were held September 9,
2 2022, beginning at 9:44 AM.)

3 BAILIFF: All rise. Court's now in question.

4 THE COURT: Thank you. Thank you. Please be
5 seated.

6 Mr. Turner.

7 THE DEFENDANT: Good morning.

8 THE COURT: All right. We did have a charge
9 conference in chambers. First of all, I have provided
10 both parties -- or both sides with the verdict form.

11 Is there any objections to the verdict form from
12 the State?

13 MR. SMITH: Not to the verdict form. No, Your
14 Honor.

15 THE COURT: And the defense?

16 MR. GRUBBS: No, Your Honor.

17 THE COURT: Except for the additional -- or the
18 additional lesser included that you wanted to add?

19 MR. GRUBBS: That's right, Your Honor. We had
20 requested that the Court also instruct on assault and
21 battery in the second degree.

22 THE COURT: All right. I think in light of the --
23 and as I indicated in chambers, I think in light of the
24 evidence as presented, I think that they -- that there's
25 not evidence to support A and B second, so I denied that

1 request.

2 MR. SMITH: Judge, I -- I misstated. I did have an
3 objection as to the self-defense charge.

4 THE COURT: Well, I haven't gotten to that part yet.

5 MR. SMITH: Okay. I'm sorry. Well, I mean -- okay.

6 THE COURT: All right. So both sides except for the
7 -- we're just talking about the verdict form now.

8 All right. So now as to the charge additions, I
9 guess, the defense -- to go along with that, would be the
10 charge of A and B second for the defense.

11 MR. GRUBBS: That's correct, Your Honor.

12 THE COURT: All right.

13 Okay. Now the State's objections to the charge.

14 MR. SMITH: Yes, Your Honor. As to the --
15 everything else is good, but we would object to the
16 self-defense charge.

17 THE COURT: All right.

18 MR. SMITH: There's four prongs, I believe, they
19 have to meet and -- for self-defense and I do not believe
20 that they have met that burden. I believe that the
21 defendant was without fault in bringing on the difficulty
22 would be one of those. There's been no evidence to
23 suggest that he was without fault in bringing it on.
24 In fact, it was him who pulled out the weapon and just
25 fired with no provocation whatsoever. These people drove

1 in and stopped and the next thing you know they're being
2 fired upon.

3 Also, that he had no other probable means of
4 avoiding the danger. I mean, Judge, he's in the parking
5 lot, they're stopped, they're not doing anything. He
6 could have left the scene. We've already had a stand
7 your ground hearing that has been denied, so the duty to
8 retreat is still out there.

9 As to defendant was in actual imminent danger of
10 losing his life or sustaining serious bodily injury or
11 could have believed he was in imminent danger, there is
12 nothing in the record to suggest that.

13 Also, a reasonably prudent person of ordinary
14 firmness and courage would have entertained the same
15 belief and would have acted the same. I mean, basically
16 none of those prongs have been even -- I don't think
17 there's any evidence in the record to show any of those,
18 so I would object to the self-defense charge.

19 THE COURT: I did note that -- in saying that, I
20 meant to check that a minute ago, the charge that you
21 presented doesn't have -- you only have three elements.

22 MR. GRUBBS: Yes, Your Honor. I noticed that after
23 the fact.

24 THE COURT: That a reasonable man would have
25 believed he was in danger, I don't think it's --

1 MR. GRUBBS: It's buried in the second prong, I
2 believe. It was not individually set out. It does say
3 something in there about the reasonably prudent person,
4 but you're correct, it was not set out separately, but
5 the language I do believe is in there unless I'm --

6 THE COURT: It must be shown a -- yeah, I guess
7 it's just -- it's in there. It's just -- yeah. If
8 defendant believed he was in imminent danger, it must
9 be shown that a reasonably prudent person of ordinary
10 firmness and courage would have had the same belief, so.

11 MR. GRUBBS: Judge, would you like me to respond at
12 all to the State's objection?

13 THE COURT: Yes.

14 MR. GRUBBS: Judge, first, it's not our -- it's not
15 our burden to prove anything in self-defense here. It's
16 his burden to disprove any claims of self-defense, and
17 what we have are questions of fact and questions of fact
18 go to the jury. We have unequivocal evidence that there
19 were previous threats made on Mr. Turner's life. We have
20 conflicting testimony. We have evidence that would tend
21 to show things that are different than what the State's
22 theory is. We have the fact that they pull up in a car
23 at night while Mr. Turner's on the phone and that he
24 sees the person that threatened to kill him. That puts
25 someone in fear of imminent danger considering that

1 there's a death threat against him.

2 Whether or not a reasonable person would have acted
3 in the same in a similar circumstance, again, a jury
4 question, a question of fact. This is not the immunity
5 hearing where I have a burden to prove by a preponderance
6 of evidence these things. This is just the standard if
7 there is any evidence to support the instruction, then
8 the Court must instruct.

9 So I would say based on the overall totality of the
10 evidence that has come in throughout this trial that it
11 certainly supports that there is some evidence to enter
12 into that charge and to read that charge to the jury.

13 THE COURT: Okay. Further response from the State?

14 MR. SMITH: Judge, I realize it is our burden to
15 disprove it, but to get before the jury there's got to
16 be some evidence that a self-defense charge is even
17 warranted in this case and if we disprove even one --
18 and I say disprove. If the evidence is even lacking
19 one of these four prongs, then it fails, and that's a
20 decision that Your Honor can make. If there is one of
21 these elements that you see that is not present, then
22 you can say there's no reason for me to give a
23 self-defense charge.

24 THE COURT: All right. I believe -- I think it's
25 a close call, but I believe that there is just enough to

1 get the evidence in there for it to charge self-defense,
2 so.

3 All right. Anything else from the State? I think
4 we talked about transferred intent --

5 MR. SMITH: Yes, Your Honor.

6 THE COURT: -- and I would have one sentence about
7 transferred intent in there and I think that you-all
8 were in agreement with that.

9 MR. SMITH: Yes, sir.

10 THE COURT: Is there anything else?

11 All right. Five minutes for arguing each side.

12 MR. SMITH: Judge, we do have something else --

13 THE COURT: Oh, yeah. That's right.

14 MR. SMITH: -- with the body cam. And this is
15 Deputy Davis's body cam. It was previously marked as
16 State's Exhibit 20 for identification purposes only,
17 but I believe we stated that we were gonna make it --
18 that you were gonna make it a Court's Exhibit.

19 THE COURT: Okay. And that was from the stand
20 your ground hearing, so that would be a Court's exhibit
21 and not introduced in this.

22 MR. SMITH: Yes, Your Honor. This was during
23 Deputy Davis's testimony. We -- excuse me. This was
24 during the defendant's testimony. He had given a side
25 of a story that we had not heard yet and we played it

1 during that and I believe it was some of the evidence
2 that you took into consideration when you were -- when
3 you rendered your decision on the stand your ground case.

4 THE COURT: All right. And I believe you-all agree
5 that it will be used as a Court exhibit?

6 MR. GRUBBS: Correct, Your Honor.

7 (Court's Exhibit Number 4 was marked for
8 identification.)

9 MR. GRUBBS: Okay. And, Your Honor, if I could
10 add one thing before we bring the jury in and get
11 started. We plan on showing a couple of clips from
12 the body cams and I just want to make sure that the
13 technology is working.

14 THE COURT: As far as the technology is working?
15 All right. It's on, but it will take a second.

16 MR. GRUBBS: It looks like it's working, Judge.

17 THE COURT: All right. Is the State ready for
18 the jury?

19 MR. SMITH: Yes, Your Honor.

20 THE COURT: Defense ready for the jury?

21 MR. GRUBBS: Yes, Your Honor.

22 THE COURT: All right. Bring them in.

23 (Whereupon, the jury enter the courtroom at
24 9:56 AM.)

25 THE COURT: Good morning, ladies and gentlemen.

1 I feel like I have to start off each session with
2 apologizing for running a little bit late, but as you
3 can imagine a trial like this takes a lot of work to
4 get it to the point where, one, we can have closing
5 arguments, and I can present the charge of the law, so
6 please do not hold that against either the attorneys
7 or the State or the defendant. That's poor planning
8 on my part, okay?

9 But with that being said, we are now getting into
10 -- we're in the final stage of the trial. Well, first
11 of all, the bailiff took everybody's lunch orders so
12 that should be here about the time you-all begin
13 deliberation.

14 So at this point we have closing arguments by the
15 attorneys with the State arguing first and then the
16 defense will argue last and after they finish their
17 argument, depending on how long, we may take a break
18 there just to let everybody stretch and then I'll give
19 the charge on the law. At that point we'll finally be
20 able to send you back to your jury room and you can begin
21 discussing the case.

22 So at this point though I would ask that you devote
23 your attention to the attorneys.

24 You may proceed, Mr. Smith.

25 MR. SMITH: May it please the Court? Mr. Grubbs,

1 Ms. Lipinski.

2 Members of the jury, at this part of the case,
3 you've heard all of the evidence. Everything that you
4 have heard from that witness stand is what you are to
5 consider here today. And what was it that you are to
6 consider? What are we -- what are we doing here? We've
7 got five counts of attempted murder, we've got one charge
8 of possession of a weapon during the commission of a
9 violent crime. What it is that we had to prove, okay?

10 Because you-all are the judges of the facts.
11 You-All listen to the facts and you decide where this
12 case -- how it's gonna end.

13 The judge is about to -- he takes the law into
14 consideration. If there's some legal term or something
15 like that or some issue or something, he decides that,
16 but he's gonna charge you as to what the law is in this
17 case.

18 Now we're probably all gonna be saying the same
19 thing over and over to you and, you know, I just ask
20 that you to listen because it's really important to know
21 exactly what the law is in the case and you're gonna hear
22 a lot of terms here today and it's -- I'm just asking
23 you to be patient because it's really important that
24 you understand what the terms are because the only way
25 you can decide this case is if you understand exactly

1 what the law is, okay?

2 It's kind of like you want to play football game.
3 You want to go out and play a football game, but you
4 don't know the rules of the game or you don't know how
5 to play the game. Well, the result's not gonna be good
6 if you don't know what it is.

7 So the law in this case, and if the -- let me just
8 say right up front if I misstate something or if I tell
9 you hey, this is it, but that man up there in the black
10 robe tells you this is what it is, you take his word for
11 it, okay? Take his word for it.

12 The statute regarding attempted murder states a
13 person who, with intent to kill, attempts to kill another
14 person with malice aforethought, either express or
15 implied, commits the offense of attempted murder. So
16 attempts to kill another person with malice aforethought,
17 express or implied, that's not an element, commits the
18 offense of attempted murder.

19 So there's two things that we have to prove; that
20 the person had to attempt to kill somebody and they had
21 to have malice aforethought, okay?

22 You're gonna hear another definition. It's a
23 lesser included offense of attempted murder. It's
24 called assault and battery of a high and aggravated
25 nature, but before I tell you that I want to tell you

1 what great bodily injury is.

2 Great bodily injury is an injury which causes a
3 substantial risk of death or which causes serious
4 permanent disfigurement or protracted loss or impairment
5 of the function of a bodily member or organ.

6 So it's a pretty serious injury, okay? That's why
7 it's called great bodily injury. It could cause death
8 or serious permanent disfigurement, protracted loss,
9 impairment of the function of a bodily member or organ.

10 Assault and battery of a high and aggravated nature
11 is if the person unlawfully injures another person.
12 If they injure another person, okay, and that act is
13 accomplished by means which is likely to produce death
14 or great bodily injury.

15 So if somebody injures somebody, if somebody injures
16 somebody, it doesn't matter how slight or how great, but
17 if they injure somebody and that -- the act of injuring
18 them is accomplished by means likely to produce death or
19 great bodily injury.

20 And I'm gonna take it one step down, one more
21 lesser included offense. And I told you we're gonna --
22 you're gonna get a lot of terms here today, so just bear
23 with me.

24 Assault and battery in the first degree. If a
25 person unlawfully offers or attempts to injure another

1 person with the present ability to do so, offers or
2 attempts to injure another person with the present ability
3 to do so, and the act -- the act that they're doing is
4 accomplished by means likely to produce death or great
5 bodily injury, okay? So it's offers or attempts to.

6 So there is a difference between A-B-H-A-N, assault
7 and battery of a high and aggravated nature, and A and B
8 first. A-B-H-A-N there has to be an injury. A and B
9 first, no injury, to just offer or attempt to injure
10 somebody.

11 What's gonna happen is you're gonna get a verdict
12 form later, and the verdict form is going to say something
13 along the lines of this. Every one of these charges is
14 attempted murder and then you have a possession of a
15 weapon during the commission of a violent crime. So
16 every one of these charges is attempted murder, but
17 there's only one person that actually sustained any
18 injuries in this case, and I'm talking about physical
19 injury, and that is Christine Wolfe Young. So your
20 verdict form is going to show you could find her -- or
21 you could find the defendant guilty of attempted murder,
22 but if you find that she didn't -- that it's not attempted
23 murder, then you could find that Mr. Turner is guilty of
24 assault and battery of a high and aggravated nature, but
25 if you find that she wasn't injured, then you could find

1 that it was assault and battery in the first degree.

2 As to the people in the car, Angela, D.J. Nachrisha
3 and Kim, your verdict form is going to look something
4 like you could find them guilty of attempted -- you
5 could find him guilty of attempted murder or in the
6 alternative if you find that we have not met those
7 elements of that crime, that he could be found guilty
8 of assault and battery in the first degree, okay?

9 So we've got attempted murder, ABHAN, as to
10 Christine Wolfe Young's charges, and then -- and
11 A and B first as to everybody's charges, all right?

12 So here's the situation and the reason you're
13 getting those charges is because we have to prove to
14 you beyond a reasonable doubt, and that's not any doubt
15 and that's not all doubt, it's just a doubt that a
16 reasonable person would have. And, I mean, it's just
17 like I told you in our opening statement. We don't have
18 just a reasonable person that we can bring in here and
19 say oh, that's reasonable, that's not reasonable, no,
20 yes. You-all are part of this great system now, and I
21 appreciate your patience, I appreciate your -- your
22 attention, and I definitely appreciate your service
23 because we couldn't do it without you, but you-all
24 bring yourselves together and you-all have to unanimously
25 decide what is gonna happen in this case, and we have to

1 prove to you beyond a reasonable doubt that, you know,
2 we've met our burden, and our burden is what I've just
3 told you. These are the elements of the crime and I
4 have to prove those to you.

5 You're gonna hear a couple of other things, and
6 I'm gonna get past these in just a second, but I just
7 want to make sure that we know where we're going because
8 I'm gonna use some of these terms here in just a second.

9 You're gonna hear something called specific intent
10 or general intent, okay? A specific intent is if I --
11 sorry, Kellie -- if I wanted to kill my investigator
12 here, I'm gonna point at her and I'm gonna kill her, I
13 intend to kill her, that is my specific intent. If you
14 find in this case that that defendant, Mr. Turner, did
15 not specifically intend to kill each and every one of
16 the victims in this case, well, then we have not met
17 our burden and it will be a lesser included offense,
18 one that I've already talked about, okay?

19 So I've got to prove specifically that he intended
20 to kill each and every person. And it doesn't have to be
21 each and every person by name, okay? A general intent.
22 Because, all right, now keep in mind, attempted murder
23 is a specific intent crime. Assault and battery of a
24 high and aggravated nature and assault and battery first
25 degree are not specific intent crimes, it's a general

1 intent crime. So if -- if I'm looking over here at the
2 defense team, the defendant and the deputy and the people
3 back there in the back and, let's say, that I didn't
4 like that deputy over there, then I pointed my gun at
5 him and I wanted to kill him because he said something
6 to me and I didn't like it and I fired my gun at him,
7 but I hit somebody else, or maybe I didn't hit somebody
8 else, but let's -- for this instance, let's say I hit
9 somebody else. I did not specifically intend to kill
10 that other person. I meant to kill that deputy, but I
11 killed somebody else. Well, then I could not be found
12 guilty of murder because I specifically intended to
13 kill somebody else and murder or attempted murder is
14 a specific intent crime. I could be found guilty of
15 ABHAN, assault and battery high and aggravated nature,
16 or maybe some other crime. Maybe.

17 Let's say I just -- I did something else. You
18 know, maybe I put people in fear or whatever, A and B
19 first, because that's a general intent crime. There is
20 -- and the reason I could get somebody else -- I mean,
21 I could get convicted for somebody else is because
22 there's also a doctrine called transferred intent, all
23 right? So my intent to kill this deputy actually was
24 transferred to somebody else. I meant to do harm to
25 him, but I did harm to somebody else, all right?

1 I think that's the end of all my definitions and
2 things, but that's -- that's kind of where we are.

3 There is one other thing, and I say that, the judge
4 is gonna charge you as to self-defense in this case.
5 What I have to do is I have to disprove to you that there
6 was self-defense in this case. What that means is I have
7 to prove to you that Mr. Turner over here was not acting
8 in self-defense.

9 There are four prongs to self-defense. I would
10 have to disprove to you defendant was without fault in
11 bringing on the difficulty. One, without fault in
12 bringing on the difficulty, all right? And I'm just
13 gonna argue this one now so I can just put it away
14 because I think I've got all of these on every single
15 one.

16 He was with -- the defendant, Mr. Turner, was
17 without fault in bringing on the difficulty. Well, I
18 mean, there's a car that comes into a parking lot and
19 Mr. Turner sees that car, pulls out a gun and pulls
20 the trigger, it doesn't go off, cocks it again, then
21 starts to fire. This car is in reverse. This car is
22 in reverse and reversing out and he is firing a weapon.
23 So the defendant was without fault in bringing on the
24 difficulty? The defendant was the one that actually
25 did bring on the difficulty. He's the one that pulled

1 a gun. These people just pulled up in the parking lot
2 and he dadgum pulls out a gun. If that's not bringing
3 on the difficulty, I don't know what is.

4 The next prong. The defendant was in actual
5 imminent danger of losing his life or sustaining bodily
6 injury or actually believed he was in imminent danger,
7 okay? So he was in danger? These people pulled up.
8 What did they do? They didn't do anything. They were
9 in their car and all of a sudden he pulls out a gun.
10 Or he believed he was in danger. Well, you heard some
11 things about some Facebook posts and an incident that
12 happened back in '16, '17, and there was some beef going
13 on or whatever. I can't get into his mind. I don't
14 know what he believed he was in, but I would submit to
15 you the facts in this case don't show that he was in
16 any imminent danger. The car was at rest. To put a car
17 at rest, what do you do? You put your brake on and if
18 it stops, which is what the testimony has been, they
19 stopped. Nobody said whether they put it in park or
20 what they did, but they stopped. Well, everybody knows
21 you have to come to a stop because you can't just switch
22 gears while you're driving, so it had to come to a stop
23 to put it in reverse.

24 Now I don't know what he believed, but I would
25 submit to you that he -- that the doors didn't open,

1 nobody jumped out of the car, nobody did anything. He
2 just saw them and just started shooting. So I don't
3 believe that that has been met.

4 The third part. A reasonably prudent person of
5 ordinary firmness and courage would have entertained the
6 same belief and would have acted the same. Well, okay,
7 fine. A reasonably prudent person who was in the same
8 situation that all these people have been in and this
9 man was in would have done the same thing? Well, since
10 we don't have a reasonably prudent person, you know,
11 just one, like I said, that can come into court and say
12 what did happen and what didn't happen, and that's
13 reasonable. All right. Fine, we'll do that, that's
14 where you guys come in. I can't tell you what to do,
15 but I would -- I would tell you that to consider that
16 eight months had gone by since this incident back in
17 early -- late '16, early '17, and there were no Facebook
18 posts, nothing, nobody had done anything to anybody, they
19 hadn't been near each other, and they just pull up in a
20 parking lot, and I would submit to you that a reasonably
21 prudent person would not have acted in the same way, but
22 that is something you-all will have to decide.

23 And then the last one, the defendant had no other
24 probable means of avoiding the danger. He's in a parking
25 lot. It's a public place. He's been inside the bar, he

1 could have gone back into the bar. His car -- I don't
2 know where his car was, but, I mean, he could have -- he
3 could have run away if he thought he was in danger, he
4 could have gone back inside the bar. There's any number
5 of things that he could have done to get away from them
6 if he thought he was in danger, but he didn't do that.
7 He just whipped out a gun and he started firing. And,
8 you know what? He even started firing that gun as those
9 people were retreating. He got out into the road and
10 continued to fire the gun as they were driving down the
11 road backwards all the way to the Camelot entrance,
12 turning around and driving down the road. Where is the
13 self-defense in that? I mean, these people are all the
14 way down here and he's standing in the road and he was
15 firing at them as they were driving down the road.
16 Folks, I'm just gonna tell you, I submit to you that's
17 not self-defense. That's malice. And malice under
18 attempted murder, it's just a wickedness, it's a hatred.
19 The judge is gonna instruct you as to what malice is, but
20 when you say express or implied, he'll probably tell you
21 what that is, too, but let me just -- let me just submit
22 to you that express, I would submit to you that express
23 is standing over a woman saying bitch, I'm gonna kill
24 you. Why do I say that's express? Because he told you
25 what he was gonna do. I'm gonna kill you. And when the

1 gun doesn't go off, he starts kicking her.

2 You've had an opportunity to observe him. He's a
3 big guy. You've had an opportunity to observe her.
4 She's not. That is express malice. She testified that
5 she was instrumental, had called law enforcement on this
6 incident, participated in the investigation.

7 There was malice in that man's heart. Implied
8 malice. Implied malice. He may not have said I'm
9 gonna kill you, but you can -- you can infer malice by
10 the situation as it's occurring. You can look at the
11 situation as things happen. You know, it's one of those
12 things that you can see. You know everybody's like hey,
13 what is that? I don't know, but I know it when I see it.

14 I'm not gonna attempt to give you an example. I'll
15 just give you the facts of the case. A man's standing
16 in a parking lot and a car drives up and he whips out a
17 gun and he just starts shooting at the people in the car.
18 Well, you can look at that situation and say dang, I
19 don't know, I don't know if that's express malice, but
20 dang, he meant to kill them people. You know, you know
21 it when you see it. He tried to kill those people. The
22 implied malice from that man's actions. You can -- you
23 can look at the actions that he did and just say dang,
24 he's trying to kill them.

25 So what do we know about this case? You know,

1 there was a movie out a while back that's called Vantage
2 Point. I don't know if anybody ever saw it. It had
3 Forrest Whitaker in it, I think, and everything and it
4 was kind of a cool movie because they start out and they
5 talk to like a witness and the witness is like hey,
6 here's what I saw and then the movie kind of goes in and
7 they -- and they show like hey, here's what happened
8 from their point of view, and then they talk to another
9 witness and they tell them what they saw from their point
10 of view, and all these things, and, I mean, you can just
11 see it kind of coming together in all these things. Well,
12 we've got, I don't know, ten, eleven people's vantage
13 points that we had yesterday and the day before. We've
14 got the victims in the case and we've got the officers in
15 the case.

16 So we know that there was this incident, that law
17 enforcement had been called, there were charges brought
18 and Facebook posts and things like that, and the Facebook
19 posts ended in January of '17. Yet these people let it
20 go, let it go. They didn't go out looking for Mr. Turner.
21 It ended for them. It ended for them. They didn't go
22 out looking for Mr. Turner. They didn't have anything
23 to do with Mr. Turner. It was dropped, and that's it.

24 So what happens September 1st? Monique Fletcher's
25 birthday party, going to the Dugout. Christine decides

1 okay, I'll go. You-all heard the testimony. I'm not
2 gonna go through this ad nauseam, okay? Christine, she
3 decides she's gonna go. She gets there, you know, she's
4 bought a wig, she's gotten -- gotten dressed up and
5 everything, and she's gonna go. She gets to the club,
6 she's having a good time, and then this man walks in,
7 and she's immediately afraid, she's scared. And let
8 me just -- you heard her say I'm scared. Why are you
9 scared? Why not just leave? Why not just do these
10 things? Because I'm scared, I don't have any of my
11 family there, nobody's -- you know, I've got my friend
12 and stuff, but that's not good enough, that's not good
13 enough. And you know when a -- you first hear that and
14 you're like you've got bouncers there, you've got your
15 friends there and you've got all this stuff. I mean,
16 just go to your car. If you want to get out of there,
17 just go. Well, you find out later when you hear the
18 rest of the story and she's getting the gun shoved in
19 her mouth and she's getting put on the ground and getting
20 beat just how good those friends, those bouncers, all
21 those people were at that time, and now you get her point.

22 So was it reasonable for her to sit there and say I
23 need my brother, I've got to get my brother to come here
24 and get me? Because nobody's gonna protect her, nobody's
25 gonna do anything except family. Family's got your back

1 and she knew that. She sat there and D.J., Daniel Stokes,
2 after getting the -- the call, didn't answer the text at
3 first, then got the call, oh, okay, and turns it around.
4 And you heard what they said. It was kind of a quiet
5 ride because nobody wanted to go there. I mean, they
6 were ready to go to Applebee's. I mean, that's what
7 they were doing.

8 They get over to the Dugout, they pull into the
9 parking lot, and what happens? Eugene Turner happens.
10 They come to a stop -- and you've seen the testimony.
11 And, you know, this is what I love about Vantage Point
12 and everything because you heard testimony that, you
13 know, they pulled part of the way in, they pulled all
14 the way. You know, where was the Xterra parked, all
15 these things, it didn't necessarily jive, you know what
16 I'm saying? I mean, like one said they stopped a little
17 bit short, one said they came in here. I mean, there's
18 all different little things, but you know what, when you
19 put it all together, they pulled in the parking lot and
20 they stopped, and what happened? To a T every single
21 one of them said Eugene Turner said -- pulled a gun and
22 started shooting at them. Whether they were paying
23 attention or not, I think there was one that was like
24 oh, my gosh, I mean, he's right in front of me and then,
25 you know, once people started talking, and all of a

1 sudden this guy said I looked up and I just saw him
2 standing there with a gun, you know, because they weren't
3 paying attention, looking at their phone, but everybody
4 said they saw him with a gun. What did you do? I didn't
5 do anything. We just sat there for a second because we
6 were stunned and all of a sudden he starts to shoot and
7 thank God the gun doesn't go off. It's kind of like
8 well, what? What? Okay. Fine. He racks the gun, so
9 now we know it's not a revolver, we know it's like a
10 semiautomatic-type pistol, and he starts to fire. Well,
11 they've already put -- they've already screamed reverse,
12 reverse, and, I mean, Daniel puts it in reverse, and what
13 was it? Dukes of Hazzard style somebody said. I mean,
14 he's backing out of this thing and he's backing out and
15 the gun, it just starts firing, and he follows him out
16 into the road and is firing the gun as he goes down the
17 road.

18 Where are the shell casings found? Well, they're
19 found out in the road. You can look at the exhibit right
20 there. They are found out in the road. Look at the
21 pictures. They're out in the road. A lot has been made
22 about oh, gosh, people have been walking and people have
23 been driving back and forth and all this stuff.

24 Okay. The odds. Is it reasonable to believe that
25 all of those shell casings, all of those shell casings

1 were moved? Let's assume for one minute that all of
2 the firing took place here in the parking lot. Is it
3 reasonable to assume that all of these shell casings
4 ended up down here in the road when people were running
5 around and taking off and everything? Because look at
6 -- look at how the parking lots are -- are formed here.
7 If you -- if you back out, it's reasonable to assume
8 they're gonna back this way and go around that way.
9 Now over here it's reasonable to assume that they're
10 gonna back out this way and come around this way. It's
11 a two-lane road. People have been coming and going.
12 You heard testimony to that. So whereas this side,
13 maybe people are coming this way. If people have left
14 this way and they drag some shell casings down, well,
15 then people who were coming in dragged some shell casings
16 up. If you find shell casings here, well, then you would
17 expect some shell casings to be further down the road
18 maybe. Is it reasonable to assume that the shooting was
19 here? Especially where you had a witness say I saw him.
20 As we're going down the road, he's out in the middle of
21 the road and he's firing shots at us.

22 Let's talk about the 9-1-1 call from V-GO, the one
23 who says they saw or they -- whatever they saw, that
24 shots were being fired from the vehicle, all right? The
25 V-GO's way down here. I could flip it over, but it's --

1 it's down here. You can see it on the flip side of this
2 up here. V-GO is way down here. If her vantage point
3 -- a good movie again, Vantage Point, here's what I saw.
4 Well, there's a car backing up here and there's a person
5 standing in the road right here firing a weapon. It's
6 reasonable to assume that that person sees what she
7 thinks is somebody firing a weapon out of the car because
8 they might see flashes here where he -- where the shells
9 were found and just assuming from her viewpoint that it's
10 coming from the car or maybe that person sees a couple
11 of bullets strike the car and there's sparks that fly,
12 but we don't know. We just know what she said. And you
13 can listen to it.

14 But what we do know is that after they turn around
15 and they go, they go down to the Motel 6, and they call
16 9-1-1. Nachrisha calls 9-1-1. Listen to that call.
17 Shortly after that Daniel calls 9-1-1. They decide they
18 need to go back to the Dugout because Chris is hurt.
19 There's a call. I'm hurt, I'm hurt, I'm whatever. He
20 goes back, but they decide they're not going all the way
21 back to the Dugout because they don't know whether that
22 defendant is there with a gun, so they decide to stop
23 short. And they also see Christine walking that way.
24 Kim goes to get her because she needs assistance and
25 they get her to the car and you saw what happened in

1 the -- in the video cam when she was in the car when
2 the officer was talking to her. You also heard the
3 testimony that those markings on the car were not there
4 prior to that incident.

5 Now the officers arrived. They did their
6 investigation and, you know, they arrived on-scene.
7 Everybody did what they were told to do. Uniform patrol
8 officers, they come in there and they provide scene
9 security, they take statements, they do what they do.
10 They tried to get in touch with people or talk to people
11 there and nobody wanted to get involved. The security
12 there was like no, no, no, it happened over there, it
13 happened over there. Somebody comes up, you know, and
14 just blurts out it happened over there, and so the
15 officers go down there to see what happened. I mean,
16 even -- but Cameron Woody, the deputy who was there, he
17 even said look, we're -- you know, I told the security
18 officer, it's -- I mean, I've got to look around here.
19 I mean, bullets travel. I've got to see if there's
20 anybody's car hurt around here. I've got to see if
21 anybody's hurt around here. I've got to see, you know,
22 what's happened around here. Well, then they get
23 directed over to where the shell casings are, they find
24 the shell casings, and that's where they concentrate
25 their investigation from there, as well as talking to

1 the witnesses, but one thing I want to make sure that
2 you understand is that Eugene Turner at this point is
3 not on the scene. He's fled.

4 Jerry Greer said that five, six days later on I
5 think it was the 7th, that they executed an arrest of
6 the defendant and a search warrant where they couldn't
7 find a gun. Why couldn't they find the gun? Because
8 you heard on the defendant's 9-1-1 tape when he called
9 because somebody was banging on the door and said that
10 he had just gotten back into town, that -- that he didn't
11 have a gun, it was somebody else's gun and he gave it
12 back to them, but he fled the scene. And he also said I
13 got back in town. I just got back. I just got back.
14 Well, where had he been for five days?

15 The defense in this case, and it was -- let me
16 just say, they did an awesome job out there. I mean,
17 they came in and they picked and picked and picked and
18 picked apart anything they could to pick apart what
19 these officers did or what these victims said. Just
20 picked it, picked it, picked it.

21 There's no camera footage. You know, I get that.
22 I get that. There's cameras up there. We don't know if
23 they work. We don't know anything about them. That's
24 exactly right, we don't, but we did hear Cameron Woody's
25 testimony saying look, I patrolled that area for I don't

1 know how many years and it's difficult to deal with and
2 cases he's had he never had video footage from them.
3 And, yes, we've got the power to search. We can get a
4 search warrant and go in there and do that, but that
5 evidence is not before you today and I expect the defense
6 to get up here and tell you look, you can take into
7 account -- and I'm gonna tell you right now. You can
8 take into account all of the evidence that's here and
9 you can take into account the lack of evidence, okay?
10 I want you to know that. You can take into account the
11 lack of evidence.

12 So let me go through real quick on some of the
13 things that were picked at. No camera footage. Let's
14 see. There were certain body cams that didn't capture
15 two statements. You've got the written statements and
16 then they picked at all the statements that were given.
17 Well, you didn't say that, did you? You didn't say that.
18 That's not in your statement. Or officer, that's not in
19 your supplemental. Well, you know what? I want to make
20 sure you-all understand something. As the jury, you've
21 got this awesome power. You have the right if you want
22 -- say you're sitting there like man, I just don't know,
23 they said this. Those disks are in evidence. Those body
24 cams are in evidence. If you want to watch them, we'll
25 come back in here and put them in the player and we'll

1 watch them. Player. I'm old. A computer and we can
2 put them up on here and do that. So, you know, if
3 you-all have something that you want to see on one of
4 those cameras, just say, we want to se X. I mean, if
5 you want to see the whole thing, that's great, but you
6 know what, if there's one thing we're looking for and,
7 you know, we'd like to see Cameron's Woody's video and
8 we want to see this, okay, fine. We can queue that up
9 and we'll play it and you go can back in the jury room.
10 You know, they picked apart the statement of that woman.
11 I want to see her statement. If we've got that body
12 cam, we'll show it to you.

13 The general orders, talking about somebody's general
14 orders. You've got these general orders. Yes, they're
15 supposed to do those thing, but let me tell you, it was
16 new technology. Sometimes officers just -- I mean, it
17 was brand new. Sometimes they just would forget to put
18 them on, sometimes they wouldn't. I mean, you heard
19 Cody Mitchell. Cody Mitchell was saying I'm walking down
20 the road and Cameron Woody, are you hot, are you hot.
21 The first time I heard that I was like, well, I mean
22 you're asking if he's hot? No, no, no. That means is
23 your body cam on. He's like okay, all right, so he cuts
24 his body camera on.

25 Have the deputies expressed doubt about the

1 bullet holes? Yes, in the beginning, but after their
2 investigation and figuring out how things happened, yes,
3 they came in, and now all of a sudden, great. You know,
4 yeah, I get it. I mean, when you first hear bullet, you
5 know, oh, my gosh, I'm looking -- I mean, because you're
6 that close, you would expect there to be some bullet
7 holes in there, I mean, just the little round holes in
8 everything, but as you're driving backwards and a bullet
9 pings right next to where you're sitting, you'll remember
10 it just like the witnesses remember. There was a bullet
11 that just goes ping and you go and there's the bullet
12 marking right there on the side of the car.

13 All right. Let's talk about the one in the back.
14 I don't know. They heard the bullet hole. In my
15 opinion, for what that's worth, about the only way
16 that's gonna happen is if you are down here and he's
17 firing in that road and somehow it hits the back of the
18 car as it's pulling out this way, so it hits. It wasn't
19 there before that night.

20 They didn't search the victims or the car.
21 Statements don't contain everything. The supplements
22 don't contain everything, but, once again, if you want
23 to see something you've got the videos right there.

24 One officer didn't even write a supplemental.
25 Well, you know, I can guarantee you that's probably

1 never gonna happen to him again, but I don't know why
2 he didn't write a supplemental. But you've got his body
3 cam. If you don't believe what he said, if you've got a
4 doubt as to anything in there, you can watch body cam.
5 I mean, they testified to what happened out there. We
6 could have published them. We could have been in here
7 three more days watching body cams. You've got the
8 right to look at them if that's what you want to do.

9 Nobody goes and talks to the girl from 9-1-1, the
10 V-GO, all that stuff you heard on the side. I don't
11 know. She gave her name, you've got a number, but she
12 didn't want to have anything to do with the officers
13 down there, didn't want to have anything to do with
14 them. What she saw, I don't know. I mean, I just --
15 I discount her because, one, she's all the way down to
16 the V-GO and there's no telling what she may have seen.
17 It's reasonable to assume, once again, that the bullets
18 striking the car or the guy behind the car firing it
19 looks like the flashes are coming from the car or maybe
20 it's just because the car's the one that's flying out
21 of there, she just assumes they're the one that are
22 firing the pistol.

23 The supplemental reports were wrong. No,
24 they're -- Azzara approved somebody's report. Well,
25 he approves everybody's reports. I mean, that's what

1 he and the sergeants do. I mean, they go in, they're
2 doing paperwork, and they approve reports.

3 The captions, who filled in the captions up top?
4 And you heard -- I mean, I had to get back up on
5 redirect, who fills out the captions? Well, whoever
6 writes the lead or the initial report, and they are
7 autopopulated all the way through, when it pops up
8 the officer says all we do is we just put in our
9 supplemental and it's done. So whoever fills it out
10 first checks the boxes and that's where the boxes come
11 from.

12 Touch DNA. Oh, my gosh. Touch DNA. Did you-all
13 do touch DNA? Did you take fingerprints? Why, oh, why,
14 would we waste the money and the effort and the manpower
15 to go do that? It's not his gun, he wouldn't have loaded
16 it, so we wouldn't have any of his DNA on the shells and
17 his fingerprints wouldn't be on the shells. So why would
18 we waste our time on something like that? And you know
19 how we know it's not his gun? Because we've got the
20 9-1-1 call, and I'm gonna get to that in just a second,
21 but let me just leave you with some questions here. If
22 -- if you're gonna -- if you're thinking this is
23 self-defense, I acted in self-defense, why did he run?
24 I was defending myself. Why would you run? Why not
25 call the police? Why not stay there and talk to the

1 police? I didn't do anything wrong. These people came
2 up on me and I was scared and I had to defend myself.
3 He ran. Fled the scene. We don't have a gun. He
4 gave it back to the person whose gun it was, who owned
5 it. You know, if that man right there wanted to hurt
6 Mr. Turner, one of two things could have happened. As
7 he was pulling in, he saw him, he could have just
8 dadgum gunned it and he could have run him over. Or
9 if Mr. Turner pulls a gun, he could have just run him
10 over if that's what he wanted to do and hurt him. Hey,
11 now I'm justified, he pulled a gun on me and I ran him
12 over, but what did he do? He retreated. He put that
13 thing in reverse. Let's get out of here. They came
14 from Applebee's. They had no intention of even seeing
15 this man tonight. They came to get his sister and leave.

16 Did you have any guns? No. Look, my first question
17 to him, I did it to him a number of times, where were
18 your guns? I didn't have any guns. Don't assume that
19 I thought they had guns. They didn't have any guns.

20 Did you have guns? No, we didn't have any guns. We
21 were going to Applebee's. Why would we even need guns?
22 There's no reason for us to have guns. And if they had
23 guns, they could have just fired them at him right then
24 and there. Okay, fine. We're not gonna run him down.
25 Hey, he's got a gun. I'm gonna stick my gun out there

1 and I'm gonna shoot him before he shoots me. Especially
2 when it jams. Oh, man, it jammed.

3 The 9-1-1 caller didn't say it was a shootout. She
4 didn't say it was a shootout. She said it looked like
5 shots were fired from the vehicle. Nobody ever said it
6 was a shootout. And if it is self-defense, I think I
7 already touched on it, but if it is self-defense why are
8 you in the road firing as they retreated?

9 You know, at the end of it, at the end of it,
10 there's one thing that's all you really need to know,
11 and you can listen to this all day long, the 9-1-1 call
12 from that defendant right there. The 9-1-1 call. I'm
13 not gonna read the whole thing, just part of it.
14 Mr. Turner said I did some stuff over the weekend and
15 I just got back in, just had got back in. A few seconds
16 later, it could be the dude trying to retaliate. Him
17 and his family members. I don't know if you remember,
18 he was talking about the people that were banging on
19 the door. Bam, bam, bam. Later she asked what's your
20 name? Eugene Turner. Asked where he lives. Told them.
21 I did some things over the weekend. What do you mean
22 you did some things? What kind of things? I like shot
23 up a car or something. Where's your 9-1-1 caller now?
24 I like shot up a car or something. Not I was involved
25 in a shootout, not so and so was trying to kill me or

1 I got scared and so and so was trying to kill me. I
2 like shot up a car or something. You shot up a car?
3 yeah. Why did you do that? Some old drama. Where did
4 this happen at? Just in case you're wondering if this
5 is the same 9-1-1 call, where did this happen at because
6 there's not another incident, by the Camelot. When did
7 you do that? I believe Friday night, Saturday morning.
8 All right. Do you have weapon on you now? No, ma'am.
9 Well, how did you shoot up a car if you don't have a
10 weapon. It was -- someone had left it in my car. So
11 what did you do with it after you used it? I gave it
12 back to the owner. Okay. Who's the man you were
13 shooting at? D.J., Daniel Stokes. Somebody Stokes?
14 Daniel Stokes.

15 Now look. This is where it gets important because
16 the 9-1-1 operator doesn't know anything about this case.
17 That defendant just told the 9-1-1 operator in answering
18 her direct question who's he man you were shooting at?
19 Daniel Stokes. Well, whose car was that? Angela Anderson
20 at the time, not Stokes yet. Angela Anderson, it was her
21 car. Daniel had driven it some to pick up kids and
22 stuff, but it was Angela's car.

23 So this is where all that starts to come together
24 now. Do you remember when I was talking about attempted
25 murder, transferred intent, all those things, because

1 here's what you've got to decide at this point. Because
2 that 9-1-1 operator didn't know anybody else was in the
3 car. She just said who were you shooting at? What man
4 were you shooting at? Who was the man that you were
5 shooting at? Daniel Stokes. Did she ask what women were
6 you shooting at? No. Did she ask was there anybody else
7 in the car that you were shooting at? No. There was
8 one man in that car. That's Daniel Stokes.

9 What you jurors have got to decide is this. Was
10 Eugene Turner shooting just at Daniel? Did he know who
11 was driving the car? Did he not? There were four people
12 in that car and he was shooting at all four of them.
13 There was one man in that car. Who were you trying to
14 -- who were you trying to kill? All four of them. All
15 four were in that car. Specific intent. He talked
16 about somebody coming and possibly it could be police
17 or it could be Daniel Stokes, the guy that was coming to
18 retaliate, or his family members. Four people in that
19 car. We don't know if he said he saw Daniel Stokes, but
20 we know he said he was shooting at Daniel Stokes. If
21 you find that he was not intending to kill the other
22 three individuals in that car, then I submit to you
23 that that is transferred intent. Transferred intent.
24 Because they -- he was offering or attempting to injure
25 everybody in that car, so it's at least A and B first,

1 but if that's the way you think, then his own words, I
2 was shooting at Daniel Stokes. Who's the man you were
3 shooting at? Daniel Stokes.

4 I've been talking about that. We haven't heard
5 much about Ms. Wolfe Young. Because after the shooting
6 what does he do? He looks over at her and she's froze.
7 I mean, you already heard how scared she was of him in
8 the club, but now he's out there, he's got a gun and she
9 sees it and he walks up to her and he hits her, calling
10 her a bitch. I'm gonna kill you. And there's going to
11 be a lot made about oh, my gosh, he put a gun in her
12 mouth and it didn't cause any damage or anything like
13 that. There's any number of scenarios we can go through
14 here, but it was a traumatic experience for her. But
15 let me just say if somebody hits you, there's a couple
16 of things that are gonna happen. You either fall down
17 or you're not, but if somebody hits you, maybe your
18 mouth's open. All right, fine. He sticks the gun in
19 the open mouth and puts her down on the ground or maybe
20 as it's at her head and then it comes down and she's just
21 like, and it goes in her mouth. I don't know. Thank
22 goodness, I have no idea, but that woman sat up here on
23 the witness stand yesterday and she testified as to what
24 happened to her that night and how she was put down on
25 the ground and how the gun clicked all the while while

1 he's saying I'm gonna kill you and he pulled the trigger
2 and luckily it didn't go off and he started to kick her
3 and she was covering up. Thank goodness somebody said
4 the police are on their way, the police are coming, and
5 grabbed him and got him out of there.

6 Of course, that is express malice. That is intent
7 to kill. He said it happened. I submit to you at least,
8 at least in this case, you've got at least two attempted
9 murders in this case at least; Christine Wolfe Young and
10 Daniel Stokes.

11 Now, look, I'm not gonna -- the way our system
12 works, in this case I have to open with the law and
13 give you everything that I have just given you. Either
14 Mr. Grubbs or Ms. Lipinski is gonna get up here in just
15 a second and they're gonna give you their side of the
16 facts and everything, but what I want you to remember
17 is this. I mean, try to remember. I've tried to get
18 up here and tell you, one, not only our case, but the
19 reasons I think that all the nitpicking, pick, pick,
20 pick things don't apply in this case, and I would expect
21 them to get up there and tell you why they do. In the
22 end you-all are gonna have to make that determination.
23 I just want you to think about it. I want you to, if
24 you have a reasonable doubt or if you have a doubt, just
25 know that there's evidence here that you can look at,

1 that if you need to you can take a look at, we can cue
2 it up to something, whatever you want to hear, just to
3 be specific or hey, we just want to see the whole thing.

4 I appreciate your time and your service and just
5 ask that you return a guilty verdict in this case.

6 Thank you.

7 THE COURT: Everybody okay before we hear from the
8 defense?

9 All right. Defense, you may proceed.

10 MR. GRUBBS: Thank you, Your Honor. May it please
11 the Court? Mr. Smith?

12 Ladies and gentlemen, before I get started, I
13 really just want to thank you. I want to thank you on
14 behalf of myself, on behalf of Ms. Lipinski, and most
15 importantly on behalf of my client, Eugene Turner.

16 Eugene has waited five long years to get to this
17 stage. He's waited five years for somebody, for
18 somebody, for each and every single one of you to
19 finally pay attention to this case, to finally look at
20 the evidence, to finally examine it, to finally look
21 and see if what, you know, the alleged victims in this
22 case say happened actually happened because we know
23 that law enforcement didn't do that at that time. So we
24 needed you, each and every single one of you, to be here
25 to hear this evidence so you can examine it and so that

1 you can come to your decision, which Eugene has waited
2 a long time to hear.

3 Eugene was threatened, he was terrorized, and
4 he was traumatized by what happened in 2017. He was
5 threatened by Daniel Stokes. That threat was perpetuated
6 by Ms. Wolfe and by others. There was a green light.
7 Do you know what a green light means? Green means go,
8 get them, mash on-site, crush him, you dead, bitch. It
9 doesn't get any clearer. That threat was real and the
10 threat doesn't expire until it's been carried out. It's
11 not a crime to be afraid, ladies and gentlemen, and
12 Eugene Turner was afraid.

13 You heard the evidence and what happened next is
14 a tale of two stories and now that you know what the
15 evidence is, let's hear about how their story that they
16 told both five years ago and here during this trial is
17 exaggerated, illogical and improbable.

18 Now I want to start off by reiterating some of
19 the things, as Mr. Smith said, that you are gonna hear
20 us say several different repeats of the same information,
21 but one is that the burden of proof, the State has
22 100 percent of the burden to prove Eugene Turner guilty
23 of any crime that they're alleging he committed. Not
24 just attempted murder, but also assault and battery of
25 a high and aggravated nature or also assault and battery

1 in the first degree. They have the burden of proving
2 that you to 100 percent. You should not expect Eugene
3 to offer anything in his own defense. That would be
4 improper. So don't hold that against him. Hold them
5 accountable because it's their job. They brought him
6 here today to prosecute these cases, they have to prove
7 this to you, and if they didn't prove every element of
8 these crimes beyond a reasonable doubt, you must find
9 Eugene not guilty.

10 Now what does reasonable doubt mean? Well, it's
11 doubt that would cause a person to hesitate to act.
12 It's doubt that would leave somebody firmly convinced.
13 Firmly convinced. Mr. Smith is correct. It's not
14 beyond all doubt, that would be an unreasonable burden,
15 but his is a high burden. This is a burden that is the
16 highest that we have in our judicial system. We take it
17 very seriously because that man's freedom is on the line.
18 We have to take it seriously.

19 And you're gonna find reasonable doubt comes off in
20 three different places; in the evidence itself, conflicts
21 in the evidence, or a lack of evidence. You can find
22 that reasonable doubt in either one of those three
23 things, but in this case, ladies and gentlemen, you'll
24 find it in all three.

25 I like to think of it like there's a bridge and

1 there's a bridge in between one side of a big canyon,
2 and that's innocence, and that's where Eugene is right
3 now and that's where you-all are, too, because we're
4 all presumed innocent until proven guilty. Then on the
5 other side of this big canyon is guilt and the State
6 has to build a bridge from one side to the other for him
7 to walk across and they've got to build that bridge with
8 evidence and with facts. Strong material that will leave
9 you firmly convinced that you could walk across from
10 innocence to guilt, firmly convinced that you're not
11 gonna fall or that bridge isn't gonna break, that you
12 would not hesitate to step on and walk forward, and if
13 you hesitate even for a moment, that's reasonable doubt
14 and you have to find Eugene not guilty.

15 Now let's talk a little bit about self-defense.
16 Again, it's not a crime to be afraid. You heard
17 Mr. Smith lay out the elements of what he has to
18 disprove. Again, Eugene does not have to prove that
19 he acted in self-defense, rather Mr. Smith had to prove
20 he did not act in self-defense.

21 So we have the first element. That he was without
22 fault in bringing on the difficulty. Let's think about
23 the testimony that we heard. The testimony that we
24 heard was that Eugene went to the Dugout, that he saw
25 his ex-girlfriend Monique, that he went to the bar, that

1 he bought drinks, that he brought them over and he sat
2 them on the table along with some money. You heard
3 testimony that Mr. Wolfe at that point pushed the drink
4 away. Was she trying to provoke him? But it doesn't
5 matter because there was no other act. He left. He
6 went in the back and played pool and then he left.
7 How's that bringing on difficulty on himself?

8 And we know that Eugene had a reason to be afraid
9 because those threats are undisputed. What was said
10 came out. Nobody tried to deny it. The threats were
11 there. Any reasonable person who's had their life
12 threatened, who has had someone go on their Facebook
13 and take your family and friends information after you
14 tried to block them. That's something you should take
15 seriously. Not just then, but in all the times moving
16 forward. Threats don't expire. So, yes, it's reasonable
17 to believe -- for him to believe that he was in danger
18 of serious bodily harm or death. Why? Because that man
19 threatened to kill him. Ladies and gentlemen, one plus
20 one equals two. You see a man who's threatened to kill
21 you, you see that he comes up for the first time in
22 eight months, and I'll talk about that a little bit
23 later, but I wish we had cameras to see what happened
24 next. I wish we had cameras to see what happened next
25 because I think there's probably something else that

1 happened in there, but I don't -- I can only guess. Any
2 of us can only guess.

3 And that he didn't have any other way to avoid the
4 problem. Again, the holes caused by the lack of
5 investigation are reasonable doubt in and of them self.
6 We don't know what his situation was. We don't know if
7 there's a fence behind him and he can't run away. We
8 don't know if he twisted his ankle and couldn't run. We
9 don't know if he got blocked in. We don't know if he
10 couldn't pull his car out. We don't know any of these
11 things solely because of the failures of law enforcement.

12 And let's not forget, ladies and gentlemen,
13 Mr. Smith talked a lot about transferred intent and about
14 you can intend to do one thing to one person, but then
15 it also sort of transfer over. If you find that Eugene
16 acted in self-defense in the situation with the car when
17 Stokes drove up on him in that big GMC Yukon XL, that
18 is a complete defense. What that means is if you find
19 that he acted in self-defense in that scenario, you can't
20 get to all the rest. If he acted in self-defense, it
21 doesn't matter about assault and battery first degree,
22 it doesn't matter about transferred intent. If he acted
23 in self-defense in firing that firearm, then you have to
24 find him not guilty of everything involving what happens
25 in that car.

1 Malice aforethought, evil intent, ill will without
2 just cause or excuse. It can't have been for any other
3 reason. It couldn't be because he's trying to scare
4 them off, it couldn't be because the gun went off on
5 accident or something like that. You have to find there's
6 no other explanation for why he started pulling that
7 trigger because if there's another explanation, that's
8 not malice, and if he pulled it for any reason than the
9 specific intent to kill, he's not guilty of attempted
10 murder.

11 The judge is gonna also talk to you about the
12 credibility of witnesses. What does credibility mean?
13 It means the believability of witnesses. Now many of
14 you, including myself, I've never met any of these
15 people that testified here before you this week. My
16 interactions with them was the first time, as I imagine
17 it is for all of you, so we have to evaluate. How do
18 we believe these people? How do we look and hear what
19 they're saying and then determine whether or not that's
20 the truth?

21 So there's a couple of different ways. You look at
22 how a person acted that night versus how they're acting
23 now. You look at what they say, how they say it, what
24 their demeanor is, what their body language is. Does it
25 make sense what they're saying in the face of objective

1 proof? Not bias or motive or any of that. It just
2 doesn't make sense when taken into consideration with
3 other things.

4 For example, the first thing that Stokes did when
5 he got up here on the witness stand was start crying.
6 Ladies and gentlemen, I submit to you those are crocodile
7 tears. Why? You heard his 9-1-1 call. He wasn't crying
8 then. You saw him on body cameras. He wasn't crying
9 then. By the time Mr. Smith got to question number two,
10 he was dried up. That's an exaggeration. Exaggeration
11 is a longer word for another three letter word, which is
12 lie.

13 Let's look at his demeanor. Does the testimony
14 conflict with one another? Again, Mr. Stokes got up
15 there and he testified that he didn't know that his
16 sister was hurt when he made that 9-1-1 call. He said
17 he didn't know that until the second time he tried to
18 call his sister. Go back and listen to his 9-1-1 call.
19 He says there's man named Eugene Turner who put a gun
20 to her head. He's lying at some point. It was either
21 then or now, but he's lying, and if there is a lie, you
22 can't believe any of it. It's like bad beef stew. If
23 you've got beef stew that's got rotten meat in it, you
24 don't just pick out the rotten meat and just keep eating
25 the stew. You throw whole thing out. That's what you

1 have to do when you detect lies in testimony.

2 And Mr. Smith, I didn't count how many times he
3 used the word "assume" or "assumption". Is it reasonable
4 to assume this, reasonable to assume that. I submit to
5 you that reasonable to assume is not beyond a reasonable
6 doubt. We've all heard what they say about assumptions,
7 right? And they want you to convict him based on
8 assumptions. Ladies and gentlemen, you cannot do that.
9 You cannot convict him based on assumptions. You have to
10 convict him on what the evidence shows, what the evidence
11 infers and what the evidence will convince you of maybe
12 beyond a reasonable doubt, maybe not.

13 But what we have here is a tale of two stories.
14 One is a story of a family to the rescue; that inside
15 this club, the Dugout, a restaurant, they presented a
16 picture of a cold, calculating man who was bent on
17 killing people. That he goes into the Dugout wanting
18 revenge alone, seeks out Ms. Wolfe, buys his ex a drink,
19 and then he goes outside to wait on her brother to get
20 there. He positions himself in a dark parking lot near
21 midnight and then sees a Yukon that he should know
22 belongs to Mr. Stokes -- or Ms. Anderson, and then he
23 pops up according to Mr. Stokes and without any warning
24 he just starts firing, trying to fire, the gun is
25 jammed, and then Mr. Stokes drives backwards for -- he

1 gave a pretty wide range. It's a hundred, three
2 hundred yards, I don't know, but Dukes of Hazzard style
3 he's going all the way up there. And that after that
4 he waits. He waits five to ten minutes not caring if
5 9-1-1 is called or law enforcement's there, but he
6 waits.

7 And how do we know that he waits five to ten
8 minutes? Because that's what Ms. Wolfe said. She
9 stayed in the club five to ten minutes after the
10 shooting before she came out, so we have to assume that
11 he's just hanging out. That doesn't make any sense.
12 But then when she does come out she claims that he
13 punches her in the face, puts a gun to her forehead,
14 into her mouth, forces her down, and when it doesn't go
15 off he kicks her repeatedly.

16 The only problem with that story is that it just
17 doesn't make sense when you look at all of what we've
18 heard and all of the evidence that's been presented at
19 this trial.

20 Or is it the second story; that this is a set-up,
21 the whole thing. Is this the story of a family that had
22 been out to get Eugene for a long time? That since this
23 serious family incident where Ms. Christine is the one
24 that tried to get him arrested, it didn't work out for
25 them, and for the first time in eight months they see

1 him. This is their chance. You heard Ms. Wolfe. If the
2 law doesn't get you, the streets will. On September 1st
3 the streets came for Eugene Turner.

4 So that prior incident in 2013, you heard that
5 Mr. Stokes broke Eugene's windows in his car. He tried
6 to say it was in self-defense or something, that there
7 was a fight. Does that make sense that if you're in a
8 fight you're gonna break windows? No, that doesn't make
9 sense. That's him trying to cover for it. You heard
10 he was charged for that. The serious family incident
11 that we have referred to repeatedly because it's so
12 important, ladies and gentlemen, I want to read the
13 statement again. Mr. Stokes admitted on the stand to
14 making these posts in a rage he said. In a rage. His
15 name is Eugene Turner. If you see this bitch ass call
16 the police before I get to him because all my family
17 and like, you know, all my N word, green light, mash
18 on sight. It's face-off, fuck boy. Not God, not my
19 momma, not the police, not your momma can save you.
20 I'm gonna shoot you dead, bitch.

21 A couple of days later, still looking for him,
22 then Ms. Wolfe posted if the law don't get you, the
23 streets will. She posted you can run, I promise you
24 can't hide for long. Ms. Rosemond says that we ride
25 in packs, we ride for hours, and that they turn all

1 talks into action.

2 This is not a pack out to the rescue. These are
3 people who after all this time finally sees their
4 opportunity. And now here's the evidence that actually
5 shows that what their story is just doesn't add up.
6 Let's start with Ms. Wolfe's fear of Eugene Turner.

7 Now the State's presentation is that Ms. Wolfe
8 called law enforcement during this serious family
9 incident and said that now Eugene wants to get back at
10 her, but there were no charges made. That's why it
11 doesn't make sense. How is his life ruined if no
12 charges were ever made? She's the one who'd made
13 previous threats against Eugene. Her brother had made
14 previous threats against Eugene. She's the one that
15 gathered his family and friends info from Eugene. And
16 all Eugene does is walk into a bar and buy her friends a
17 drink? There's no reason to fear Eugene. Eugene had
18 more of a reason to be afraid of her. Her testimony was
19 that she could have left at any time. She had two phones,
20 didn't call 9-1-1 from either of them. She's got her
21 friend Shauna with her, she's got Monique, she's got
22 all of these other people around her, and I understand
23 that that's not family, but she did call Monique her
24 sister-in-law. That's pretty close family. I'm close
25 to my sister-in-law. She could have left when Eugene

1 went in the pool room. She's not with family or was it
2 just that she wasn't with people who were going to stand
3 behind her and texted her brother and said something to
4 the effect of -- what I believe she said is Eugene's
5 here, come get him. We'll never know what that text
6 message said because law enforcement never bothered to
7 even ask about it. Deputy Mitchell said yeah, it would
8 have been important to gather evidence of fear, but they
9 didn't, so we'll never know. Another hole and more
10 reasonable doubt.

11 She drove herself there, but then decided not to
12 get an escort to her car just to leave. It doesn't make
13 any sense. She hadn't seen Eugene in nearly a year and
14 she's wearing a wig that night. The State hasn't even
15 presented any evidence to you that Eugene would have
16 recognized her. That's another big assumption they want
17 you to make. The State got out testimony that there's
18 a Facebook Live video of Monique and that Ms. Wolfe was
19 in it and that surely that's where Eugene saw it and
20 bee-lined it over to the Dugout. Where's that video?
21 Where's the proof of that? All you heard it from was
22 from their witnesses. Where's the objective proof of
23 any of that? Where's the proof he even saw it? Another
24 assumption.

25 So instead she calls her brother, Mr. Stokes, who

1 has a longstanding beef with Eugene, who was in a rage
2 and has threatened to kill Eugene, to come get her. Not
3 because she's scared, but because she wants someone who
4 shares her vengeance for getting back at Eugene. Her
5 eyes stay on Eugene inside the Dugout. Not because she's
6 scared of him, because she doesn't want to lose sight of
7 him. This is her chance. She's stalking him, watching
8 him, making sure he doesn't go anywhere.

9 The State wants you to believe that Eugene went
10 outside and laid in wait for Daniel Stokes to get there.
11 Here's maybe one of the biggest holes in this whole case.
12 Not one single thing that they have done answers this
13 huge question. How did he even know he was going to be
14 there? How? Nobody said that Ms. Wolfe shouted out in
15 the club you better look out, Eugene, my brother's on
16 the way. She texted him. She called him personally.
17 There's been no evidence presented at all of how Eugene
18 even knew he was going to be there. Mr. Stokes and
19 Ms. Anderson called it an ambush. I think that is
20 another exaggeration, another lie. How could Eugene
21 Turner have known that they were going to be there?
22 That they were going to come in a Yukon? There is no
23 way that happened. No way to determine that based on
24 the evidence presented.

25 After Stokes got the call to go get Ms. Wolfe, you

1 heard it was a quiet ride. Mr. Smith alluded to it as
2 well. A quiet ride. I don't think that's true either
3 because what we also heard Mr. Stokes say is that he
4 received a call where he learned that his sister had
5 either been spat on by Eugene Turner or a drink thrown
6 at her by Eugene Turner and he got up here and he
7 actually testified that that didn't make him mad. I
8 don't believe that for one second. If someone threw a
9 drink or spit on my sister, you better be -- you better
10 be right I'm mad. Absolutely I'm mad. You didn't hear
11 Ms. Wolfe say that happened, but he wants you to believe
12 that he's not angry. He's not angry that the guy who,
13 I don't know, he threatened to kill eight months ago
14 suddenly spits on his sister, but it's just a quiet ride
15 there. That's not what happened.

16 The parking lot is dark. You heard a lot of
17 testimony about that. It's not very well lit. So when
18 they pull into this parking lot, one or two things is
19 happening. Eugene's off to the side by this white Xterra
20 and they can't really see him or Eugene is caught in the
21 headlights of that car in which case Eugene probably
22 can't see them. You-all have been out there walking
23 around and suddenly a big car comes up, real bright
24 headlights, and you can't tell who's in that car.
25 There's no way for you to tell unless your eyes adjust

1 and that's gonna take a little bit of time. So the fact
2 that he just suddenly whips out a gun, points it at
3 them, tries to shoot them, it messes up, so he cocks it
4 again, and then he keeps going, it doesn't make sense
5 when you look at it logically.

6 The pictures that are gonna go back, look at those
7 windows. Look how tinted those windows are. How is the
8 State gonna honestly argue that he could see who was in
9 there? Someone said that Eugene didn't even look like
10 he knew what he was doing when he was operating the gun.
11 It clicked and he had to fumble with it and kind of
12 cocked it a few times. Ladies and gentlemen, I ask you
13 to consider something else. Maybe he didn't know what
14 he was doing that night with the gun because he didn't
15 expect to be using one that night. He didn't expect to
16 see the man that had threatened to kill him roll up in
17 there in a big GMC Yukon XL. He didn't expect whatever
18 -- again, my opinion, what happened after that that
19 we'll never know because we don't have the cameras, but
20 I would submit that a person who's ambushing someone
21 probably has that weapon ready. But a person who is
22 rode up on, not expecting that, probably is gonna
23 fumble with that gun, probably is scared, hands shaking
24 as he's figuring out what's going on. I think that's
25 more likely what happened that night.

1 You heard a lot about shots fired and bullets
2 hitting here and there. Were they bullet holes? Were
3 they penetrating? Were they ricochets? I want to talk
4 a lot about that because I think it is very, very
5 important.

6 I apologize in advance for the crudeness of my
7 demonstrative here, but I have this little itty-bitty
8 little scrap of paper that says Stokes. There's two
9 little black marks and that represents where the dents,
10 the scrapes, were located. So if we're looking on this
11 map, we see right here where Stokes alleges that he
12 parked. We also know that the shell casings were found
13 in this general area right here. Now according to them,
14 they start backing up like this. Now if we're looking
15 at where that is, look at what direction that's facing.
16 It's turned not north and south, but slightly this way.
17 If he's in -- if he's in the road and he's shooting,
18 remember, ladies and gentlemen, bullets, they don't curve.
19 This is not science fiction. Bullets go straight. If
20 he's standing right here, it would have been a head-on
21 shot. If they continue to go backwards and he's standing
22 right here shooting, there's no way that damage happens.
23 None. They continue to go back here where it's marked
24 as B where they turned around. Even right here, and I'm
25 just lining this along with the curvature of the road,

1 there's no way that bullet hit at that angle. I'm no
2 physicist, but bullets don't go -- bullets don't curve
3 around to make a ricochet. Then he turns around. Now
4 here's the only opportunity he actually could have hit
5 the side. But guess what? That would have been a
6 straight-on dead shot, a bullet hole, a penetration,
7 what you would expect to see, but that's not what we
8 have.

9 Mr. Smith said that this dent on the back, even
10 he's a little confused about how it got there, and I
11 agree, I am, too. All the officers are in agreement,
12 too, because if we're doing the same thing here -- I
13 don't know. He mentioned something about odds, but
14 what are the odds of that happening? What are the odds
15 of that dent hitting exactly that way and then not
16 hitting the windshield wiper that's just on the other
17 side? And then he drives away forwards, this way. Now
18 if he shot it, you'd have a bullet hole, you'd have
19 penetration.

20 So, ladies and gentlemen, I submit to you that just
21 looking at a crude Post-It note and a straight line will
22 show you that there's reason to doubt that that's what
23 happened. And even if it was a ricochet, on that very
24 off chance, Deputy Woody got up here and he testified
25 that if it bounced off the ground it's possible that

1 it could go up and hit. And guess what, ladies and
2 gentlemen? If he's shooting down at the ground and not
3 at them, that's not a specific intent to kill. Maybe
4 he's trying to steer them away, but he's not trying to
5 kill them. This is a ten-year old car, a 2007, that
6 she had had for a couple of years. Surely there were
7 dents in that car beforehand.

8 Stokes testified that Eugene's eyes were on him
9 100 percent of the time. 100 percent. I think that's
10 expected of someone who you knew had threatened to kill
11 you and you see him. I wouldn't take my eyes off of
12 him either. What we also know is that if he's looking
13 dead-on there, he's not looking at anyone else. The
14 State hasn't given you one bit of evidence that says
15 he's even aware that there's anyone else in the car and
16 if you have to specifically intend to kill somebody, you
17 have to know that they're there, and they haven't proven
18 that he even had knowledge that they were in the car
19 because, as he said, no doors opened, nothing like that.
20 There's been no testimony about the windows being down
21 and he heard voices or anything like that.

22 You heard Stokes testify that -- let me back up.
23 Even Ms. Rosemond says that they knew Daniel was the
24 target, that they knew Stokes was the target. How do
25 they know? Because they knew about the threats and

1 they knew why they were going there that night.

2 Ms. Pickens said that she felt comfortable enough
3 to go walk and get Ms. Wolfe. Why? Because she didn't
4 think Eugene was going to harm her.

5 What does all this show? That he only had his eyes
6 on Stokes, the man who threatened to kill him, that he
7 never intended to cause harm to anyone else in the car,
8 can't even prove that Eugene knew that anyone else was
9 even in the car. Again, they want to you to assume that
10 he knew without the evidence to back it up. Eugene was
11 close enough where if he intended to really kill anybody,
12 he probably could have, but there's no bullet holes in
13 the windshield or anything like that.

14 In statements you heard that the occupants of the
15 car all said that everything started in the parking lot
16 and you heard witnesses sort of start walking it further
17 and further out into the road. Why is that, ladies and
18 gentlemen? Why is it that at the time everything started
19 happening in the parking lot? And I encourage you to go
20 and look on the body cameras because you're gonna see
21 definitively, not out of people's recollections after
22 five years after this going on, you're gonna see that
23 that white Xterra is one, two, three spaces from the
24 Dugout. That's deep into the parking lot, okay, and
25 that that's where all this allegedly starts to happen.

1 Stokes puts the car right here halfway out into the
2 road. Why does he move it all the way out there?
3 Because after five years of getting their statements
4 straight, that's the only way they could put Eugene
5 out there where the shell casings are found. As simple
6 as that. Again, I don't know what happened if there
7 were shell casings in that parking lot. We don't have
8 cameras.

9 Mr. Stokes also testified that he never put the
10 car in park, that he was still in gear, so then ask
11 yourself if he's still in gear and he's only halfway
12 in, why keep backing up? Why don't you turn the wheel
13 a quarter turn and just take off going south down
14 Woodmede Way? That's what a reasonable person would do.
15 But, again, that's assuming that he's telling the truth
16 and that's where he is, and if that's not where he was
17 because that's not what the other three occupants say,
18 they say we're down by the white Xterra, which is
19 somewhere down in here. Why is that? That's another
20 lie. That's another example of trying to mislead you
21 as to what really happened, which is actually in conflict
22 with the other three people who are in the car for the
23 sole purpose of trying to put Eugene closer to those
24 shell casings. It would make sense if you backed up and
25 then you turned this way, you turned that wheel hard to

1 the left and then you drove straight up this road, but
2 instead you've got this Dukes of Hazzard story, which
3 even if you believe that, makes it impossible for those
4 dents, those scrapes, to have gotten on that car.

5 Then we have the part where Ms. Wolfe exits the
6 Dugout, where she leaves. Now this is a very important
7 fact. Well, they're all important, but I want to
8 highlight this one to you. She says that she's on the
9 phone with Stokes and she hears the shots. We asked
10 every single other person I think, or close to it, at
11 least a couple of the occupants in there, was Stokes on
12 the phone when he pulled up to the Dugout, and they all
13 said no. So one of two things is true. Actually, one
14 of three things. Either Ms. Wolfe's lying or the rest
15 of them are lying or it's all so jumbled that you can't
16 make up your mind, in which case I'd say you'd have to
17 disregard all of them because if there's nothing to
18 independently verify what they're saying, if it doesn't
19 make sense with what you're seeing, you have to -- you
20 don't have to, but you have the ability to disregard
21 that, and that's reasonable doubt.

22 She says that she told a waitress to call 9-1-1 and
23 yet law enforcement never spoke to anyone. She never
24 called 9-1-1 with either of her phones. Stokes told her
25 to come to -- come to him to a nearby hotel. Why would

1 you ask your sister to come and meet you at a nearby
2 hotel when you don't even know if this crazy madman with
3 a gun is still there? You don't even know if he's there.
4 What you're -- what you're telling her, come to me, come
5 to me, doesn't make any sense. None of that makes any
6 sense.

7 So the State and those family members want you to
8 believe that Stokes, and after Eugene opened fired on
9 them without regards or any of that, just wanted her to
10 go outside and then walk to them. Why leave the safety
11 of a club where there's no indication Eugene was going
12 into? Why leave? Why wouldn't you just go hide in the
13 woman's restroom. You overheard the shots, according
14 to her. Why not stay with your friends? Why not stay
15 behind security or hide behind the bar? There's many
16 other things that she could have done, but instead she
17 goes outside.

18 She testified that more likely than not she went
19 momma bear when she heard those shots and that she just
20 went right outside. So, again, now we're changing our
21 stories. First we waited five to ten minutes and now
22 she's going right outside. Who do you believe? I
23 would argue that a conflict in testimony is indicative
24 of lying. Her excuse, that she was traumatized. Well,
25 that's convenient to explain the fact that you're

1 changing your story. And if it was only five to
2 ten minutes, then Deputy Azzara would have already been
3 there because he got there between eight to ten minutes
4 after the initial call comes in.

5 So she goes outside not knowing if Eugene was
6 outside, maybe with her friend Shauna, I don't know, but
7 here's another question. Where is she? Why didn't we
8 hear from her? Why didn't the State call her? Their
9 job is to bring evidence to you. Don't you want to hear
10 from everyone who had a piece in that? I certainly
11 wanted to. We're never gonna know. They didn't bring
12 that person. And while we're at it, where's Monique,
13 who Ms. Wolfe described as her sister-in-law? Eugene's
14 ex, where's she? Where's her sister Tiffany? Where's
15 her brother Larry that were all at this club? Law
16 enforcement never bothered to talk to a single person
17 that was there. Not a single independent witness. I
18 don't know if that's apathy or ignorance or what, but
19 it's unacceptable and that's reasonable doubt because
20 we'll never know what that person would have said, and
21 you have to hold that against the State because they
22 failed in their job to gather evidence to present in
23 attempting to convict Eugene Turner.

24 And then Ms. Wolfe wants you to believe that while
25 he's standing in the road over here she comes just

1 outside the door and she freezes and he just calmly walks
2 his way all the way across this parking lot and then
3 engages in this attack in a parking lot full of people.
4 Nobody stops it.

5 But we have some independent evidence that we didn't
6 hear about during the course of the trial that you're
7 gonna have the opportunity to look at when you go back
8 to the jury room. You're gonna have EMS records, you're
9 gonna have hospital records. Why are those things
10 important? Because I want you to pay close attention to
11 what is in those reports and especially what's not in
12 those reports and records. You're gonna see that those
13 EMT records says -- they don't say that there's any
14 obvious injury noted to the patient's head, which is
15 interesting considering how bad she was complaining about
16 how the back of her head hurt and all this, but yet
17 there's no obvious injury; no cuts, no lacerations, no
18 bruise, nothing. The EMS records never mention anything
19 about a gun in her mouth. There's testimony there's a
20 bruise on her face and throat, yet the EMS records don't
21 indicate anything of that either. It says that she
22 denied neck and back pain; that she denied feeling
23 lightheaded or dizzy after the assault, which conflicts
24 with what she testified to, that she was wandering
25 aimlessly down the road. Again, finally, finally, we

1 have some independent evidence that we can look at and
2 the first things that that shows is that what they're
3 saying are not true. In fact, she stated on there, I'm
4 fine. I'm okay. I just hurt. It's my lupus that hurts.
5 And then you're gonna have the hospital records and these
6 hospital records, I know you can't take notes, but I'll
7 try to direct you a little bit, on a clinical impression
8 on page 2 of those records it says that she has a minor
9 head injury and arm contusion. On page 7 it reads assault
10 by male acquaintance. First punch in right side of her
11 forehead, then kicked in the head. Complains of right
12 arm pain and headache. It goes on later to say that
13 she's already been diagnosed with headache disorder and
14 migraines, which means that what she said after this she
15 started having headaches and migraines is just not true.
16 She had those preexisting. And, again, I said what is
17 important about these, not only what's in there, but
18 what's not, in all of those medical records that you'll
19 have to look through, I will tell you one thing you will
20 not read throughout the entire thing, and that is one
21 claim of gun going into her mouth. If I had a gun in
22 my mouth to the point where it was pushed, forced so
23 far down my throat it caused soreness and that gun never
24 left my mouth and I got pushed all the way down to the
25 ground, you better believe I'd be telling doctors about

1 that, and I think we can trust that that kind of
2 information would make it into medical records.

3 So you have to ask yourself why is it not in
4 there. Well, ladies and gentlemen, I submit to you
5 that those doctors couldn't hurt Eugene, they couldn't
6 charge him with anything, so she tells a story to law
7 enforcement and then when she gets to the hospital,
8 it's not important anymore, I don't need to tell that
9 lie anymore, I've just got to get treated for my head
10 injury, my minor head injury, which she was discharged
11 with Ibuprofen.

12 So when Mr. Smith is talking about assault and
13 battery of a high and aggravated nature and how that
14 plays into this, first off, ladies and gentlemen, I
15 submit to you that that whole gun thing never happened.
16 The medical evidence doesn't support it, there's no
17 witnesses of it, there's no camera that shows it. They
18 just want you to believe her testimony, which I pointed
19 out time and time again since I've been talking to you,
20 is in conflict with itself. You can't believe it
21 because it's self-serving. She's saying it only to
22 help herself, for no other reason, so I say that that's
23 not attempted murder. In fact, I would submit to you
24 that's not even assault and battery of a high and
25 aggravated nature. Why? Because assault and battery

1 of a high and aggravated nature is one that is done with
2 a substantial risk of death. If there's no gun, there's
3 no substantial risk of death.

4 Permanent disfigurement, we didn't hear any
5 testimony about that, or prolonged loss or impairment
6 of a body part. She was discharged with Ibuprofen.
7 That's not assault and battery high and aggravated.

8 There's also no indication that there were any
9 burns inside of her mouth. Why would there be burns?
10 Because if this man had just unloaded a clip as
11 Ms. Anderson says, don't you think the end of that
12 barrel would be hot? There's no evidence of swelling,
13 redness, nothing about her eyelashes being ruined or
14 her makeup running. Her lipstick was okay. There was
15 no swollen lip.

16 You can look at these pictures. There's not a
17 spec of dirt on her shirt, her jewelry is on, nothing's
18 broken, her wig's still in place, there's not a rip on
19 that shirt, it's not scuffed, it's barely even wrinkled,
20 and yet they want you to believe that she was violently
21 assaulted to the point where she was down on the ground
22 and he was repeatedly kicking her. That just doesn't
23 support those pictures. It doesn't support what's there.

24 And while I have this up, I want to go back real
25 quick to the dents in the car. I neglected to go over

1 it earlier. You heard me talking to Deputy Woody about
2 some BB gun comments. Here are those comments.

3 (Whereupon, a portion of State's Exhibit Number 25
4 was played.)

5 MR. GRUBBS: And now by Deputy Azzara.

6 That's okay. I've got it written down what Deputy
7 Azzara says. He says there's no ricochet to it. If they
8 backed up, there's no way to hit them. I'm skeptical
9 about that one. And then another deputy who's standing
10 right next to him says and that's what we call doubtful.
11 And that's what we call doubtful.

12 Ladies and gentlemen, for the first time in this
13 trial there's something that law enforcement said I
14 agree with. That is doubtful. And just because they
15 come back in here now five years later and say that oh,
16 after we completed our investigation, everything's good,
17 they're definitely ricochets, what investigation? What
18 investigation? What we know is that this investigation
19 they allegedly did was lazy at best. Why is that
20 investigation important? Because in every story there's
21 holes and those holes have to be filled with something
22 because no one's gonna be telling 100 percent of the
23 truth all the time, there's gonna be some give and take
24 here and there, which is why we need evidence to fill
25 in the holes because as Deputy Mitchell, or Mr. Mitchell

1 now, testifies to, there's some times that evidence
2 disproves what a witness has said. And he agreed that
3 it's important to collect that evidence. Why do I keep
4 pointing out those general orders? Because they're
5 orders. They're rules to follow. I guess the State
6 just doesn't like following the rules. You're supposed
7 to turn on your body cameras when you interview people.
8 They are supposed to go around and collect physical
9 evidence. If you don't collect physical evidence,
10 they're supposed to do a report explaining why, and
11 they failed in doing that. They could have brought a
12 lot of clarity to this tale of two stories that we've
13 heard here this week, but they failed. They had a duty
14 to collect those things and they did nothing and they
15 want you to convict him and they haven't given you any
16 of the real independent evidence that you should be able
17 to use to evaluate whether what you heard here out of
18 these witnesses is true or not, and that's reasonable
19 doubt.

20 This whole investigation as I sat up hear listening
21 to all these deputies, it sounded like a game of hot
22 potato. Oh, I wasn't delegated to this. Well, no, he
23 didn't tell me to do that. I couldn't go and collect
24 this, I couldn't collect that camera because nobody told
25 me to do that.

1 Come on, ladies and gentlemen. We expect better.
2 Eugene deserves better than that. Mitchell ended up
3 saying yeah, I had the discretion to go do some things,
4 and yet they didn't. In fact, when I asked him all
5 right, you're the lead report writer, but who's the lead
6 investigator, they kept saying delegation, delegation,
7 and I asked who's the lead, who is doing the delegating,
8 he said Azzara and Woody. What did Woody say? I
9 assisted on this case. What did Azzara say? I was at
10 the end of my shift. I just came because I was the
11 closest one. I didn't have anything to do with this
12 thing. They don't even know who the lead investigator
13 is on a charge as serious as attempted murder and I
14 didn't even know until this trial that they were supposed
15 to assign a violent crimes investigator to follow up,
16 and they didn't do that either. Maybe if they had done
17 even that step that we would have gotten some of this
18 information.

19 McHale said that you can't take what witnesses say
20 at face value. I agree with her. Mitchell says it's
21 important to collect independent evidence because it
22 conflicts -- sometimes it can conflict with what a
23 witness is saying. I agree with him there, too. And
24 Azzara, you heard Ms. Lipinski talking to him; it was
25 the end of your shift and you didn't bother doing a

1 report, and he said yeah. That kind of laziness can't
2 be tolerated. You can't expect to do that kind of sham
3 investigation and then bring this man into court and
4 ask you fine people to convict him just because it's the
5 end of their shift and they didn't feel like doing the
6 work. Well, they weren't delegated that task, so they
7 couldn't do it. Eugene deserves better. We all deserve
8 better.

9 They failed to secure the scene. Just look at
10 Mitchell and Woody's body cameras. There are people
11 walking in and out, riding over where those shell casings
12 are. You heard Woody say that there's no forensic value
13 to where they're located. You heard him say that they've
14 been run over, probably kicked, maybe moved. I don't
15 know. No one knows because twenty minutes had passed by
16 the time they got there.

17 So this whole thing about shell casings being in the
18 roadway, I know the State makes a big deal that that's
19 how they put Eugene in that road and there's a shooting
20 and that's how they do that, but if there's no forensic
21 value to where they're located and we know that they've
22 been moved around, how do we even know that he was in
23 the road? I don't think you can.

24 In fact, I want to point something interesting out
25 to you. Right in the beginning of Deputy Mitchell's

1 body camera, there's a young man who's seen walking in
2 there and the first thing he says is did you-all find
3 any shell casings yet. Now it took me a few times when
4 I was going through this to realize that's the same
5 young man who was comforting Ms. Wolfe later on on
6 Deputy Azzara's body camera. That was her son walking
7 through the crime scene asking have you-all found any
8 shell casings yet. That's very interesting to me.
9 That's not the first time or only time you see him
10 walking around.

11 I made a lot of a big deal about these cameras and,
12 again, hot potato by law enforcement. What did he say?
13 Oh, they were -- they were adversarial. You're a law
14 enforcement professional. You deal with adversarial
15 people all the time. I don't think law enforcement would
16 work if they went and asked somebody a question and that
17 person responded with I don't really want to talk to you
18 right now and turned around and walked away and that the
19 officers just accepted that. I don't think we'd get
20 very far in solving any crimes, but that's apparently
21 what Deputy Woody was doing. He didn't go get a search
22 warrant. He had the power to have a search warrant and
23 he failed to do it. The solicitor's office has the power
24 to subpoena information. Nobody ever did that. The
25 State has so much power and yet they exercised none of

1 it in investigating this alleged crime. Those holes that
2 you could drive a bus through is reasonable doubt.

3 They didn't get any cameras from the Camelot. He
4 said oh, maybe they weren't doing that, maybe they
5 weren't pointing in that direction. If you never ask,
6 we'll never know. I would have loved to just look at
7 the cameras from the Camelot and say oh, yeah, that
8 doesn't show anything. It's not important, right? I'll
9 discard that. Never even gave us a chance.

10 The V-GO, no cameras from there. Mike and Jack's,
11 no cameras from there. Didn't even bother. Never tried
12 to talk to any witnesses. Because people did talk to
13 law enforcement. Don't get confused when they said no
14 one wanted to talk to us. You heard even in Mr. Smith's
15 closing argument that there were people who were talking
16 to law enforcement. It's just that law enforcement
17 didn't bother to get their names, get their contact
18 information, ask if they would write a statement. None.
19 If they cared about this investigation, they would have.

20 And we've heard forensics thrown around a lot.
21 Where was a forensic person called to testify at trial?
22 They're making so much about these ricochet marks.
23 Wouldn't the State have presented someone to you that
24 could explain it? I mean, Deputy Woody was trying to,
25 but even he said I'm not a firearms expert. They could

1 have brought a firearms expert. They could have brought
2 a forensics person. They could have had somebody analyze
3 the angles and this and that that could have helped you
4 understand, that could have helped prove their case.
5 Where were they? I don't think you heard from them
6 because I don't think that would have helped them one
7 bit. I think it probably would have disproved their
8 case and that's why they didn't bring anyone in to talk
9 to you about that.

10 They collected the shell casings. They never even
11 bothered to test for fingerprints. Again, Mr. Smith's
12 assumption is oh, well, you're not gonna find any
13 fingerprints there. Not now. You're not gonna find any
14 touch DNA there. How are they gonna know?

15 And one thing, I'll be honest with you, ladies and
16 gentlemen, that kind of made me angry as I was sitting
17 over there, Mr. Smith made the comment why would we waste
18 the time, the money and the manpower to investigate this?
19 Ladies and gentlemen, I'll tell you why. Because this
20 man is on trial for attempted murder. This is not a
21 shoplifting case. This is not an improper crossing of
22 the street. This is not a speeding case. This is an
23 attempted murder case. One step down from the worst
24 crime you could be charged with, murder. And he's not
25 worth the time, the money, the manpower. The State

1 wants to convict this man of attempted murder, but it's
2 not worth the investigation to do so. How little do
3 they think of him?

4 You've heard a lot about an independent 9-1-1
5 caller. You've heard Mr. Smith try to minimize it. You
6 heard Mr. Smith make a lot of assumptions about that
7 9-1-1 caller. He stated just because she didn't want to
8 be contacted on that night, that's not worth a follow-up,
9 that's not worth a phone call? I would have loved to
10 know what she said, what she saw. We'll never know.
11 Again, because law enforcement failed.

12 Because what we know is that apparently Mr. Stokes
13 backed up, went in here in this first entrance to the
14 Camelot and then started driving up and around
15 Bruce Road. Mr. Smith said she's too far away. There's
16 no way she could see that and yet she's here at the V-GO
17 and he's driving closer to her. He's driving closer to
18 the 9-1-1 caller. She just saw him. The only independent
19 witness in this whole trial who says that gunfire's coming
20 from a large SUV in the road in front of the Dugout where
21 there's shell casings found, they don't even bother to
22 follow up. That's reasonable doubt.

23 Because if you believe this lady, and there's no
24 reason not to because they haven't given you one, they
25 haven't brought her in and cross-examined her or talked

1 to her, find out oh, yeah, maybe I was mistaken. They
2 want you to assume that maybe she saw those sparks flying
3 and that maybe there was a shootout, she didn't know, a
4 reasonable assumption it's this or that. No, we don't
5 deal in reasonable assumptions when you're trying to
6 convict a man. We're dealing with what's out there and
7 what you can prove and what you can disprove and there's
8 no way for the State to disprove what that woman saw.
9 None. Because if you believe what that woman says and
10 that he had a gun, that means that Eugene Turner had
11 every right to defend himself on September 1, 2017.

12 You saw Deputy McHale talk to a security guard at
13 the Camelot. Where's he? He was there. He probably
14 heard something. He probably saw something. He could
15 have said if there was a guy driving backwards and then
16 backed into their hotel. We didn't hear anything from
17 him. That's why the State and the alleged victims'
18 story of a family to the rescue just falls apart when
19 you start drilling down to the details, when you start
20 looking at the specifics. When you look at the only
21 independent evidence that there is in this trial, you
22 start to see how it just crumbles. What they're building
23 that bridge with is weak. It falls apart at even the
24 closest little inspection.

25 Or was this the setup? Is it that Ms. Wolfe saw

1 Eugene, called her brother, who had authorized that green
2 light eight months prior, that she had her eyes on him,
3 so she followed him out to make sure she didn't lose him.
4 Something happens. Something enough for Eugene to feel
5 the need to reach into his car, grab the gun his friend
6 left there, and defend himself. Defend himself from a
7 man in a rage who threatened to kill him.

8 It made sense that Eugene would go to the Dugout to
9 see his ex-girlfriend, buy her a drink, put it on the
10 table and leave. It make sense that as he's leaving he
11 takes a phone call and then while he's on the phone
12 something happens to Mr. Stokes. I don't know what.
13 I don't have those cameras. That's reasonable doubt.
14 But something happens. Something happens that makes
15 him feel the need to defend to himself based on prior
16 threats, based on prior incidents with Mr. Stokes,
17 where Mr. Stokes had broken his windows before, based
18 on charges that were attempted to be filed against
19 Mr. Turner, but there wasn't enough evidence. He
20 defended himself. If you're ambushing somebody, why
21 are you on the phone? Why are you talking on the phone?
22 That doesn't make sense because it's not true that he's
23 ambushing them.

24 Eugene never makes it out to the road because what
25 we know is everything started right by that white Xterra,

1 which is three spots over in the middle to upper part of
2 the parking lot closest to the Dugout. We know that's
3 where it starts. We know that Deputy Mitchell said that
4 he went over there to investigate, but as I pointed out
5 to him six seconds is how long he looked around that
6 white Xterra. Six seconds. That's the extent of his
7 investigation.

8 And that when Stokes drives into that parking lot
9 he finally locks eyes. Eugene finally locks eyes with
10 a man who's threatened to kill him and he acted as any
11 reasonable person would have done in that scenario,
12 which is to act in whatever way he could to defend
13 himself. And according to the 9-1-1 caller, there's
14 shots coming from a silver car, a silver SUV, which very
15 well could have been Stokes firing off shots to either
16 make sure Eugene's not following him. Maybe those shell
17 casings are the ones that are on the road.

18 And asking the passengers who were with Mr. Stokes
19 whether or not he ever had a gun. Ladies and gentlemen,
20 that's like grading your own paper. Do you really think
21 they're gonna snitch on him, they're gonna turn on
22 family? You can't believe that just because they say
23 there's no gun that there wasn't one.

24 How do we know Eugene Turner was scared? You call
25 9-1-1. He called 9-1-1 on himself. Ladies and gentlemen,

1 if you are this cold-blooded, murdering, ambushing man
2 who went to the Dugout with the purpose of attacking
3 Ms. Wolfe and attempting to kill Ms. Wolfe and attempting
4 to kill Mr. Stokes and the other occupants of that car,
5 you wouldn't call 9-1-1. He wouldn't have gone somewhere
6 and come back. He'd be gone. But instead he calls
7 9-1-1. Why? Listen to it again. I'm scared. I feel
8 threatened. I fear retaliation because for Eugene those
9 threats didn't go away. They didn't go away in the
10 eight months leading up to the events of September 1st,
11 they didn't go away after the events of September 1st to
12 the point of who he thought was banging on his door,
13 it's not oh, I wonder who it could be. It's oh, no, it's
14 them. That's how you can know what's in Mr. Turner's
15 head. And Mr. Smith says I can't get inside his head.
16 I think you can. I think you can get inside his head
17 when you look at what his actions are as to why he calls
18 9-1-1. Because he's scared. He is scared to death.
19 Scared to death of that man and what they would do to
20 him.

21 Law enforcement's utter failure to investigate
22 this case has robbed Eugene Turner of evidence. It
23 could have shown conflicts with their testimony and
24 what really happened that night. Eugene deserved better.
25 Not even a violent crimes investigator assigned. Their

1 lack of investigation should leave you with reasonable
2 doubt. He was threatened in early 2017: Green light,
3 mash on sight. You can run, but you can't hide for long.
4 If the law don't get you, the streets will. We ride in
5 packs. He was terrified the night of September 1, 2017,
6 when the man that had threatened to kill him drove into
7 that parking lot unexpectedly. He acted as any reasonable
8 person would, which was to defend himself. Does he shoot
9 to scare him off? I don't know, but he's not aiming to
10 kill. A threat doesn't expire until it's carried out.
11 Eugene didn't go there for trouble. He went there and he
12 bought a drink for his ex. There's no way he could have
13 known that Stokes was gonna be there. Ms. Wolfe was the
14 one who actually summoned Mr. Stokes there. She's the
15 one that brought on this trouble. If she hadn't made
16 that text, made that phone call, we wouldn't be here
17 today. The alleged assault of Ms. Wolfe has been
18 grossly exaggerated, and as I said, exaggeration is a
19 longer and fancier term for a lie.

20 I showed this to Deputy Mitchell to help demonstrate
21 what a firearm looks like, what the different parts of
22 a firearm are. He pointed out this is the front sight,
23 this is the muzzle, this is the slide, this is the
24 trigger guard, and what the State wants you to believe,
25 what Ms. Wolfe wants you to believe, is that with such

1 force this kind of a weapon was shoved inside of her
2 mouth that didn't chip any teeth, didn't knock out her
3 partial, didn't cut the roof of her mouth. I sipped
4 hot coffee and burned the roof of my mouth and we're
5 saying that that sharp front sight don't do any damage
6 whatsoever. That hurt just putting it in my mouth just
7 now. That this hot barrel didn't burn something. That
8 this trigger guard didn't hit her on her chin causing a
9 bruise. She testified that it was in her mouth the whole
10 time all the way to the ground. So far in her mouth it
11 caused a sore throat. So we're supposed to believe that
12 after this is in her mouth that she then is forced onto
13 the ground and there's no injuries? Ladies and gentlemen,
14 that's ridiculous. It's ridiculous because it never
15 happened. She's lying. Don't fall for it. She's a wolf
16 in sheep's clothing.

17 None of the complaining witnesses' stories make
18 sense. They're not cogent. They don't match up. Eugene
19 was traumatized. When he heard that banging on his door,
20 he was so scared he calls 9-1-1 on himself. He didn't
21 try to run when deputies got there. Mr. Smith was trying
22 to make a big deal out of the fact that he was running.
23 He didn't run when the deputies got there. Isn't it a
24 little strange that he'd rather be in the custody of law
25 enforcement than out there on the streets where they

1 could get him? Take that for what it is. It's evidence
2 of fear, it's evidence of him being threatened, it's
3 evidence of him being honest.

4 The State has failed in meeting their burden of
5 proof. Eugene properly exercised self-defense. He
6 was without fault in bringing on the difficulty, he had
7 a reason to believe there was a threat as we've gone
8 over ad nauseam, so would a reasonably prudent person
9 act the same way? I submit that they would. And,
10 remember, Mr. Smith didn't have to disprove that by just
11 a little bit. He has to have disprove it beyond a
12 reasonable doubt. Beyond doubt that would leave you
13 firmly convinced and to not even hesitate to decide that
14 he didn't act in self-defense.

15 There's no malice. There's no evil in Mr. Turner's
16 heart. He was at a club. He was surprised in the parking
17 lot by a man who had threatened to kill him. And what
18 happened with Christine, I don't know. Again, no cameras,
19 but I'll tell you what I think likely happened is that he
20 saw her, he was probably pretty mad at this woman who
21 tried to set him up again. He sees her. Those injuries,
22 a little blood in her nose, a scrape on her elbow, a
23 little bruise on her shoulder, probably consistent with
24 a slap, a punch. Not with a weapon because we don't see
25 any visible injuries remember. And then she falls. She

1 lands on her elbow. She collapsed down to her shoulder,
2 and that's it. There was no kicking, there's no stomping,
3 there's no evidence of any of that.

4 It's not a crime to be afraid and in this tale of
5 two stories you have to determine which one is more
6 believable; the setup by this family who's been wanting
7 for months to get rid of Eugene, that's the one that makes
8 sense. That's the one that doesn't have the conflicts,
9 that doesn't have the lack of evidence. The State has to
10 leave you firmly convinced of that guilt.

11 Remember that bridge that we talked about? How they
12 have to build one, innocence all the way over to guilt?
13 That bridge is built with shoddy materials, it's built
14 with a weak foundation and it's made with huge missing
15 pieces. Does that leave you firmly convinced that you
16 could walk across it and get to the other side? Would
17 you take a foot on that bridge and walk that whole
18 distance without hesitation? If not, you must find
19 Eugene not guilty. The State has not disproven
20 self-defense beyond a reasonable doubt. They haven't
21 proven Eugene guilty beyond a reasonable doubt, and for
22 those reasons, ladies and gentlemen, find Eugene Turner
23 not guilty.

24 Thank you.

25 THE COURT: Would you move that please, Grubbs.

1 MR. GRUBBS: Yes.

2 THE COURT: I mean that.

3 MR. GRUBBS: Oh, I'm sorry, Judge.

4 THE COURT: All right, ladies and gentlemen. I'm
5 gonna -- obviously I need a little short break before I
6 start charging the law, so I'm gonna ask that you go
7 back to your jury room, do not discuss the case. Don't
8 start eating your lunch either. We've got to have the
9 jury charge and then we'll go -- I'll let you go back
10 in. Don't discuss the case and I'll bring you back out
11 in just a few minutes.

12 (Whereupon, the jury retires to the jury room at
13 12:16 PM.)

14 MS. LIPINSKI: May I approach?

15 (Proceedings held at the bench; not reported.)

16 THE COURT: All right. Let's take five minutes.

17 (Recess taken at 12:17 PM.)

18 (Back on the record at 12:24 PM.)

19 THE COURT: All right. Are you-all about ready?

20 All right. Is the State ready?

21 MR. SMITH: Yes, Your Honor.

22 THE COURT: Is the defense ready?

23 MR. GRUBBS: Yes, Your Honor.

24 THE COURT: All right. Bring the jury in if
25 they're ready.

1 (Whereupon, the jury return to the courtroom at
2 12:27 PM.)

3 THE COURT: All right, ladies and gentlemen. I
4 am now gonna charge you on the law. And I know that
5 this has been a long morning and you've had a lot of
6 information thrown at you, and I'm gonna throw some
7 more at you, but this is a very important part, and I
8 appreciate your patience and your diligence in this
9 matter.

10 Now as I told you in the beginning, the fact that
11 somebody was indicted, the fact that they were charged
12 -- indicted, charged, arrested, none of that is evidence
13 for you to consider.

14 The indictment that I read to you in the beginning
15 was merely the allegations that the State presented to
16 bring this case to trial. That is the formal mechanism
17 to bring this matter to trial, those are the allegations,
18 and that's what puts the burden, that's what establishes
19 the burden, on the State. Again, that is not information
20 you're to be considering.

21 Now I also told you your role and my role are very
22 different. Your role is to determine the facts and how
23 you determine the facts is based on the evidence and only
24 the evidence presented here and the law that I'm charging
25 you with. And if you came into court and you thought that

1 there maybe was -- you thought the law should be a little
2 differently or you thought the law was something else and
3 that conflicts with what I'm telling you, then you're to
4 disregard that because you've taken an oath to apply the
5 law which I'm giving you at this point.

6 My role is to preside over the trial and rule on
7 evidence and that's where we come into -- I know a lot
8 of times juries don't quite understand. Well, they
9 objected, you know, are they trying to keep something
10 out? No, that's not what that's about. The objections
11 are merely so that our very specific rules of evidence
12 are complied with and my job is to rule on those -- rule
13 on that evidence and the final part is, again, to show
14 you -- or to give you the law of the case.

15 And if there's anything that I've said or did makes
16 you think I have an opinion on the facts, then please
17 disregard that because that's not my job. You can only
18 consider the evidence presented and not speculate on
19 issues which may have been referenced, but not presented
20 as evidence.

21 Now in this matter -- and I'm gonna show you the
22 jury verdict form in a minute, and that's gonna help
23 you, give you a road map of what to do. I know you've
24 got a lot of information and you're like oh, my gosh,
25 how am I gonna figure all this out? No, when I show

1 you in a minute the verdict form, it tells you exactly
2 the questions to answer and it goes to the next one, so
3 that will make a little more sense when I give you that.

4 But there are -- there are five -- six different
5 offenses that are charged here. We have -- and there's
6 two -- kind of two separate -- based on the allegations
7 presented by the State, there are actually two -- there's
8 allegations of two separate incidents. One involves a
9 vehicle and another one does not involve a vehicle.
10 That's kind of the way I would -- that's a good way to
11 separate it in your consideration.

12 There are five charges of attempted murder and one
13 charge for possession of a weapon during the commission
14 of a violent crime. Now as you deliberate on these and
15 you make -- and you have your discussion, you are to
16 evaluate each of these separately. And your decision on
17 one does not bind you on the decision of the next one.
18 So you can consider each of these charges as to each
19 alleged victim and you -- you know, you basically are
20 gonna determine, and I'm gonna give you the elements in
21 a minute, you're to determine if the State has met its
22 burden beyond a reasonable doubt as to that particular
23 indictment, and once you've made that decision, then you
24 go to the next one and evaluate the same way. But as I
25 said, you're to consider each separately, and that's

1 what this verdict form will tell you in just a minute.

2 Presumption of innocence. That's a very serious
3 part. That's kind of one of the foundations of our
4 criminal system and that is your constitutional right,
5 that you are presumed innocent. No matter what court --
6 criminal court you're in, no matter how small the charge
7 or how great the charge, you have the presumption of
8 innocence. That innocence stays with you not until --
9 not just when the trial starts, not when it's presented
10 to the jury, that presumption stays with a person charged
11 until the jury has determined beyond a reasonable doubt
12 that they're guilty of the charges for which they're on
13 trial for and not until that point has that presumption
14 of innocence been lifted, and that's an important part
15 for you to consider.

16 Now reasonable doubt. You've heard the phrase
17 reasonable doubt. That's the burden of proof that the
18 State has in every element that they have to prove.
19 And, again, I want to make sure that you realize this
20 is different than a civil matter because some of you may
21 have been involved in a civil matter, you may have been
22 involved maybe on a jury in a civil matter at some point.
23 That's a much lower burden. That's by a preponderance
24 of the evidence, more likely than not. This is beyond a
25 reasonable doubt, it's a much higher rate, but it's not

1 the absolute standard, it's more reasonable, it is
2 reasonable doubt, that reasonable doubt is the kind of
3 doubt that would make a reasonable person hesitate to
4 act.

5 There are very few things we know with absolute
6 certainty and our law does not require the State to
7 prove those to overcome every possible doubt, but if
8 based on your consideration of the evidence you're
9 firmly convinced that the defendant is guilty of the
10 crimes charged, then you must find the defendant guilty.
11 But on the other hand, if you think there's a possibility
12 that the defendant is not guilty, then you must give the
13 defendant the benefit of that doubt and find him not
14 guilty. The facts and circumstances that merely place
15 upon the defendant a grave suspicion of the crime charged
16 or speculation or conjecture that he's guilty is not
17 sufficient.

18 Now the State can rely on two different categories
19 of evidence; direct or circumstantial evidence. Direct
20 evidence is when a particular piece of evidence or a
21 witness testifies specifically as to the fact that is
22 trying to be proven; what they heard, what they saw, what
23 they felt, what they smelled directly. Circumstantial
24 evidence is where you make -- where you have to have a
25 series of facts proven to prove the ultimate fact that

1 you're trying to show. And the burden is the same on
2 the State whether they're using direct or circumstantial
3 evidence. If the State relies on circumstantial evidence,
4 all of the circumstances must be consistent with each
5 other and when taken together point conclusively to the
6 guilt of the accused beyond a reasonable doubt. If these
7 circumstances merely portray the defendant's behavior
8 suspicious, then the proof has failed.

9 And I always kind of have kind of an analogy just
10 to kind of show you the difference between direct and
11 circumstantial. Direct evidence is if you go home this
12 afternoon and as you're pulling in your driveway, the
13 bottom drops out, you see it rain, okay? You have direct
14 evidence it's raining, you're seeing it rain. But if,
15 on the other hand, you pull in your driveway, the
16 pavement's dry, you go into the house, you hear thunder
17 and you come back out, it's not raining but your car's
18 wet and the pavement's wet, everything's wet, well,
19 you have a series of facts that leads you to the --
20 circumstantially that it has rained.

21 Another thing that you must consider, and basically
22 every piece of evidence that you evaluate, you're to
23 give it the weight and value you feel is appropriate.
24 One of the things that you may consider, too, is the
25 credibility of witnesses. That is believability of

1 witnesses. Now you may accept one witness over several
2 witnesses, you may accept several witnesses over one
3 witness, you may accept a portion of a witness's
4 testimony and reject the remaining portion, you may
5 reject all of the witness's testimony or you may accept
6 all of the witness's testimony. You may consider does
7 this witness have a bias, does this person have a
8 prejudice, some motive or some interest in the outcome.
9 You can also consider how the witness acted on the stand.
10 In other words, you're to give it the weight and the
11 value that you feel is appropriate like every piece of
12 evidence.

13 Now as I told you in the beginning, the burden in
14 this case is on the State. The defendant has no burden
15 whatsoever and, therefore, the fact that the defendant
16 did not testify is not even to be considered by you.
17 That is merely the defendant exercising his constitutional
18 right not to testify, and since he has no burden that can
19 not be considered against him. And, in fact, that is not
20 anything that you should be discussing in your jury room.
21 You should discussing on the burden of the State and what
22 they have proven.

23 Now there's been evidence presented that witnesses
24 have made prior statements, which may have been
25 inconsistent with the way they testified at trial, and

1 you may use this evidence to decide whether to believe
2 that witness. You may also use the evidence of the
3 earlier statement to determine the truth of those
4 statements. It's up to you to determine whether to
5 believe the earlier statement or the testimony given
6 at trial. If a witness is shown to have knowingly
7 testified untruthfully concerning any material matter,
8 you may consider this in determining whether to trust
9 the witness's testimony as to any other matters. You
10 may reject all of the testimony as I said before or give
11 part of the testimony the weight you think it deserves.

12 Now intent. In order to establish criminal
13 liability, criminal intent is required. Now I'm gonna
14 -- this is a general statement on intent, but I'm gonna
15 give you some rules that apply to some of the specific
16 charges here.

17 Criminal intent must be proven by the State beyond
18 a reasonable doubt. Criminal intent is always a matter
19 that must be determined by the jury from the circumstances
20 surrounding the situation. Now there's no way that
21 scientifically someone can determine the intent of a
22 person so, therefore, you must look at all of the
23 circumstances and make a determination as to what the
24 intent of a -- the defendant had at the time. It is not
25 necessary to establish the intent by direct evidence, but

1 the intent can be inferred in the same way as any other
2 fact, taking into consideration all of the circumstances
3 at the time.

4 Criminal intent is a mental state, a conscious
5 wrongdoing. It's up to you to determine what the
6 defendant intended to do based on the circumstances
7 shown to have existed.

8 At this time before I actually go into the elements
9 of the crimes, I'm gonna show you a copy of the verdict
10 form that you will be looking at.

11 All right. Because then now you will determine --
12 you will see what you have to -- what these -- these
13 charges are going to be. If you'll see here, one of the
14 first questions -- and, again, as I go into this, there's
15 two separate instances, but the first indictment, which
16 involves Christine Wolfe Young, as you will recall there
17 were -- that based on the State's allegations, there's
18 one circumstance relating to an offense which did not
19 involve the vehicle. That is the first one. The second,
20 third, fourth, fifth and sixth questions relate to the
21 allegations made by the State involving the victim.
22 That's just a good way to separate them.

23 Now one of the first things you're gonna do is
24 you're gonna determine if the State has met its burden
25 as to attempted murder, and I will go through those

1 elements in just a minute, and if you find that the
2 State met its burden on attempted murder, then you're
3 gonna find -- and, again, that's beyond a reasonable
4 doubt, then you would check guilty, and this is as to
5 the victim Christine Wolfe Young as to that indictment.
6 If you find that the State has not met its burden, then
7 you would check not guilty. That does not end your
8 evaluation though on this particular indictment. If you
9 find not guilty on this particular indictment, then you
10 go to what we call a lesser included offense. It has
11 the same elements, but it -- basically you're saying that
12 you didn't find that the State met all of the elements
13 of attempted murder so, therefore, you consider what we
14 call a lesser included offense. And, again, I'm gonna
15 give you the elements of that. And then you would say
16 if the State met its burden of proof beyond a reasonable
17 doubt, assault and battery of a high and aggravated
18 nature, then, again, you -- at that point you would have
19 the same analysis. Now you don't go to this unless you
20 have found the defendant not guilty as to the first one.

21 So then you go down there and you have the same
22 question. Guilty if you find the State has met its
23 burden, not guilty if you find otherwise, you find
24 they've not met their burden. But then on this
25 particular one, this is a little different, we have

1 two lesser included offenses, and then you go if you
2 find not guilty on attempted murder on this indictment
3 and you find not guilty on what we call ABHAN, assault
4 and battery of a high and aggravated nature, then you
5 would go to one more lesser included offense, and that's
6 assault and battery in the first degree. And, again,
7 I'm gonna give you the elements of these, but I kind of
8 wanted to let you know what kind of evaluation that
9 you'd be doing. And then you would at that point say
10 okay, has the State met its burden beyond a reasonable
11 doubt, then you would check guilty, then you would check
12 not guilty if you find they didn't met their burden on
13 this. And, again, you would only go to the lesser
14 included offense if you found not guilty as to the other
15 ones.

16 Now -- and I'll go over the rest of the verdict
17 form in a minute, but now you have an idea what kind of
18 questions you'll be answering, so now let me give you the
19 elements of the charges that you're gonna be addressing.

20 The first -- and these are the elements -- what I'm
21 gonna do is give you the elements and then I'm gonna give
22 you some information, some additional help with some of
23 the definitions. The elements of attempted murder, which
24 the State must prove beyond a reasonable doubt, are as
25 follows: The attempt to kill another person with malice

1 aforethought, either express or implied. An attempt is
2 an effort -- and these are just some additional kind of
3 definitions relating to attempted murder. Attempt is an
4 effort to accomplish a crime which does not succeed. An
5 attempt includes a specific intent to do a particular
6 criminal act along with an act falling short of the act
7 intended. Specific intent means that the defendant
8 consciously intended the completion of the act comprising
9 the attempted offense. Specific intent is the highest
10 possible mental state for criminal intent. The State
11 must show more than mere preparation. Intent, there must
12 be some overt act committed in the effort to commit the
13 crime. Intent means intending the result which actually
14 occurs, not accidental or involuntarily. An attempt by
15 nature is a failure to accomplish what one intends to
16 do. Attempt means to try, it means an effort to bring
17 about a desired result. A person who, with intent to
18 kill, attempts to kill another person with malice
19 aforethought, either express or implied, commits the
20 offense of attempted murder. Attempted murder is the
21 performance of an act or acts which intend, but fail
22 to kill a human being when such acts are done with a
23 deliberate intention of unlawfully to kill. Attempted
24 murder requires a higher mens rea than that of murder.
25 Malice is hatred, ill will, hostility towards another

1 person. It is the intentional doing of a wrongful act
2 without just cause or excuse and with the intent to
3 inflict an injury or under circumstances that the law
4 will infer an evil intent. Malice aforethought does not
5 require that malice exist for a particular time before
6 the act is committed, but malice must exist in the mind
7 of the defendant just before and at the time the act is
8 committed; therefore, there must be a combination of the
9 previous evil intent and the act.

10 Malice aforethought may be express or inferred.
11 These terms, express and inferred, do not mean different
12 kinds of malice, but merely the manner in which the
13 malice may be shown to exist; that is either by direct
14 evidence or by inference from the facts and circumstances
15 which are proved. If facts proved beyond a reasonable
16 doubt sufficient to raise an inference of malice to
17 your satisfaction, this inference would simply be an
18 evidentiary fact to be considered by you, the jury,
19 along with the other evidence in the case and you may
20 give it the weight which you feel is appropriate.

21 All right. As I said -- as I showed you a minute
22 ago on the verdict form, if you should find the
23 defendant not guilty for attempted murder on any of
24 these indictments, then -- well, the first one, the
25 first indictment as to the non-vehicle related one,

1 there's another lesser included offense which you must
2 consider, and that is assault and battery of a high and
3 aggravated nature.

4 All right. And this -- these are the elements of
5 this lesser included offense and, that is, the elements
6 of assault and battery of a high and aggravated nature
7 which the State must prove beyond a reasonable doubt
8 are as follows: The person unlawfully injures another
9 person and great bodily injury to another person results
10 or the act is accomplished by means likely to produce
11 death or great bodily injury.

12 So in considering that, great bodily injury is
13 defined as bodily injury which causes a substantial
14 risk of death or which cause a serious permanent
15 disfigurement or protracted loss or impairment of the
16 function of a bodily member or organ. So, again, this
17 is a person unlawfully injures another person and great
18 bodily injury resulted or the act was accomplished by
19 means likely to produce great bodily injury.

20 Now then if you, again, find not guilty on that
21 one, you can go to one more lesser included offense,
22 and that is, assault and battery first degree, and the
23 elements of this charge are -- the elements of assault
24 and battery in the first degree which the State must
25 prove beyond a reasonable doubt are follows: The

1 person unlawfully offers or attempts to injure another
2 person with the present ability to do so and the act is
3 accomplished by means likely to produce death or great
4 bodily injury, and the same definition of great bodily
5 injury that we had in the previous one.

6 Now if you consider the offense of assault and
7 battery in this -- what I'm gonna tell you now would
8 only apply to assault and battery first degree. It does
9 not apply to assault and battery high and aggravated or
10 ABHAN or attempted murder. If you consider the offense
11 of assault and battery, which is general intent crime,
12 then you can consider the doctrine of what we call
13 transferred intent, which states that if the defendant
14 intended to injure another person, then he can be
15 responsible for injuries or attempt to injure and
16 unintended victim -- or victim, not vehicle -- an
17 unintended victim. So, therefore, that's what a
18 transferred intent is.

19 Again, let me repeat that since I messed it up a
20 little bit. The doctrine of transferred intent states
21 that if the defendant intended to injure another person
22 that he can be responsible for injuries or attempt to
23 injure an unintended victim.

24 Then as a separate -- you also have a separate
25 charge on one of the indictments, and that is possession

1 of a weapon during the commission or attempt to commit a
2 violent crime. The elements of possession of a weapon
3 during the commission of or attempt to commit a violent
4 crime, which the State must prove beyond a reasonable
5 doubt are as follows: The defendant was in possession
6 of a firearm -- firearm arm -- a weapon or firearm or
7 visibly displayed what happened to be a firearm during
8 the commission of a violent crime, the weapon further
9 advanced or helped in the commission of that crime.

10 Now a firearm means any machine gun, automatic
11 rifle, revolver, pistol, any weapon which is designed
12 or may be readily converted to expel a projectile. In
13 order to find the defendant guilty of possession of a
14 weapon during the commission of a violent crime, you
15 must first find the defendant guilty of either committing
16 a violent crime or attempting to commit a violent crime.
17 I will tell you that for the purposes of your analysis,
18 the attempted murder is designated as a violent crime.
19 Assault and battery first degree is not. The State must,
20 again, prove by a reasonable doubt that the weapon
21 furthered or advanced or helped the commission of the
22 crime.

23 So those are all of the elements that you have
24 before you that you are going to be considering when
25 -- during your verdict.

1 Now I want to go over with you one final -- the
2 elements of self-defense, all right? The defendant has
3 raised the defense of self-defense, and here are the
4 elements which you must consider; that the -- and in
5 this case, self-defense is a complete defense if it's
6 established that would allow you to find the defendant
7 not guilty, but the State has the burden of disproving
8 self-defense by proof by a reasonable doubt. Again, the
9 defendant has no burden here. If you have a reasonable
10 doubt of the defendant's guilt after considering all of
11 the evidence, including the evidence of self-defense,
12 then you must find the defendant not guilty. On the
13 other hand, if you have no reasonable doubt of the
14 defendant's guilt after considering all of the evidence,
15 including the evidence relating to self-defense, then
16 you must find the defendant guilty.

17 And here are the elements of self-defense. I'll go
18 through them and I'll kind of elaborate on them a little
19 further. The elements of self-defense are as follows:
20 And, again, the State must disprove to a reasonable --
21 beyond a reasonable doubt the defendant is without fault
22 in bringing on the difficulty. Number two, defendant
23 was actually in imminent danger of death or serious
24 bodily injury or defendant actually believed he was
25 in imminent danger of death or serious bodily injury.

1 Three, a reasonably prudent person of ordinary firmness
2 and courage would have had the same belief. And, four,
3 defendant had no other probable way to avoid the danger
4 of death or serious bodily injury other than to act as
5 the defendant did in this particular instance.

6 Now I'm gonna kind of go over these a little bit
7 with you a little further. Without fault. If the
8 defendant's conduct was the type which was reasonably
9 calculated to and did invoke a deadly assault, the
10 defendant would be at fault in bringing on the difficulty
11 and would not be entitled to a not guilty verdict based
12 on self-defense.

13 Now let me explain a little bit further on imminent
14 danger. This is the second element. If the defendant
15 was actually in imminent danger, it must be shown that
16 the circumstances would have warranted a person of
17 ordinary firmness and courage to strike the fatal blow.
18 If the defendant believed he was in imminent danger of
19 death or serious bodily injury, it must be shown that
20 a reasonably prudent person of ordinary firmness and
21 courage would have had the same belief. In deciding
22 whether the defendant actually was or believed he was in
23 imminent danger of death or serious bodily injury, you
24 should consider all of the facts and circumstances of the
25 -- around the particular crime, including the physical

1 conditions and characteristics of the defendant and the
2 victim. The defendant does not have to show that he
3 was actually in danger. It is enough that the defendant
4 believed he was in imminent danger and a reasonably
5 prudent person of ordinary firmness and courage would
6 have had the same belief. The defendant has a right to
7 act on appearance even though the defendant's belief may
8 have been mistaken. It is for you to decide whether the
9 defendant's fear of immediate danger of death or serious
10 bodily injury was reasonable and would have been felt by
11 an ordinary person in the same circumstances.

12 Words accompanied by a hostile act may, depending
13 on the circumstances, establish self-defense. Evidence
14 of prior difficulties between the defendant and the
15 victim may be considered in deciding whether a threat
16 existed, whether the defendant had a reason to believe a
17 threat existed and how serious that threat was. Prior
18 instances of violence by the victim may be considered in
19 deciding whether the defendant actually believed he was
20 in imminent danger of death or serious bodily injury or
21 was actually in imminent danger. Threats made by the
22 victim may be considered to determine whether the
23 defendant actually was or believed he was in imminent
24 danger.

25 And, finally, the final element says the defendant

1 had no other probable way to avoid the danger or death
2 or serious bodily injury than to act as he did in the
3 circumstances. A person cannot be required to make an
4 exact calculation as to the degree or amount of force
5 which may be needed to avoid death or serious bodily
6 injury; therefore, in self-defense the defendant has
7 the right to use the force needed to avoid the death or
8 serious bodily injury. The force used in self-defense
9 does not have to be limited to the agree or amount of
10 force used by the victim. The defendant has a right to
11 use so much force as appeared to be necessary for
12 complete self-protection and which a person of ordinary
13 reason and firmness would have believed to be needed to
14 prevent death or serious bodily injury or harm. If the
15 defendant is justified in defending himself or -- and in
16 firing the first shot, the defendant is also justified
17 in continuing to shoot until it is apparent that the
18 danger of death or serious bodily injury has completely
19 ended.

20 All right. So, therefore, those are your elements
21 that you -- of the crime that has been charged here.

22 Now I'm gonna kind of go -- back up and go over
23 the verdict form with you. I've kind of gone over --
24 and, again, this particular one is totally -- a little
25 bit different because this is the one that does not

1 involve the vehicle. As you can see, you will make your
2 evaluation as to attempted murder. If not guilty, then
3 you go to the lesser included offense of assault and
4 battery of a high and aggravated nature, and if found
5 not guilty there, then you'd go to assault and battery
6 first degree.

7 Once you finish that one, then you would go to the
8 second question, and this is to -- and I've got them by
9 the indictment and as you will see the victims on the --
10 that are listed on the indictments are listed there.

11 This one you only have one lesser included offense,
12 and that is, again, as to the charge of attempted murder
13 with indictments as indicated with Kimberly Pickens, we,
14 the jury, unanimously find the defendant, Eugene Turner,
15 and you're gonna check one. Again, of you find the State
16 has met its burden beyond a reasonable doubt, you would
17 check guilty. If you find they didn't meet their burden,
18 you would check not guilty, and then you would -- as to
19 this indictment, if you find the defendant guilty, then
20 you'd proceed to question three. If found not guilty,
21 then you would consider whether the defendant committed
22 the lesser included offense of assault and battery in
23 the first degree on this indictment. Again, you'd
24 answer the same question as to the less included offense
25 of assault and battery in the first degree. We, the

1 jury, unanimously find the defendant guilty if you find
2 that they met their burden, not guilty if you find they
3 did not meet their burden.

4 All right. Three, it's the same -- it's the same
5 as to that indictment with the victim Nachrisha Rosemond.
6 It's the same as the one I just went over. As to the
7 next one, you would answer that, question four. It's
8 the same way with the indictment with Angela Anderson
9 listed as the victim. And then as to five, the attempted
10 murder, the same -- the same with Daniel Stokes listed
11 as a victim.

12 There's one additional matter that you have consider
13 there, everything there will be the same, and that is
14 question number six, and that is as to the charge of
15 possession of a weapon during the commission of a violent
16 crime, if you find the State has met its burden beyond a
17 reasonable doubt as it relates to Daniel Stokes, then
18 you'd check guilty. If you'd found that they have not
19 met their burden, then you would check not guilty.

20 So I know that's a lot information, but as I said
21 I think when you get back to the jury room and you have
22 a verdict form, that kind of gives you a road map of how
23 your discussion is to be.

24 Now your jury -- your verdict must be unanimous on
25 all questions that I indicated. I mean, all twelve of

1 you must agree on what your verdict is, whether it's
2 guilty or not guilty as to each one, and this -- your
3 verdict should be -- is supposed to be based on -- and
4 it's required to be based on the evidence presented in
5 this trial and in this courtroom. It's not to be based
6 on anything else, any bias, any prejudice, any emotion,
7 anything outside the record.

8 If you have any questions as you begin deliberating,
9 that's where your role comes in as the foreperson, you
10 would write those questions on a piece of paper, date
11 and sign it and give it to the bailiff. The bailiff will
12 bring that to me and what I do is I discuss it with the
13 attorneys and come up with a response. I can respond in
14 two ways. One is I can write a response on the note
15 that you send me and give you a written response back or
16 sometimes it may require me to bring you back in here to
17 give you additional instructions.

18 Now I will tell you we cannot answer any factual
19 questions. We cannot answer any questions relating to
20 things that are not in evidence. A lot of times juries
21 will come back and there may be a reference to a document
22 or something that was not put into evidence. That cannot
23 be addressed. You have to make your considerations based
24 on what has been presented in the evidence. So if you
25 have any questions, again, that's something that you would

1 present to the bailiff and I'll respond.

2 Now to my alternates, you've worked just as hard as
3 everybody else here, but unfortunately you're not able
4 to continue with the deliberations, but I always like to
5 kind of compare you to the backup quarterback in the
6 championship game, and that is, as long as the starting
7 quarterback is playing, then you're the most irrelevant
8 person in the stadium, but the moment that quarterback
9 goes down, you're the most important person in the
10 stadium, and the same here. If any juror would not be
11 able to go forward, then one of you would have had to
12 step in or we would not have been able to continue the
13 trial, so it is very important. I don't want the fact
14 that you think that just because you're not able to
15 continue that your role is not just as important as
16 everyone else's.

17 Lunch, I'm sure you-all probably saw it when
18 you-all went back there before, and I do apologize that
19 we got started so late today -- this morning, and that's
20 something you-all can decide. If you want to eat your
21 lunch and then talk about it, if you want to talk about
22 it while you're eating lunch, that's totally up to you.
23 That's your decision and you-all just do whatever you
24 feel is appropriate.

25 Now at this time I'm gonna send you back to your

1 jury room, but I'm gonna have to tell you one more time
2 you can't discuss the case, and the reason is I need
3 to make sure I haven't left something out or I have
4 misstated something. And don't worry, I won't bring
5 you back and give you the whole charge, I'll just bring
6 you back just to, you know, correct whatever or add
7 anything I might have forgotten.

8 Now the signal that you can begin your deliberations
9 and discussions about the case is when the bailiff will
10 bring you the exhibits and the verdict form and ask the
11 alternates to step out and then you can finally discuss
12 the case.

13 So wait for that, wait for further signal, but at
14 this time you may go back to your jury room.

15 (Whereupon, the jury retires to the jury room at
16 1:03 PM.)

17 THE COURT: All right. Any exceptions or
18 objections from the State?

19 MR. SMITH: No, Your Honor.

20 THE COURT: From the defense?

21 MR. GRUBBS: Your Honor, on the self-defense
22 instruction that I handed up to the Court, I believe
23 there was something in there about continuing use of
24 force that I didn't hear the Court read.

25 THE COURT: Actually I did. I read that.

1 MR. GRUBBS: Okay. I apologize. I didn't hear you.
2 It doesn't matter to me if it was done, Your Honor.

3 THE COURT: Yeah, it's on -- it was the last part
4 of the defense there, so.

5 MR. GRUBBS: Got it. Thank you, Judge.

6 THE COURT: All right. Look at your exhibits and
7 make sure that they're all there.

8 (Pause in proceedings.)

9 MR. GRUBBS: We have two exhibits that were admitted
10 by stipulation. What's the best way that you would advise
11 that we label those to go back and mark them?

12 THE COURT: Do you want to do State's or Court's?

13 MR. GRUBBS: That's fine. I mean, I don't care how
14 they're labeled.

15 THE COURT: I don't care.

16 MS. SMITH: I know they were joint, but joint
17 exhibits joint would not have made them --

18 (Joint Exhibit Number 1, EMS records, and Joint
19 Exhibit Number 2, hospital records, were marked and
20 admitted into evidence.)

21 THE COURT: All right. You-all have reviewed the
22 exhibits and everything? Are these ready to go back?

23 MR. SMITH: Yes, Your Honor.

24 MR. GRUBBS: We've got -- and the board.

25 (Whereupon, the alternates were dismissed and the

1 evidence was submitted to the jury at 1:07 PM.)

2 (Recess taken at 1:07 PM.)

3 (Back on the record at 2:09 PM.)

4 THE COURT: Mark that as an exhibit, please.

5 (Court's Exhibit Number 5 was marked for
6 identification.)

7 THE COURT: You-all can just come up here. I think
8 they just want the printout of the charges. It says:
9 is it possible to get a printout with the definitions...

10 I'm just gonna send them what I -- I did take the
11 firearm arm out.

12 (Proceedings held at the bench; not reported.)

13 THE COURT: All right. For the record here, we
14 have a question in which the Court's gonna respond. Is
15 it possible to get a printout with the definitions of all
16 the possible charges.

17 What I have provided as a response: See attached.
18 Let me know if you need more, and it is what I put up
19 there of the charges, is the elements for attempted
20 murder, assault and battery high and aggravated nature,
21 assault and battery first degree, and possession of a
22 weapon during the commission of a violent crime.

23 Any objection from the State?

24 MR. SMITH: No, objection Your Honor.

25 THE COURT: From defense?

1 MR. GRUBBS: None, Your Honor.

2 (Whereupon, Court's Exhibit Number 5 was sent back
3 to the jury at 2:13 PM.)

4 THE COURT: All right. Until further notice.

5 (Recess taken at 2:13 PM.)

6 (Back on the record at 4:57 PM.)

7 BAILIFF: Please rise. Court's now in session.

8 The Honorable Perry H. Gravely presiding.

9 THE COURT: All right. Thank you. Thank you.
10 Please be seated.

11 All right. I understand we've reached a verdict.
12 Anything from the State?

13 MR. SMITH: No, Your Honor.

14 THE COURT: Anything from the defense?

15 MR. GRUBBS: No, Your Honor.

16 THE COURT: And, folks, I realize this has been a
17 long ordeal for you-all, for everybody, so whatever the
18 result, I just ask that you be on your best behavior
19 because we've got some folks here that will take you out
20 if needed. So just -- I don't want to hear -- I don't
21 want to have any reaction no matter what the verdict
22 is, okay? You-all have done great, but we don't want
23 to change that.

24 All right. If the jury's ready, bring them in.

25 (Whereupon, the jury return to the courtroom at

1 4:59 PM.)

2 THE COURT: All right. Mr. Foreman, I understand
3 you've reached a verdict?

4 FOREPERSON: Yes, we have, Your Honor.

5 THE COURT: If you could hand that to the bailiff,
6 please.

7 All right. It looks to be in proper form.

8 If you could publish the verdict, please.

9 THE CLERK: Your Honor, these are case numbers
10 2018-GS-23-6134, 6137, 6139, 6141, 6142, the State
11 of South Carolina versus Eugene Turner, Junior.

12 As to the charge of attempted murder, Indictment
13 Number 2018-GS-23-6134, Christine Wolfe Young, we, the
14 jury, unanimously find the defendant, Eugene Turner,
15 Junior, not guilty.

16 THE COURT: You can just read the actual verdict
17 form. You don't have to read that other.

18 THE CLERK: You just want me to --

19 THE COURT: Where it says as to the lesser included
20 offense.

21 THE CLERK: As to the lesser included offense of
22 assault and battery of a high and aggravated nature, we,
23 the jury, unanimously find the defendant, Eugene Turner,
24 Junior, not guilty.

25 As to the lesser included offense of assault and

1 battery first degree, we, the jury, unanimously find the
2 defendant, Eugene Turner, Junior, not guilty.

3 As to the charge of attempted murder, Indictment
4 Number 2018-GS-23-6137, Kimberly Pickens, we, the jury,
5 unanimously find the defendant, Eugene Turner, Junior,
6 not guilty.

7 As to the lesser included offense of assault and
8 battery first degree, we, the jury, unanimously find the
9 defendant Eugene Turner, Junior, guilty.

10 As to the charge of attempted murder, Indictment
11 Number 2018-GS-23-6139, Nachrisha Rosemond, we, the jury,
12 unanimously find the defendant, Eugene Turner, Junior,
13 not guilty.

14 As to the lesser included offense of assault and
15 battery first degree, we, the jury, unanimously find the
16 defendant, Eugene Turner, Junior, guilty.

17 As to the charge of attempted murder, Indictment
18 Number 2018-GS-23-6142, Angela Anderson, we, the jury
19 unanimously find the Defendant, Eugene Turner, Junior,
20 not guilty.

21 As to the lesser included offense of assault and
22 battery first degree, we, the jury, unanimously find the
23 Defendant, Eugene Turner, Junior, guilty.

24 As to the charge of attempted murder, Indictment
25 Number 2018-GS-23-6141, Daniel Stokes, we, the jury,

1 unanimously find the Defendant, Eugene Turner, Junior,
2 guilty.

3 As to the charge of possession of a weapon during
4 the commission of a violent crime, Indictment Number
5 2018-GS-23-6141, Daniel Stokes, we, the jury, unanimously
6 find the Defendant, Eugene Turner, Junior, guilty.

7 I certify this the unanimous decision of the jury
8 signed by our foreperson.

9 Ladies and gentlemen, if this is the verdict you
10 reached in your deliberation room and this is still your
11 verdict now, please raise your right hand.

12 (All hands raised.)

13 THE CLERK: Thank you.

14 THE COURT: All right. Anything else from the jury
15 from the State?

16 MR. SMITH: No, Your Honor.

17 THE COURT: Anything else from the defense?

18 MR. GRUBBS: No, Your Honor.

19 THE COURT: All right. Ladies and gentlemen, thank
20 you. I'll ask that you go to your jury room right now.
21 I'll step back in there in just a second, then you're
22 free to go.

23 So I'll give everybody a minute to compose yourself
24 and get any sentencing sheets ready, Mr. Smith, and I'll
25 be back in just a second.

1 (Pause in proceedings.)

2 MR. SMITH: Judge, may I approach real quick?

3 THE COURT: Yes.

4 (Proceedings held at the bench; not reported.)

5 (Recess taken at 5:06 PM.)

6 (Back on the record at 5:16 PM.)

7 THE COURT: All right. Is the State ready?

8 MR. SMITH: Yes, Your Honor.

9 THE COURT: Is the defense ready?

10 MR. GRUBBS: Yes, Your Honor.

11 THE COURT: All right. I'll be glad to hear from
12 you-all. What I'll do is I will let the State present
13 whatever they want to present, including any victims on
14 any matters that were convictions, and then I'll be glad
15 to hear anything you want to tell me from whoever.

16 MR. GRUBBS: Your Honor --

17 THE COURT: Yes.

18 MR. GRUBBS: Sorry. Prior to the State's
19 presentation --

20 THE COURT: Oh, yes. I'm sorry.

21 MR. GRUBBS: I just need to put my post-trial
22 motions on the record.

23 THE COURT: Yeah, I'll be glad to hear from you
24 on that.

25 MR. GRUBBS: First, Judge, I would renew all

1 pre-trial motions and objections throughout the trial,
2 as well as make a motion for a new trial.

3 THE COURT: And I think that based on the evidence
4 presented both in pre-trial and at the trial that my
5 previous rulings will stand. I don't think there's any
6 basis for changing those, and I'll deny your motion for
7 a new trial.

8 MR. GRUBBS: Thank you, Your Honor.

9 MR. SMITH: Your Honor --

10 THE COURT: Anything else from the defense? I'm
11 sorry to interrupt.

12 MR. GRUBBS: No, Your Honor.

13 THE COURT: All right. I'll be glad to hear from
14 the State.

15 MR. SMITH: Your Honor, I will let Your Honor know
16 that when Mr. Turner was arrested he was in jail for a
17 bit and he got out on HIP, he violated HIP and then went
18 back to jail. He has 1529 days in jail and then 300 days
19 on HIP if you were to give him credit.

20 THE COURT: Fifteen what?

21 MR. SMITH: 1529 jail days and 300 HIP days if you
22 were to give him credit for those.

23 THE COURT: All right.

24 MR. SMITH: And, Judge, it is my understanding
25 they're -- Judge, there's -- none of victims that have

1 testified, you've heard the evidence, and they do not
2 want to speak to, Your Honor, at this time.

3 THE COURT: All right. Anything else from the
4 State then?

5 MR. SMITH: No, Your Honor.

6 THE COURT: All right. Mr. Grubbs, from the
7 defense? I'll be glad to hear from you and your client
8 and whatever you-all would like to tell me.

9 MR. GRUBBS: Judge, would you like us to approach?

10 THE COURT: Yeah, you-all can stand up there.

11 MR. GRUBBS: Your Honor, obviously the Court has
12 the benefit of hearing a lot more than just what was
13 presented at trial. We went through the immunity
14 hearing, so a lot more details came out and I could
15 tell you-all that backstory, but we'd just be rehashing
16 what's already been sort of put out.

17 I would like to emphasize, Judge, that even though
18 this was an attempted murder and Mr. Turner has been
19 found guilty after this trial, again, that thankfully
20 nobody was hurt during the course of this, so I'd ask
21 the Court to take that into consideration.

22 Mr. Turner's 53 years old. He actually had a
23 birthday during the course --

24 THE DEFENDANT: 48.

25 MR. GRUBBS: 48. I'm sorry. 48 years old and

1 just had a birthday during the course of this trial.
2 Since he's been in jail, his father's passed away. He
3 doesn't have anyone else in Greenville. He told me his
4 plans all along was to return back to Georgia where he
5 has family and -- and friends down there. I would ask
6 the Court to consider sentencing him to somewhere in the
7 range of ten to fifteen years. If the Court finds that
8 it is appropriate to issue permanent restraining orders
9 against any of the victims, my client certainly has no
10 problems with that. And, in addition, if the Court
11 wanted to put any sort of other imposition, such as
12 probation or anything on the back end, my client has no
13 problem with that. We've explained to him that he would
14 be able to transfer any of that sort of supervision to
15 Georgia when he would be leased from the Department of
16 Corrections, Judge.

17 Mr. Turner has been really good to work with. He's
18 been a person who I've enjoyed getting to know over the
19 past couple of years since I've represented him. This
20 was the -- the third go around of this thing and I know
21 that he is probably -- even though maybe not happy with
22 the result, somewhat relieved -- excuse me -- somewhat
23 relieved to have this over with to some sort of a
24 finality, Judge.

25 So I'd ask that you'd take all of that into

1 consideration, have mercy on Mr. Turner in sentencing
2 him today to something where he would have the ability
3 to get out of SCDC, go back home to spend his remaining
4 days with his family down in Georgia.

5 THE COURT: All right. Mr. Turner, anything you
6 want to tell me?

7 THE DEFENDANT: Yes. Just like Mr. Grubbs's
8 saying, I'm willing to, you know, go back to Georgia.
9 I've been -- I decided a long time ago that I was going
10 back to Georgia, but I had -- I had to go through this
11 workman's comp thing and in the midst of it things fell
12 out -- fell out of place, you know, and I'm sorry for
13 what I did, you know, I -- I should have made a better
14 decision, but, you know, things happen and people, you
15 know -- I'm sorry.

16 THE COURT: All right. Anything else you-all want
17 to tell me?

18 MR. GRUBBS: Nothing from me, Judge.

19 THE COURT: What's his prior record?

20 MR. SMITH: Judge, he has --

21 THE DEFENDANT: I don't have no prior record.

22 THE COURT: That's right. We just -- actually we
23 went over it when he was testifying. I think it was
24 something a long way back.

25 MS. LIPINSKI: Back in the nineties --

1 MR. SMITH: Yeah, it was back in the nineties,
2 Your Honor.

3 THE COURT: Yeah, I remember that now.

4 MR. GRUBBS: And, Judge, I'm sorry. One final
5 thing to add.

6 THE COURT: Yes, sir.

7 MR. GRUBBS: I would ask that you consider that
8 300 days of home incarceration credit, which would make
9 a total of 1829 days.

10 THE COURT: All right.

11 All right. On the attempted murder, the sentence
12 of the Court is eighteen years in the State Department
13 of Corrections. These are to run concurrent with credit
14 for 1829. I'm gonna give him the 300 HIP.

15 On the assault and battery, these are to run
16 concurrent, that's the assault and battery cases will
17 all be eight years and then five years on the possession
18 of a weapon during commission of a violent crime.

19 Good luck to you, Mr. Turner.

20 MR. GRUBBS: Thank you, Your Honor.

21 MS. LIPINSKI: Thank you, Your Honor.

22 MR. SMITH: Thank you, Your Honor.

23 (Whereupon, the proceedings were concluded at
24 5:24 PM.)
25

C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter
for the Eleventh Judicial Circuit of the State of
South Carolina, do hereby certify that the foregoing
is a true, accurate and complete transcript of record
of all the proceedings had and the evidence introduced
in the hearing of the captioned case in Circuit Court
on September 8th and 9th, 2022.

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I do further certify that I am neither of kin,
counsel, nor have an interest to any party hereto.

March 14, 2023

Is/ Stacy S. Johnson
STACY S. JOHNSON
CIRCUIT COURT REPORTER

1. Greenville Forensics

Case Id: 1-17-155481

Call Id: 75044

Description: Weapons Investigation

Description: Photographs of the scene

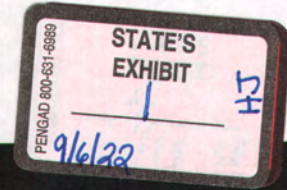


Image Id: 6404252

Case Id: 1-17-155481

Call Id: 75044

1. Greenville Forensics

Description: Weapons Investigation

Description: Photographs of the scene

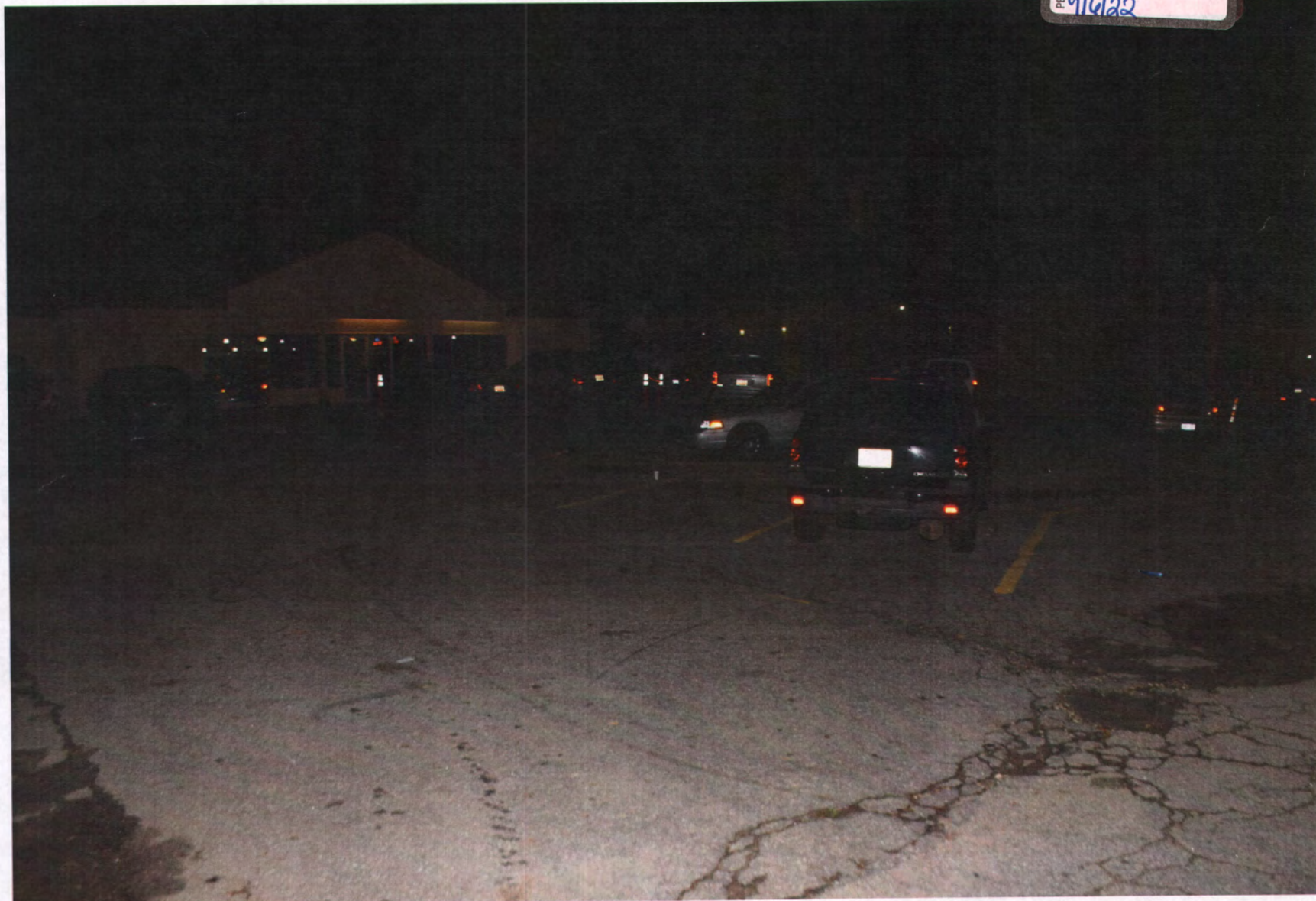
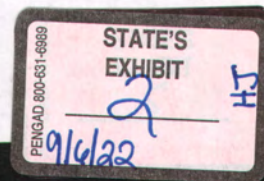


Image Id: 6404255

1. Greenville Forensics

Case Id: 1-17-155481

Call Id: 75044

Description: Weapons Investigation

Description: Photographs of the scene



Image Id: 6404267

Case Id: 1-17-155481
Call Id: 75044

1. Greenville Forensics

Description: Weapons Investigation
Description: Photographs of the scene

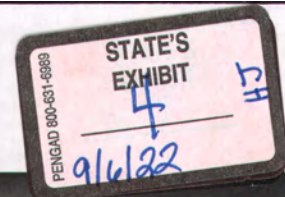


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Case Id: 1-17-155481
Call Id: 75044

1. Greenville Forensics

Description: Weapons Investigation
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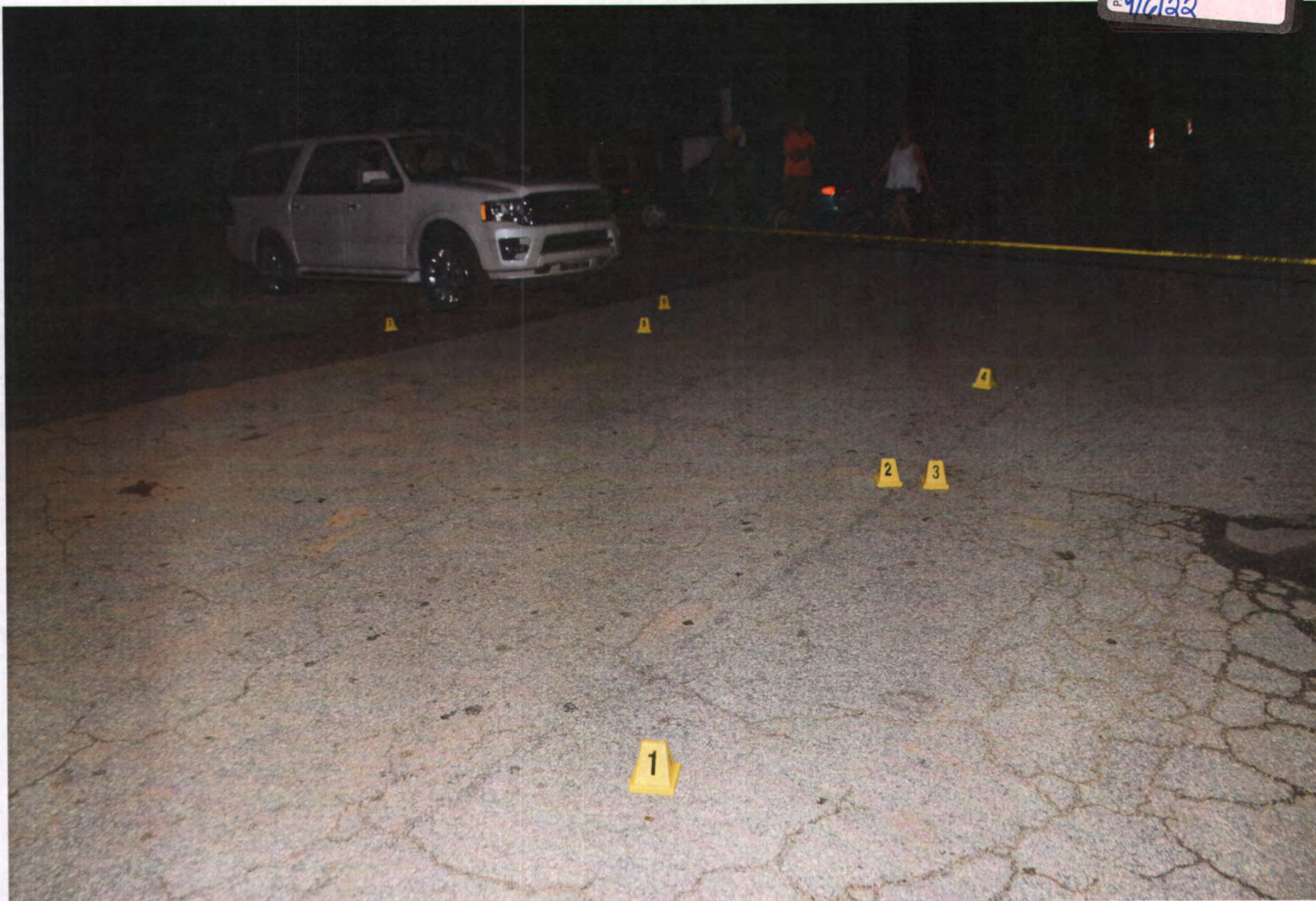
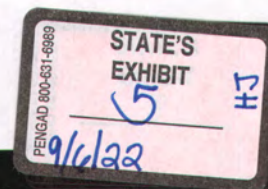


Image Id: 6404294

Case Id: 1-17-155481
Call Id: 75045

1. Greenville Forensics

Description: Weapons Investigation
Description: Photographs of the victim

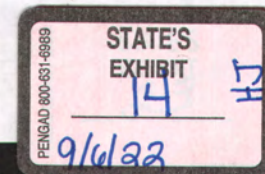


Image Id: 6404378

1. Greenville Forensics

Case Id: 1-17-155481

Call Id: 75045

Description: Weapons Investigation

Description: Photographs of the victim

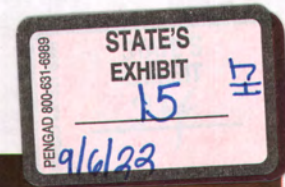


Image Id: 6404384

1. Greenville Forensics

Description: Weapons Investigation

Description: Photographs of the victim

Case Id: 1-17-155481

Call Id: 75045

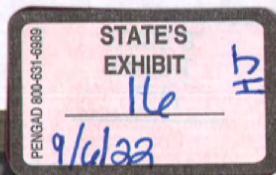


Image Id: 6404372

1. Greenville Forensics

Case Id: 1-17-155481

Call Id: 75045

Description: Weapons Investigation

Description: Photographs of the victim



Image Id: 6404375

1. Greenville Forensics

Description: Weapons Investigation

Description: Photographs of the victim

Case Id: 1-17-155481

Call Id: 75045

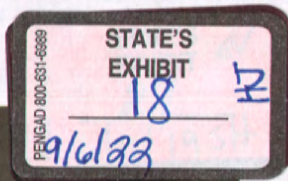


Image Id: 6404393

EXHIBITS ON DVD

State's Exhibit #20 – DVD - Defendant's Interview video

State's Exhibit #21 – CD - 911 calls audio

State's Exhibit #25 – DVD – Body-Worn Camera – Woody

State's Exhibit #26 – DVD – Body-Worn Camera – McHale

Defense Exhibit #10 – CD – 911 call

Defense Exhibit #11 – CD – 911 call



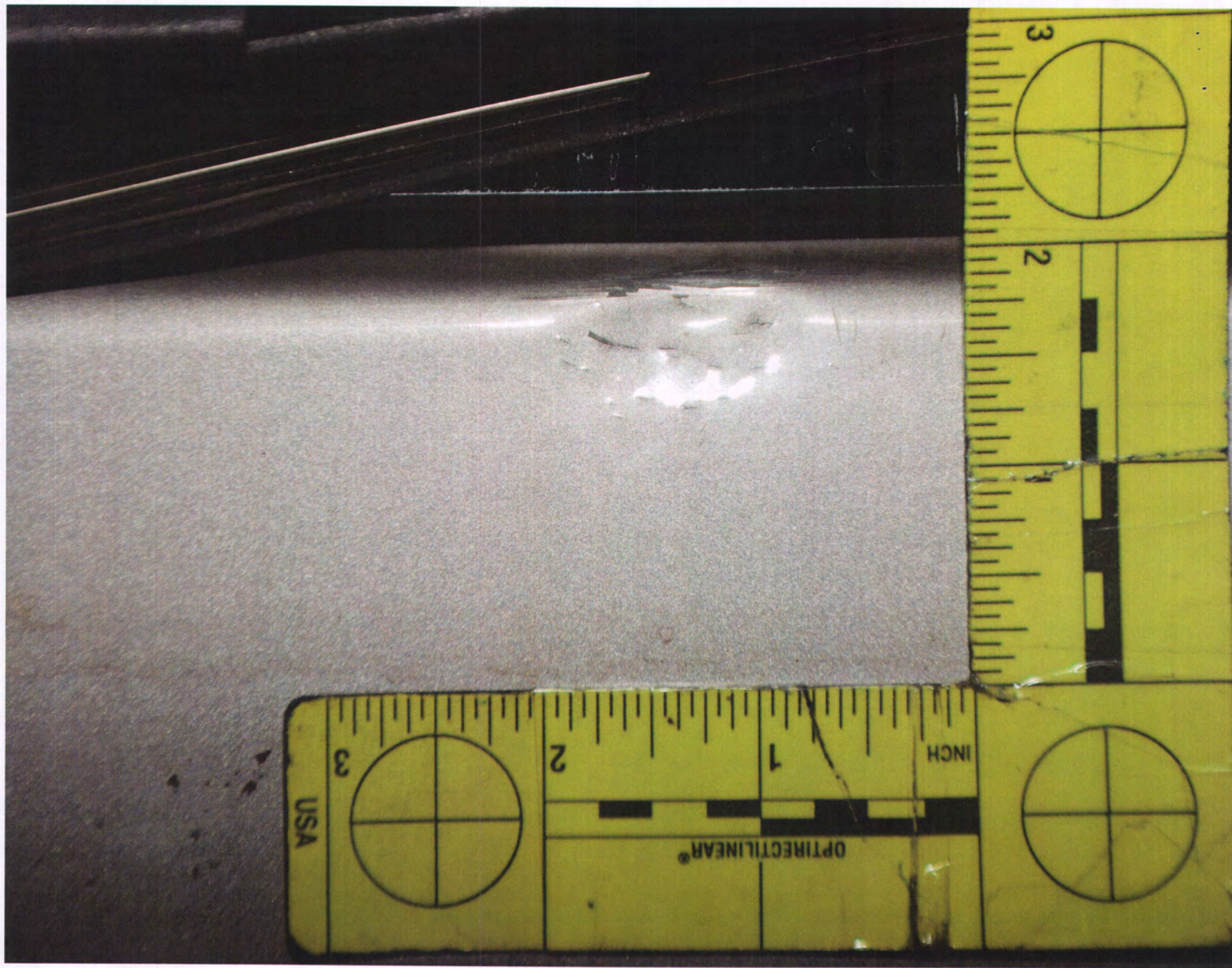
STATE'S
EXHIBIT
24
9/17/24
FENGAD 900-631-6969













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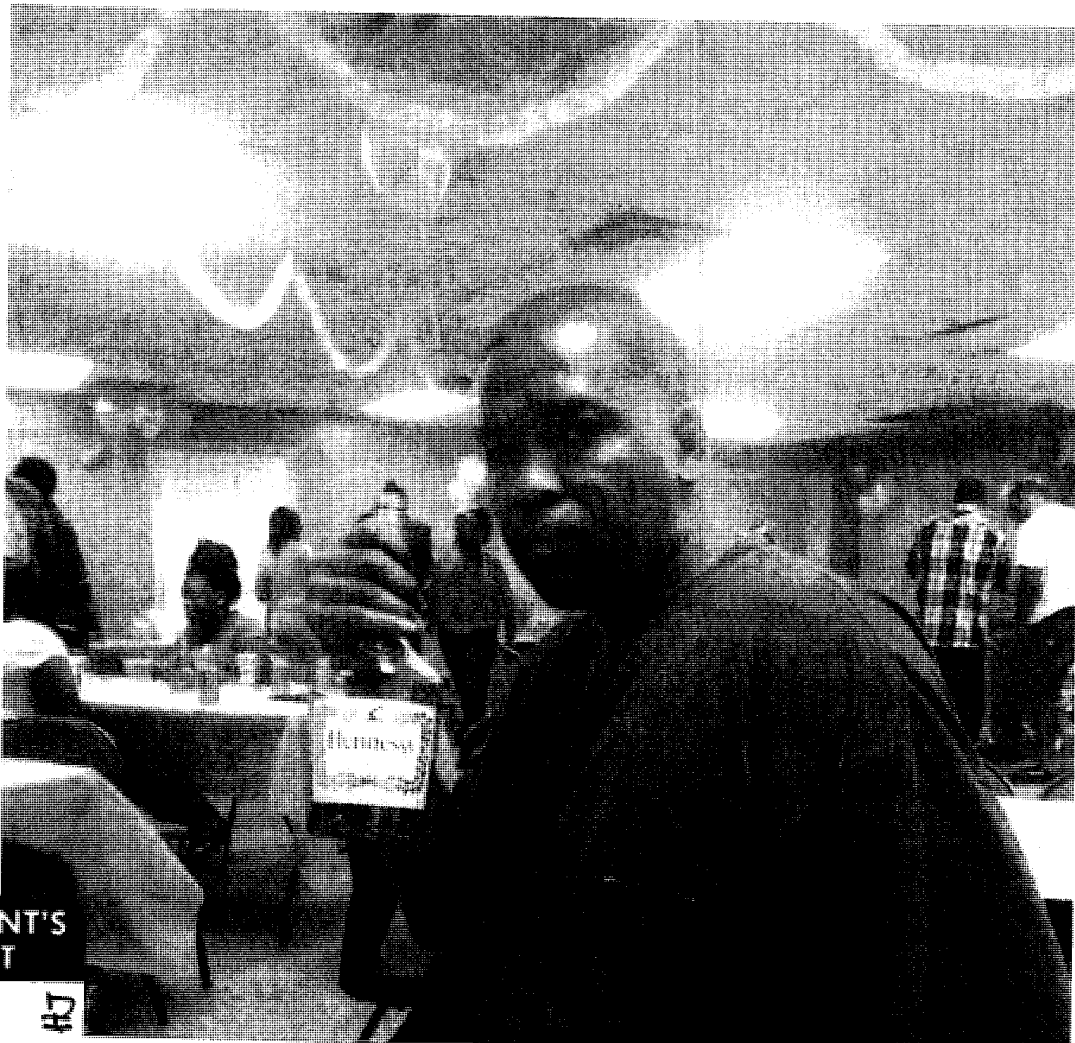


Q Search in Lethal's Posts

**Lethal Cutz**

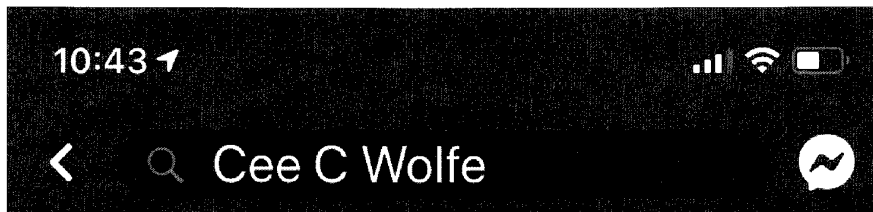
Jan 13 at 9:27pm • 🌐

His name is Eugene Turner!!!! If you see this bitch ass child malester call the police before I get to hem because on my family and life he done all my niggas green light mash on sight !! Its face off fuck boy not god, not my mama ,not Police, not your mama can save you on the Shao u dead bitch !!!

DEFENDANT'S
EXHIBIT

9/6/82

17



Cee C Wolfe shared a live video ...
— looking for child molester.

January 17, 2017 · 🌐

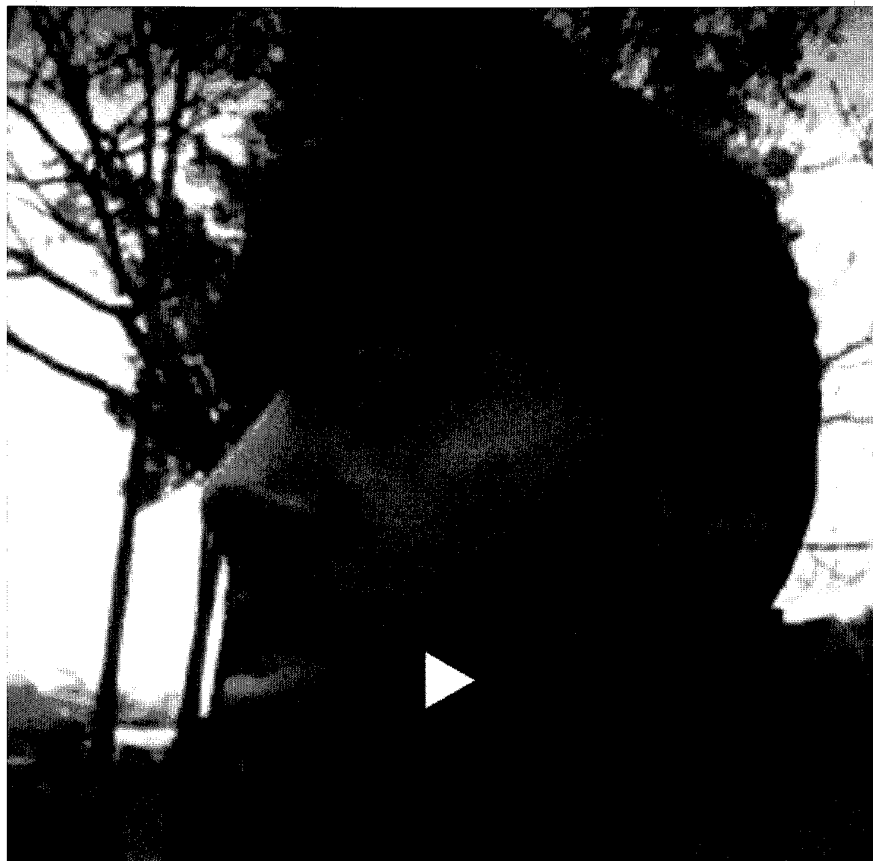
Georgia Boy Turner..... You Did The
Crime, You Gotta Do The Time !!
#ChildMolestor



Lethal Cutz was live.

January 17, 2017 · 🌐

Steal looking for your punk ass!!



**DEFENDANT'S
EXHIBIT**

9/6/22 2 7

10:59

5G



RE: Video Transcribed



You

Mar 12, 2019

To Johnson, Teal

...

Yo, Yo, Yo,

Your boy had a great day

Just checking in to let you know that I'm about
to clock outta this clock

And get on another clock

Ni**a I'm still looking for your bitch ass
alright

Think you done fucked up

You know you done fucked up

Fuckin around ni**a

I don't give a damn nobody say

Can't nobody save you ni**a

You better pray to Allah, Buddha and Shania
Twain

Cause bitch I'm coming



Reply to All



Mail



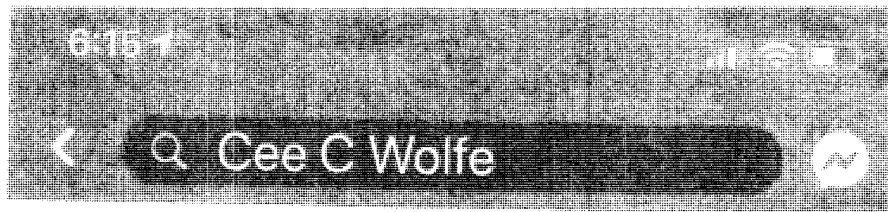
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Calendar

DEFENDANT'S
EXHIBIT

9/6/22 3 17



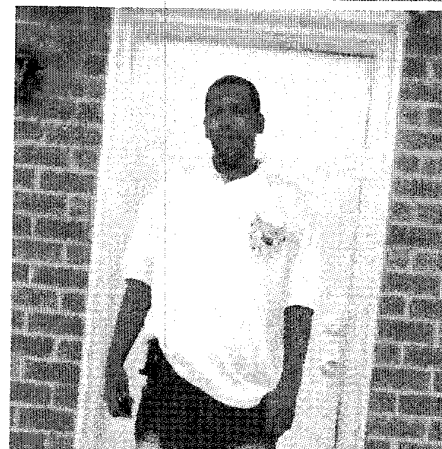
Cee C Wolfe is with Sirgeo Walker and 12 others.

January 14, 2017 · 🌐

You Can Run But I Promise You Can't Hide For Long. The Truth Will Be Told And You Blocking Me And Everyone Who Knows What You Did Was Expected.. I Knew He Would ,But Before He Did I Retrieved All His Family And Friends Information From Georgia , In... [See More](#)



mama ,not Police, not your mama can save you on the Shao u dead bitch !!!

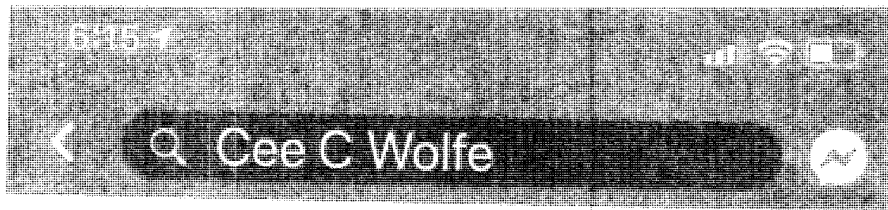


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**DEFENDANT'S
EXHIBIT**

9/6/22 H E



Cee C Wolfe shared a post —

👤 feeling pissed off.

January 14, 2017 • 🌐

Family & Friends Please Beware !!!
Any man that does this to a child is sick !!
I'm praying for this little girl, her mother
and family as well. To think this man has
daughters the same age . So many of my
friends , social clubs and his own family
and friends (including myself) have
partied ,hung out and had our kids
around him never knowing his wicked
thoughts and ways.
I'm giving it to God because if the law
don't get you the streets will.... [See More](#)



Lethal Cutz

January 13, 2017 • 🌐

His name is Eugene Turner!!!! If you
see this bitch ass child malester call
the police before I... [Continue Reading](#)



**DEFENDANT'S
EXHIBIT**

9/16/2022 5

<  **Cee C Wolfe** is with **Lethal Cutz** and **6 others**. ...

January 9 ·



Angela Anderson

Bitch better Go have several
Seats

7w Like Reply



Nikki Rose

If they know whats best they
will go get a life and sit down
cause we RIDE IN PACKS
AND RIDE FOR
OURS.....ANYTIME ANYDAY
ANY HOUR FACTZ

7w Like Reply



Nikki Rose

And Turn all talks into
ACTION... MISERY LOVES
COMPANY I SEE AND
SOMEONE IS MISERABLE

7w Like Reply



Write a comment...



DEFENDANT'S
EXHIBIT

9/16/22 6 15



9/6/92

丁

Palmetto Bone and Joint - Clinton

22971 Highway 78 East
Clinton, SC 29325
Phone: (864) 833-3046
Fax: (864) 833-1711

TURNER, EUGENE Patient #: [REDACTED] DOB: [REDACTED] (42 years)

Date of Encounter: 06/04/2017

The patient is a 42-year-old with a work-related injury in 11/2015 that was caused from lifting a car door and lifting it to the line. He developed low back pain. He is status post right L4 hemilaminectomy and medial facetectomy on 5/4/2016 per Dr. Hodga, and he is currently at MMI. He continues to have some low back pain and right leg pain. He admits to some intermittent right leg weakness and intermittent numbness. He has had two sessions of PT consisting of 24 visits. He continues to do exercises daily at home. He has had numbness in the medial toes on the right foot. He does not wear sneakers due to abnormal heavy sensation he has when he puts them on. He is not having any left leg pain. He has had modest relief from epidural steroid injections.

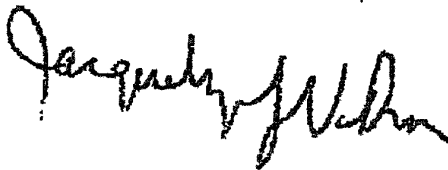
Past medical history is significant for tobacco. Medications: Norco, Robaxin, gabapentin, and Naprosyn.

On physical exam, he is well-developed in no acute distress. Gait is within normal limits. No discrete atrophy noted in the right lower limb. No edema noted. Positive straight leg raise on the right in the seated position. Motor grossly intact. Does have some give-away weakness of the right foot dorsiflexors in knee extension. Sensation is decreased to light touch in all four grossly.

IMPRESSION:

1. NO ELECTRODIAGNOSTIC EVIDENCE OF ACUTE RIGHT LUMBAR RADICULOPATHY.
2. CHRONIC RENERVATION SEEN IN THE RIGHT L4-5 DISTRIBUTION SUGGESTS CHRONIC LUMBAR RADICULOPATHY INVOLVING THESE MYOTOMES.
3. NO ELECTRODIAGNOSTIC EVIDENCE OF PERIPHERAL POLYNEUROPATHY OF THE RIGHT LOWER LIMB. NORMAL NERVE CONDUCTION STUDIES.

Jacquelyn F. Van Dam, M.D.
JFV/ab



DEFENDANT'S
EXHIBIT

9/6/22 12 7

Palmetto Bone & Joint, P.A.

22971 Highway 76 East

Clinton, SC 29325

Phone: (864) 833-3046 Fax: (864) 833-7323

Test Date: 5/4/2017

Patient:	Eugene Turner	DOB:	[REDACTED]	Physician:	Jacquelyn vanDam, MD
Sex:	Male	Height:	5'11"	Ref Phys:	Dr Behr
ID#:		Weight:	185 lbs.	Technician:	

Patient Complaints:

Pt is a 42yo with a work-related injury in 11/2015 that was caused from lifting a car door and lifting it to the line, he developed lbp. Pt is s/p right L4 hemilaminectomy and medial facetectomy on 5/4/16 per Dr Hodge and he is currently at MML. Pt continues to have some lbp and right leg pain. Pt admits to some intermittent right leg weakness. Intermittent numbness. He states that he had two sessions of PT consisting of 24 visits and continues to do exercises daily at home. He has numbness into the middle toes on right foot, and does not wear sneakers due to an abnormal "heavy" sensation he has when he puts them on. Pt is not having any left leg pain. He has had modest relief from ESI in the lumbar spine.

PMed Hx- pos for tobacco

Meds= Norco, Robaxin, Gabapentin, Naprosyn

Pt is well devel in bud, gait wnl, no discrete atrophy noted in right lower limb, no edema noted, pos SLR on the right in seated position, motor grossly intact with some give way weakness of right foot dorsiflexion and knee extension, sensation decreased to LT L4 grossly

Impression:

- 1 No electrodiagnostic evidence of acute right lumbar radiculopathy.
- 2 Chronic reinnervation seen in the right L4/5 distribution suggests chronic lumbar radiculopathy involving these myotomes.
- 3 Normal nerve conduction studies, with no electrodiagnostic evidence of peripheral polyneuropathy of right lower limb.


Jacquelyn vanDam, MD

THE STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

THE STATE)

v.)

EUGENE TURNER, JR.,)

DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

Warrant/Indictment Nos.: 2017A2330208094,
2017A2330208095, 2017A2330208093,
2017A2330208096, 2017A2330208099

**MOTION TO DISMISS, MOTION FOR
IMMUNITY FROM CRIMINAL
PROSECUTION UNDER SC CODE**

§ 16-11-410 *et seq.*

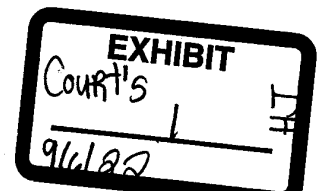
COMES NOW the defendant, **Eugene Turner, Jr.**, by and through his undersigned counsel, moves this Court for an order, as soon as an evidentiary hearing may be scheduled, to dismiss the above-referenced warrants pursuant to S.C. Code Ann. § 16-11-410 *et seq.*, the "Protection of Persons and Property Act."

In support of this motion, Defendant asserts as follows:

FACTUAL BACKGROUND

On September 5, 2017, the defendant, Eugene Turner, was arrested for Attempted Murder (4 Counts) and Possession of a weapon weapon during violent crime. Mr. Turner was arrested for other charges as well; Attempted Murder and kidnapping as to complainant Christine Wolfe-Young, and Pointing and Presenting a firearm as to complainant Shanna Cumby. However, these warrants are not included in Defendant's Motion for Immunity.

This incident occurred on or about September 1, 2017, in the parking lot of a nightclub then known as the Dugout, located at 24 Woodmeade Way, Greenville, SC, a place where Mr. Turner had a right to be, as the Dugout is a public establishment, and Mr. Turner was a patron at the Dugout on the night in question. Mr. Turner arrived on at the Dugout and went to the bar. Complainant Christine Wolfe-Young was present for a birthday party of her friend Monique



Fletcher, who is an ex-girlfriend of Mr. Turner. Mr. Turner bought drinks for Ms. Fletcher and delivered them to the table. Ms. Wolf-Young stated she felt fear when she saw Mr. Turner, and subsequently texted and called her brother, complainant Daniel (DJ) Stokes, asking him to come and get her from the Dugout.

It is important to note there was ongoing animosity between Christine Wolfe-Young, Daniel Stokes, and Eugene Turner. In December 2016, Mr. Stokes' biological daughter accused Mr. Turner of inappropriately touching her. These allegations caused a rift between Mr. Turner and everyone in that family. The claims made by Mr. Stokes' daughter were investigated by DSS and the Greenville County Sheriff's Office. After these investigations, the magistrate did not issue arrest warrants due to factual discrepancies in the alleged victim's story.

After the magistrate declined to issue arrest warrants, complainants Mr. Stokes and Ms. Wolf-Young made public Facebook posts regarding the incident. In those posts, Mr. Turner's life was threatened. On January 13, 2017, Mr. Stokes through his Facebook profile named, "Lethal Cutz" called Mr. Turner a "bitch ass child molester (sic)," and calling on his friends to "green light mash on sight." Finally Mr. Stokes said in the post, "not god, not my mama, not Police, not your mama can save on the Shao u dead bitch!!!."

Ms. Wolfe-Young shared Mr. Stokes' post making comments such as, "You can run but I promise you can't hide for long" She admits in that Facebook post to retrieving information about his family and friends before Mr. Turner blocked her. Ms. Wolfe-Young also states that she has made some aware of what happened. This post was on January 14, 2017.

Several days later on January 17, 2017, Mr. Stokes made a Facebook live video and shared it with the caption, "Steal (sic) looking for your punk ass!!."

Mr. Turner was understandably scared of these very public, very clear threats on his life. For the next several months Mr. Turner stayed out of trouble and away from the complainants. When Mr. Turner was at the Dugout, he never made any threatening gesture towards Ms. Wolfe-Young. Mr. Turner had no way of knowing that in a matter of minutes, Mr. Stokes would arrive outside as Mr. Turner was trying to leave.

Mr. Turner left the Dugout and went into the parking lot and was standing by his car. Ms. Wolfe-Young remained inside the Dugout. Mr. Turner describes a large SUV that came into the Dugout parking lot very fast, slamming on the brakes so hard it lurched forward. Mr. Stokes exits the driver's side door and began advancing on Mr. Turner. Mr. Turner stated he felt threatened at that time, so he reached down into his car where his friend had left a gun, and "clicked it." Mr. Turner says he then saw the doors to the SUV open, and Mr. Stokes reach into his pocket. Mr. Turner did not know the identities of the other complainants present in the SUV, Kimberly Pickens, Nacrisha Rosemont, and Angela Anderson. Mr. Turner only knew that Mr. Martin was advancing toward him and that he could not fend off multiple attackers. At that time, Mr. Turner fired several shots in the direction of Mr. Stokes' vehicle. Mr. Stokes got back in his car, backed it out, and left the scene.

STANDARD OF PROOF

In a criminal case where immunity pursuant to The Act is asserted, the proper procedure is for the trial court to hold a pre-trial evidentiary hearing on the issue of immunity to decide the factual question of the applicability of the statutory immunity. The South Carolina Supreme Court has rejected the idea that the State may defeat the assertion of immunity by a showing of probable cause. The proper standard of proof for determining Immunity under The Act is whether

the defendant has produced evidence that he is immune from prosecution by a preponderance of the evidence. *State v. Duncan*, 392 S.C. 404, 709 S.E.2d 662 (2011). This standard of review was reaffirmed by the Supreme Court in 2019. *State v. Glenn*, 429 S.C. at 108, 838 S.E. 2d at 497 (2019).

RELEVANT LAW

The South Carolina Protection of Persons and Property Act (“The Act”) was passed in 2006 by the General Assembly, and memorializes their intent that:

- (A) It is the intent of the General Assembly to codify the common law Castle Doctrine which recognizes that a person's home is his castle and to extend the doctrine to include an occupied vehicle and the person's place of business.
- (B) The General Assembly finds that it is proper for law-abiding citizens to protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action for acting in defense of themselves and others.
- (C) The General Assembly finds that Section 20, Article I of the South Carolina Constitution guarantees the right of the people to bear arms, and this right shall not be infringed.
- (D) The General Assembly finds that persons residing in or visiting this State have a right to expect to remain unmolested and safe within their homes, businesses, and vehicles.
- (E) The General Assembly finds that no person or victim of crime should be required to surrender his personal safety to a criminal, nor should a person or victim be required to needlessly retreat in the face of intrusion or attack.

In order to obtain immunity, a defendant “must satisfy all four elements of self-defense by a preponderance of the evidence, or three of the elements plus subsection 16-11-440(C) if applicable.” *State v. Glenn*, 429 S.C. 108, 838 S.E.2d 491 (2019). The elements of self-defense are:

(1) The defendant was without fault in bringing on the difficulty; (2) The defendant ... actually believed he was in imminent danger of losing his life or sustaining serious bodily injury, or he actually was in such imminent danger; (3) If the defense is based upon the defendant's actual belief of imminent danger, a reasonable prudent man of ordinary firmness and courage would have entertained the same belief ...; and (4) The defendant had no other probable means of avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did in this particular instance. *State v. Wiggins*, 330 S.C. at 538, 500 S.E.2d 489. When a defendant claims self-defense, the State is required to disprove the elements of self-defense beyond a reasonable doubt. *Id.*

Subsection 16-11-440(C) of the South Carolina Code of Laws provides: “A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be, including, but not limited to, his place of business, has no duty to retreat and has the right to stand his ground and meet force with force, including deadly force, if he reasonably believes it is necessary to prevent death or great bodily injury to himself or another person...”

Finally, in *State v. Glenn*, the Supreme Court of South Carolina found that “a proximate cause analysis must also be applied to the unlawful activity element of subsection (C)”. *State v. Glenn*, 429 S.C. at 108, 838 S.E. 2d at 497 (2019). “[A] person can be acting lawfully, even if he is in unlawful possession of a weapon, if he was entitled to arm himself in self-defense at the

time of the shooting.” *Id* (citing *State v. Burriess*, 334 S.C. 256, 262, 513 S.E.2d 104, 108 (1999)). “[T]he burden rests upon the State to prove beyond a reasonable doubt that the unlawful act in which the accused was engaged was at least the proximate cause of the homicide.” *Id* (citing *State v. Goodson*, 312 S.C. 278, 280 n.1, 440 S.E.2d 370, 372 n.1 (1994)).

ANALYSIS

Here, as to the elements of self-defense: Mr. Turner (1) was "without fault in bringing on the difficulty", (2) "actually believed he was in imminent danger of losing his life or sustaining serious injury, and was, in fact, in such imminent danger, and (3) a reasonably prudent man of ordinary firmness and courage would have entertained the same belief. Mr. Turner was in a public parking lot by his car, a place where he had a legal right to be, and was not involved in any unlawful activity. Therefore, subsection 16-11-440(C) applies to the facts at bar, and Mr. Turner had no duty to retreat from the threats he perceived when Mr. Stokes exited his vehicle and advanced on Mr. Turner.

Mr. Turner knew there were threats made against his life, and those threats were made public by Mr. Stokes and Ms. Wolfe-Young. At the time of this incident, Mr. Turner was also suffering from a back injury due to a workers' compensation accident that limited his mobility. Mr. Turner would have had no idea that Mr. Stokes was coming to the Dugout, since Ms. Wolfe-Young texted and called Mr. Stokes and there is no evidence of her making that fact known to Mr. Turner. Mr. Turner would have been taken completely by surprise when the SUV pulled into the Dugout at a high rate of speed.

Daniel Stokes exited the vehicle and confronted Mr. Turner according to Mr. Turner's statement given to law enforcement. This differs from the statement of the complainants, but Mr.

Turner's version makes logical sense. This incident occurred at night in a poorly lit parking lot. There is no evidence Mr. Turner had any knowledge of the type of car Mr. Stokes drove, or that Mr. Stokes was coming to the Dugout. Without the knowledge Mr. Stokes and the other complainants were coming to the Dugout, Mr. Turner clearly would not have been in the parking lot laying in wait. It makes sense that when Mr. Stokes stopped the vehicle, got out, and confronted Mr. Turner, only then does Mr. Turner consider reaching for a weapon. Mr. Turner was not at fault for bringing on the difficulty.

Mr. Turner actually believed he was in imminent danger of losing his life or sustaining serious injury. Mr. Stokes threatened to kill Mr. Turner based on allegations that were not acted upon by law enforcement. This vigilante-style justice Mr. Stokes was attempting to exert is not allowed. Mr. Turner also knew that this threat was made public and Mr. Stokes insinuated that he would have others helping him when this "green light" to "mash" Mr. Turner was finally executed. Additionally, Mr. Turner saw Mr. Stokes reaching into his pocket. Knowing there was an existing threat on his life accompanied by this act, in addition to seeing the doors of the SUV open, Mr. Turner was compelled to act. Mr. Turner knew in his condition with his back injury he would not be able to defend himself against one attacker, much less several who had the intent to kill him. He believed he was in imminent danger.

A reasonably prudent man of ordinary firmness and courage would have entertained the same belief. Mr. Turner had no idea how many potential attackers would exit the vehicle pursuant to the "green light" Mr. Stokes had put out on Mr. Turner's life. When Mr. Stokes reached in his pocket in the face of his threats, Mr. Turner acted as any reasonably prudent person would have, and defended himself as the law permits.

CONCLUSION

Based on the foregoing, Mr. Turner submits that, as a matter of law, he is immune from prosecution under S.C. Code § 16-11-410 *et seq*, and that such immunity is established by a preponderance of the evidence. Mr. Turner further submits that he was justified in shooting at his attackers, and that his actions were legally justified and excusable under the law of self-defense. See State v. Duncan, 392 S.C. 404 (2011).

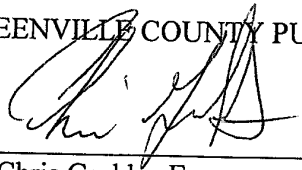
The Defendant will present evidence, witness testimony, photographs, and his own testimony, establishing his immunity from prosecution for the above-captioned charges under the South Carolina Protection of persons and Property Act, codified at S.C. Code § 16-11-410 *et seq*.

Therefore, the Defendant, Eugene Turner, requests the following relief:

1. That the Court schedule a hearing on this matter during the week of September 5, 2022;
2. That at such hearing, the Defendant be allowed to present evidence and testimony regarding these matters;
3. At the conclusion of such proceedings, that this court issue an order finding that Defendant was justified in using deadly force and is immune from criminal prosecution pursuant to S.C. Code § 16-11-410 *et seq*.

Respectfully submitted,

GREENVILLE COUNTY PUBLIC DEFENDER

By: 

Chris Grubbs, Esq.

Bar No. 81411

Attorney for Defendant

Greenville County Public Defender

305 East North Street, Suite 123

Greenville, SC 29601

(864)467-8522

Greenville, SC

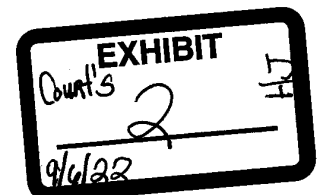
Date: September 02, 2022

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
	)	Warrant/Indictment Nos.: 2017A2330208092;
THE STATE	)	2017A2330208093; 2017A2330208094;
	)	2017A2330208095; 2017A2330208096;
	)	2017A2330208097; 2017A2330208098;
	)	2017A2330208099
	)	
v.	)	STIPULATIONS
	)	
EUGENE TURNER, JR.,	)	
	)	
<u>DEFENDANT.</u>	)	

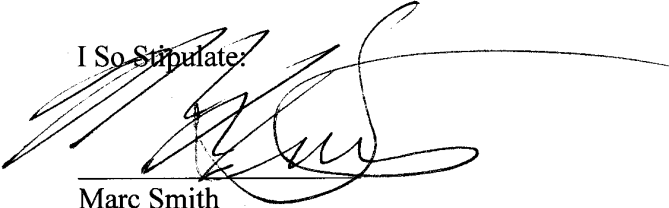
The State, through Assistant Solicitor Marc Smith, and the Defendant through his attorney Christopher Grubbs, hereby agree and stipulate to the following:

The following is submitted in support of this motion:

1. The State and Defendant stipulate to the chain of custody as to the shell casings found at the scene on September 1, 2017.
2. The State and Defendant stipulate to the authenticity and admissibility of EMS records pertaining to Christine Wolfe-Young.
3. The State and Defendant stipulate to the authenticity and admissibility of St. Francis hospital records pertaining to Christine Wolfe-Young arising from the incident on September 1, 2017.
4. The State and Defendant stipulate to the authenticity and admissibility of four (4) 911 calls pertaining to the September 1, 2017 incident. The stipulation encompasses authentication and admissibility for both the trial in chief as well as any pretrial motions that may be heard.

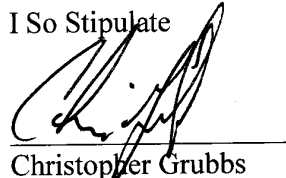


I So Stipulate:

A large, stylized handwritten signature in black ink, appearing to read 'MS', written over a horizontal line.

Marc Smith
Assistant Solicitor

I So Stipulate

A handwritten signature in black ink, appearing to read 'C. Grubbs', written over a horizontal line.

Christopher Grubbs
Attorney for Defendant

EXHIBIT
Court's 3
9/7/82

#173

David Ridenour

Feb 28 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions, Thirteenth Judicial Circuit
Hon. Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2022-001287

Trial Court Case Nos. 2018-GS-23-06134, 2018-GS-23-06137,
2018-GS-23-06139, 2018-GS-23-06141, and 2018-GS-23-06142

The State Respondent,

v.

Eugene Turner, Jr.. Appellant.

CERTIFICATE OF COMPLIANCE

The undersigned certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

February 27, 2024

/s/Miles E. Coleman

Miles E. Coleman

Adam McCoy

Nelson Mullins Riley & Scarborough LLP

2 W. Washington Street

Suite 400

Greenville, SC 29601

(864) 373-2300

Attorneys for Appellant