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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lancaster County
Honorable Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

QUINTERIOUS R. TRUESDALE,

APPELLANT

APPELLATE CASE NO. 2022-000903

AMENDED RECORD ON APPEAL

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PAGES 1-500

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JUNE 14, 2022	1
OPENING STATEMENT BY MS. WORKMAN	2
OPENING STATEMENT BY MR. NIELSON	6
TESTIMONY	
ROBERT PURSER	
Direct Examination by Ms. McGinnis	11
Cross-Examination by Mr. Nielson	15
SHAQUELLE SHARPERSON	
Direct Examination by Ms. Workman	17
Cross-Examination by Mr. Nielson	23
Redirect Examination by Ms. Workman	26
CHRISTINA ERVIN	
Direct Examination by Ms. Workman	28
Cross-Examination by Mr. Nielson	32
SUSAN ERIN PRESNELL	
Direct Examination by Ms. McGinnis	38
Cross-Examination by Mr. Nielson	63
YASHIMA MINGO	
Direct Examination by Ms. McGinnis	68
Cross-Examination by Mr. Nielson	115
Redirect Examination by Ms. McGinnis	139
DAVID DALE	
Direct Examination by Ms. Workman	149
Cross-Examination by Mr. Nielson	151
JEFFREY SCOTT WILLIAMSON	
Direct Examination by Ms. McGinnis	152
Cross-Examination by Mr. Nielson	164
ERICA MINGO	
Direct Examination by Ms. Workman	168
Cross-Examination by Mr. Nielson	172

SCOTTY STEEN	
Direct Examination by Ms. Workman	174
Cross-Examination by Mr. Nielson	179
Redirect Examination by Ms. Workman	182
DONALD SIMS	
Direct Examination by Ms. McGinnis	184
Cross-Examination by Mr. Nielson	249
DEFENSE OBJECTION TO DOMESTIC VIOLENCE IMPEACHMENT EVIDENCE ...	256
COURT’S RULING DENYING DEFENSE OBJECTION.....	258
DEFENSE OBJECTION TO TESTIMONY OF PROBATION OFFICER	258
RESPONSE BY MS. MCGINNIS	259
COURT’S RULING LIMITING QUESTIONING OF PROBATION OFFICER.....	260
TESTIMONY	
HERBERT MCCRAY	
Direct Examination by Ms. McGinnis	263
Cross-Examination by Mr. Neilson	267
CAROLYN CLARK	
Direct Examination by Ms. Workman	269
BRIAN SMALL	
Direct Examination by Ms. McGinnis	270
Cross-Examination by Mr. Nielson	290
Redirect Examination by Ms. McGinnis	297
JAMES GREEN	
Direct Examination by Ms. McGinnis	298
Cross-Examination by Mr. Nielson	315
CAROL WILLIAMS	
Direct Examination by Ms. Workman	317
MARK CHAPMAN	
Direct Examination by Ms. Workman	321
Cross-Examination by Mr. Nielson	323
STATE RESTS	324

DEFENSE MOTION FOR DIRECTED VERDICT	325

COURT’S RULING DENYING DEFENSE MOTION FOR DIRECTED VERDICT	325

TESTIMONY

TAMIKA INGRAM

Direct Examination by Mr. Nielson.....	327
Cross-Examination by Ms. McGinnis.....	329
Redirect Examination by Mr. Nielson	332

DONNA TRUESDALE

Direct Examination by Mr. Nielson.....	332
Cross-Examination by Ms. McGinnis.....	337
Redirect Examination by Mr. Nielson	345

TESTIMONY COLLOQUY WITH DEFENDANT	348

TESTIMONY

RODNEY CLOUD

Direct Examination by Mr. Nielson.....	352
Cross-Examination by Ms. McGinnis.....	356

MARCUS DRAKEFORD

Direct Examination by Mr. Nielson.....	359
Cross-Examination by Ms. McGinnis.....	364
Redirect Examination by Mr. Nielson	367

QUINTERIOUS TRUESDALE

Direct Examination by Mr. Nielson.....	370
Cross-Examination by Ms. McGinnis.....	400
Redirect Examination by Mr. Nielson	438

DEFENSE RESTS	446

CHARGE CONFERENCE.....	447

DEFENSE MOTION TO CHARGE VOLUNTARY MANSLAUGHTER	450

COURT’S RULING DENYING DEFENSE MOTION TO CHARGE VOLUNTARY MANSLAUGHTER.....	451

CLOSING ARGUMENT BY MS. MCGINNIS	452

CLOSING ARGUMENT BY MR. NIELSON.....	479
CLOSING ARGUMENT IN REPLY BY MS. MCGINNIS	506
JURY CHARGE	508
VERDICT	530
DEFENSE MOTION FOR A NEW TRIAL	531
COURT’S RULING DENYING DEFENSE MOTION FOR NEW TRIAL	532
SENTENCING	533
DEFENDANT’S EXHIBIT #3 (POWER BILL)	534
INDICTMENTS	554
CERTIFICATE OF COUNSEL	562

STATE OF SOUTH CAROLINA - COUNTY OF LANCASTER
SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)
) Docket No.
 Plaintiff,) 2021-GS-29-422
) 2021-GS-29-423
) 2021-GS-29-2024
 V.) 2021-GS-29-2023
)
)
 QUINTERIOUS TRUESDALE) JURY TRIAL
)
)
 Defendant.)

June 14, 2022
Lancaster, South Carolina

B-E-F-O-R-E:

THE HONORABLE MAITE MURPHY

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

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Maria DiScioscia, RPR
Official Court Reporter

1 MS. WORKMAN: Thank you, your Honor. May it
2 please the Court?

3 THE COURT: Yes, ma'am.

4

OPENING STATEMENTS

5

6 MS. WORKMAN: Good morning.

7 On September 24, 2020 at approximately, 3
8 o'clock in the morning, Mr. Truesdale, Quinterious
9 Truesdale, crawled through the window of Yashima Mingo,
10 crawled up a doghouse through the window where he
11 committed these crimes.

12 See, Yashima Mingo and Mr. Truesdale, they
13 know each other. They have a child in common who was
14 three years old at the time this occurred.

15 Earlier that day or earlier the day prior,
16 which would be September 23rd, Mr. Truesdale went over
17 to Ms. Mingo's house where she was the sole person on
18 the lease. But they have lived there prior. And I'll
19 talk about that more in a minute.

20 He went to her house on September 23rd,
21 visited their child for about ten to 15 minutes and
22 subsequently left because Ms. Mingo had to go to work
23 that evening. She went into work at approximately 5
24 o'clock. They decided they didn't need her at her place
25 of employment.

1 So she then picked up her new boyfriend. They
2 went to dinner, came back to the house where ultimately
3 they went to sleep. This was located at [REDACTED] West Hood
4 Street here in the city limits of Lancaster.

5 Three o'clock in the morning, as I've
6 previously stated, Mr. Truesdale climbed through that
7 window wearing a ski mask and flips on the light to
8 Ms. Mingo's bedroom. There she is asleep with Shamon
9 White, her current boyfriend, and she's also in the bed.

10 At that point, they had a verbal exchange
11 between Mr. Truesdale and the victim in this case,
12 Shamon White. Mr. Truesdale fires off two shots. At
13 that point his gun ultimately jams and Mr. White grabs
14 the gun from underneath his pillow and fires multiple
15 shots back at him.

16 Ladies and gentlemen, Mr. Truesdale drops that
17 mask, drops the gun, and walks out of the room, goes to
18 the kitchen. There, Ms. Mingo crawls over Mr. White, he
19 says -- and ultimately leaves the room where she calls
20 911. She waits outside and ultimately police, fire,
21 Medic, they all come. But both Mr. Truesdale and the
22 victim are found in the house.

23 This is not a case of DNA. This is not a "who
24 done it" case. Both people that were shot that night
25 were in the house, both had gunshot wounds. Ultimately,

1 Mr. Truesdale left the room but Mr. White never did. He
2 passed away right there on the bed at the time that he
3 received those shots.

4 Ladies and gentlemen, Mr. Truesdale in this
5 case is charged with murder. Murder means, "the
6 unlawful killing of another with malice aforethought."
7 Malice is merely doing an unlawful act without just
8 'cause. And aforethought doesn't don't have a
9 timeframe. It can be in an instant but at the time it
10 occurs, he had malice in his heart.

11 Ladies and gentlemen, he is also charged with
12 burglary first degree.

13 Burglary first degree is when a person enters
14 a dwelling without consent. And this will be further
15 explained by both my cocounsel and the Judge who is
16 ultimately going to tell you what the law is that you have
17 to abide by or follow in this case.

18 Burglary in the first degree is when a person
19 enters a dwelling without consent and with the intent to
20 commit a crime in the dwelling and either is armed with
21 a deadly weapon, causes physical injury to a person who
22 is not a participant in the crime, or uses threats of
23 the use of a dangerous instrument and displays a firearm
24 or the event occurs at night.

25 I submit to you that he has met multiple

1 requirements of this law.

2 He is also charged with possession of a weapon
3 during a violent crime. Meaning, he possessed a firearm
4 at the time he did these crimes both for murder and for
5 the burglary first degree.

6 Ladies and gentlemen, he also has a couple
7 other charges of possession of a weapon during a
8 commission of a violent crime which I just spoke about
9 and possession of a handgun by a person convicted of a
10 violent crime and a crime of violence.

11 Those are two separate things. It's the
12 State's burden to prove to you beyond a reasonable doubt
13 in this case. And I submit to you, after you hear the
14 evidence, Yashima Mingo is going to walk you through the
15 steps that occurred that night. Everything that
16 happened and what lead up to this. Law enforcement will
17 come and talk about the investigator that they did. We
18 will also hear from the medical examiner. We will hear
19 from the coroners' office who showed up that night, EMS.

20 And after you put all of these things
21 together, I submit to you that we welcome the burden of
22 proof. We welcome beyond a reasonable doubt. And we
23 feel that after you hear from each person in this case,
24 that you will find Mr. Truesdale guilty of all these
25 crimes.

1 Please listen carefully. And, ultimately, we
2 have an eyewitness that will tell you what happened that
3 night. Thank you.

4 THE COURT: Counsel?

5 MR. NIELSON: Thank you, your Honor.

6 Morning, ladies and gentlemen. Afternoon, I
7 think now, barely. Mr. Truesdale stands before you --
8 this is a very important day for him. He stands before
9 you accused of some very heinous acts. One thing me and
10 the Solicitor's Office can agree on, we can agree this
11 is not a, "who done it case." We know who was in the
12 room that day. We know that because you're going to
13 hear testimony during this trial that Mr. Truesdale was
14 shot six times. He was shot six times in a house that
15 was his own residence.

16 The solicitor is going to ignore that point
17 through this entire trial that he lived in that house.
18 The light bill for that house was in his name. At some
19 point he had a key to that house. There's going to be
20 arguments about when he had that key and when he didn't
21 have that key. There are going to be things like that
22 that are going to come up.

23 But the Solicitor's Office is going to try to
24 get you to ignore the fact that this was his home. It
25 wasn't Ms. Mingo's home; it was their home. They're

1 going to talk about problems that they had. They
2 were -- they were having some problems. But them having
3 some problems does not make this not his home. Her
4 bringing another man in to the home, does not make it
5 not his home.

6 And the one thing they're not going to be able
7 to prove beyond a reasonable doubt is, one, that
8 Mr. Truesdale wanted to shoot and kill anyone. They're
9 also not going to be able to prove that he broke into a
10 home that was not his own home. They talk about a
11 witness that they're going to bring in. Well, that --
12 the room that this whole incident happened in has two
13 people in it. And you will hopefully hear from both of
14 them. And they're going to tell vastly different
15 stories.

16 We asked you during jury qualifications if any
17 members of the jury knew either of these two
18 individuals, and their names were read out. My client
19 stood up in front of you and none of you knew these
20 individuals. There is going to be things that you're
21 not going to like in this trial. You might hear some
22 language you don't like. You might hear some attitudes
23 that you don't like. You might hear talks about guns
24 and violence and things like that. The criminal court
25 system isn't pretty. And y'all have the hardest job in

1 this room. Me and the solicitor don't have the hardest
2 job in this room. We're both prepared to try this case.
3 But we don't have the hardest job in the room. The
4 hardest job in the room belongs to you-all.

5 And I thank you for being here and being
6 willing to do that job because you are the one, you were
7 chosen as smart, conscientious, reasonable, fair people
8 to be the judges of the facts in this case and to decide
9 what happened and decide whether or not the solicitor
10 has meet their burden.

11 Ms. Workman stood up here and she talked about
12 the fact that they "embraced" their burden, I believe
13 was the word she used. If I got that word wrong, I
14 apologize. But basically she said that -- she stood up
15 here and said, they embrace their burden. They embrace
16 their burden to prove to you that you will not hesitate
17 to think, what if the story Mr. Truesdale is telling, is
18 true instead of the story the victim is telling is true?

19 You're going to have to completely ignore one
20 person at the expense of the other in order to find him
21 guilty in this case.

22 Now, I'm going to stand up here at the end of
23 this case and I might tell you some of the things Mr.
24 Truesdale did wrong. I might tell you some of the
25 things they have proven. But ultimately, in this case,

1 they will not prove that Mr. Truesdale is guilty of
2 murder and they will not prove that Mr. Truesdale is
3 guilty of burglary.

4 I ask you to listen. I ask you to pay
5 attention. I ask you to pay attention to both what's
6 there and what's not, what's missing, what did the
7 police do wrong? Could they have gotten you more
8 evidence? Could they have gotten you more information
9 that may have tipped the scales in one way or the other?
10 I ask you to listen to any doctors and other people who
11 might come in and give you added incite. And I'm going
12 to have a chance at the end of this case to talk to you
13 about what I believe some of those things that they're
14 going to talk about mean.

15 But in the end, when you come back later this
16 week, there's no way you're going to be able to find him
17 guilty of those two charges and then we'll talk about
18 the others. Thank you.

19 THE COURT: Thank you, Counsel.

20 Ladies and gentlemen of the jury, it's a
21 little after 12 o'clock. I know you've had a long
22 morning so it's probably a good time for us to take our
23 lunch break before we begin with the testimony of this
24 trial.

25 Please remember my precious instructions that

1 you're not allowed to talk to anyone about this case,
2 this includes amongst yourselves or with anyone else
3 because you must make your determination of the facts
4 solely from what you hear here in the courtroom.

5 So please be mindful of that and do not
6 discuss this case with anyone or do any independent
7 reach on the case. If you would be back in your jury
8 room -- it's about ten after now -- be back at 1:15.
9 That should give everyone plenty of time to grab some
10 lunch and be back in the jury room and we will resume
11 this case. Have a nice lunch.

12 (Jury exited.)

13 THE COURT: Counsel for defense, Mr. Truesdale
14 is in custody; is that right?

15 MR. NIELSON: Yeah. And I just about screwed
16 that up, your Honor, by having him go back to the back.
17 I apologize.

18 We'll make sure he stays in his seat until the
19 jury leaves the room and your Honor.

20 THE COURT: Yes, sir.

21 Anything further before we recess for lunch?

22 MS. MCGINNIS: No, your Honor.

23 THE COURT: We'll see y'all at 1:15.

24 *(Whereupon, lunch recess was taken.)*

25 THE BAILIFF: All rise.

1 THE COURT: Everybody ready?

2 MS. MCGINNIS: Yes, Judge.

3 MR. NIELSON: Yes, your Honor.

4 THE COURT: Let's have the jury.

5 (Jury entered.)

6 THE COURT: Welcome back, ladies and gentlemen
7 of the jury. We are now ready to proceed with testimony
8 in this trial.

9 You may call your first witness.

10 MS. MCGINNIS: State calls Robert Purser.

11

12 *R-O-B-E-R-T P-U-R-S-E-R, the Witness herein, having been*
13 *sworn by the Clerk of Court, was examined and testified*
14 *as follows:*

15 (State's Exhibit 1, 911 Dispatch Call,
16 was marked for Identification.)

17

18 **DIRECT EXAMINATION**

19 **BY MS. MCGINNIS:**

20 Q. Good afternoon, Mr. Purser.

21 A. Good afternoon.

22 Q. Would you please state your name for the
23 record.

24 A. My name is Robert Purser.

25 Q. Can you spell your last name for my Court

1 Reporter here.

2 A. P-U-R-S-E-R.

3 Q. Thank you, Mr. Purser.

4 And where are you employed?

5 A. Lancaster County Public Safety Communications
6 911.

7 Q. How long have you been employed there?

8 A. All together seven years.

9 Q. Seven years?

10 A. Yes, ma'am.

11 Q. And how did you start there at 911?

12 A. As a dispatcher.

13 Q. And what's your current position there?

14 A. Director.

15 Q. Director.

16 Can you briefly tell the jury, what the 911
17 communications system does, what a dispatcher's job is
18 there?

19 A. Yes. So basically, we answer all emergency
20 calls that come in, as well as, nonemergency calls.
21 Those calls are disseminated and dispatched to where
22 they need to go and the appropriate responders are
23 notified and sent to the location of the caller.

24 Q. So the dispatcher speaks with the caller?

25 A. Yes, ma'am.

1 Q. Gets the information and sends the correct
2 responder?

3 A. That's correct.

4 Q. Does that include police?

5 A. Police, fire, and medical.

6 Q. Police, fire and medical. Okay.

7 Are all calls that come into 911 recorded?

8 A. They are.

9 Q. Are those recordings maintained in your
10 ordinary course of business?

11 A. Absolutely, yes.

12 Q. Are they stored by kind of -- by date, by
13 caller. How are they stored and maintained?

14 A. They are. They go back to a certain date and
15 then proceed forward.

16 Q. Are you familiar with the 911 call that was
17 made approximately 3:00 a.m. on September 24, 2020?

18 A. I know of the call and I know of the request.
19 I did not take the call.

20 Q. Okay. Have you had a chance to listen to that
21 call?

22 A. I have.

23 Q. And as part of your job as director to make
24 sure that the storage and maintenance of all the calls
25 is done appropriately?

1 A. Yes, ma'am.

2 Q. I'm going to hand you what's been marked for
3 identification purposes as State's Exhibit --

4 MS. MCGINNIS: May I approach?

5 THE COURT: You may.

6 Q. (By Ms. McGinnis) State's Exhibit No. 1. Are
7 you familiar with that?

8 A. I am.

9 Q. What is that?

10 A. That is the request for the 911 recording
11 that's been burned onto a CD.

12 Q. So this is a recording --

13 MR. NIELSON: Your Honor, not that it matters
14 for this necessarily, but before she hands anything to a
15 witness, will you instruct her to show it to me first?

16 THE COURT: Yes, sir.

17 MS. MCGINNIS: I apologize.

18 Q. (By Ms. McGinnis) So this is the recording of
19 the 911 call that was made that night?

20 A. That's correct.

21 Q. You've had an opportunity to listen to that?

22 A. I have.

23 Q. Is it a fair and accurate recording of that
24 911 call?

25 A. Is it.

1 Q. There's no alterations, nothing has been added
2 or taken out?

3 A. No, ma'am.

4 MS. MCGINNIS: Your Honor, at this time I
5 would offer State's Exhibit 1 into evidence.

6 THE COURT: Any objection?

7 MR. NIELSON: None, your Honor.

8 THE COURT: Okay.

9 MS. MCGINNIS: Permission to publish, your
10 Honor?

11 THE COURT: Yes, ma'am.

12 (State's Exhibit 1, 911 Dispatch Call,
13 was entered into evidence.)

14 MS. MCGINNIS: I don't have any further
15 questions of Mr. Purser.

16 THE COURT: Cross-examination?

17 MR. NIELSON: Thank you, your Honor.

18

19 **CROSS-EXAMINATION**

20 **BY MR. NIELSON:**

21 Q. Mr. Purser, as the director of 911 of all of
22 your dispatchers, you don't go to the scene; correct?

23 A. No, sir.

24 Q. You or your dispatcher's did not have any part
25 of the investigation in this case?

1 A. No, we did not.

2 Q. Didn't take any evidence?

3 A. No.

4 Q. Didn't look for fingerprints or for keys or
5 look for anything else?

6 A. No.

7 MR. NIELSON: All right. No further
8 questions.

9 THE COURT: Any redirect?

10 MS. MCGINNIS: No, your Honor.

11 THE COURT: You may step down, sir. Thank
12 you.

13 MS. MCGINNIS: May Mr. Purser be excused from
14 his subpoena, your Honor?

15 THE COURT: Any objection?

16 MR. NIELSON: No, your Honor.

17 THE COURT: You're free to go, sir.

18 MR. PURSER: Thank you.

19 THE COURT: You may call your next witness.

20 MS. WORKMAN: The State would call Shaq,
21 Shaquelle Sharperson.

22

23 *S-H-A-Q-U-E-L-L-E S-H-A-R-P-E-R-S-O-N, the Witness*

24 *herein, having been sworn by the Clerk of Court, was*

25 *examined and testified as follows:*

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THE COURT: Your witness.

MS. WORKMAN: Thank you.

(State's Exhibit 2, PO Sharperson Body
Cam, was marked for Identification.)

DIRECT EXAMINATION

BY MS. WORKMAN:

Q. Mr. Sharperson, please state your name for the
record.

A. Corporal Shaquelle Sharperson.

Q. Where are you employed?

A. Lancaster City Police Department.

Q. How long have you been employed there?

A. Five years.

Q. And what are your duties?

A. Right now, I'm an SRO. I work at the school.
I'm an officer at the school.

Q. Let me turn your attention back to September
24, 2020.

Do you recall that evening?

A. Yes, ma'am.

Q. What were your duties at the time of this
incident?

A. At the time of the incident I was a patrol

1 officer, patrol corporal.

2 Q. And where did you get a call that night?

3 A. To Hood Street, [REDACTED] Hood Street.

4 Q. [REDACTED] Hood Street?

5 A. Uh-huh.

6 Q. What did you do when you got there?

7 A. At that time I just helped assess the scene
8 with officers that was already on the scene.

9 Q. Can you say that last part again? I'm sorry.

10 A. I just kind of helped assess the scene with
11 officers that were there prior to my arrival.

12 Q. When you arrived, tell me what happened.

13 A. When I arrived, I noticed there was a male
14 victim. Excuse me. From the beginning, when I first
15 arrived, I noticed a female outside crying, talking to a
16 deputy.

17 At that point in time, I walked into the house
18 where we had another officer in there talking to a
19 subject who was shot on the couch.

20 And at that point in time, he directed me to
21 the bedroom who said there was another male in there and
22 he was also shot. I walked in there, seen evidence,
23 tried not to disturb anything on the scene and just
24 tried to wait until EMS arrived to assist them.

25 Q. You said -- after you walked out of the

1 bedroom, what did you do?

2 A. Went to just kind of look at the evidence,
3 tried to see if there was anything else floating around.
4 And at that point time we waited for EMS to arrive to
5 help them as well.

6 MS. WORKMAN: May I approach the witness?

7 THE COURT: Yes, ma'am.

8 Q. (By Ms. Workman) Officer Sharperson, do you
9 recognize this?

10 A. Yes, ma'am.

11 Q. Have you reviewed this?

12 A. Yes, ma'am, I have.

13 Q. Can you tell me what this is?

14 A. That is my body-cam footage of the incident.

15 Q. Is this a fair and accurate representation of
16 what you saw that night?

17 A. Yes, ma'am.

18 MS. WORKMAN: Permission to publish?

19 THE COURT: Are you moving it in?

20 MS. WORKMAN: Move it into evidence, I'm
21 sorry.

22 THE COURT: Any objection?

23 MR. NIELSON: I just didn't hear what number
24 is it labeled as.

25 MS. WORKMAN: State's Exhibit No. 2.

1 THE COURT: Any objection?

2 MR. NIELSON: No, your Honor. Your Honor, no
3 objection to them showing it so long as the audio is not
4 played.

5 MS. WORKMAN: We have muted it.

6 THE COURT: All right. You may publish.

7 (State's Exhibit 2, PO Sharperson Body
8 Cam, was entered into evidence.)

9 (*Body-cam footage played in open court.*)

10 Q. (By Ms. Workman) Officer Sharperson, is your
11 screen working as well?

12 A. Yes, it is.

13 Q. Officer Sharperson, it appears you walked from
14 room to room.

15 What were you doing at this time?

16 A. At the time I was looking to see if there was
17 any other evidence as far as like shell casings or
18 anything.

19 Due to the scene, people moving around, things
20 could be misplaced or it could roll, anything like that.
21 So I was just assisting the scene to see if there was
22 anything else.

23 Q. What was that the first room you looked in to?

24 A. The first room I looked into -- this one?
25 Like as far as like what's on the screen right now, that

1 first room?

2 Q. Yes, sir.

3 A. That is the bedroom.

4 Q. And what did you see when you got in there?

5 A. When I got in there, I noticed a lot of blood,
6 shell casings and a subject that was in the bed that
7 appeared to be deceased at the time.

8 Q. And in the second room -- you walked into the
9 second room in that video, what did you notice in there?

10 A. In there, I just noticed like a bed and a
11 shower -- like a curtain that was placed over the
12 window.

13 Q. And you went into the next room. What was in
14 that room?

15 A. The next room was --

16 Q. Or what was that room?

17 A. The next room was the bathroom after that.

18 Q. What did you see in there?

19 A. Just normal toiletries and there didn't appear
20 to be anything out of order, just everyday bathroom
21 things as far as tissues and stuff like that.

22 Q. And what was the last room that you walked
23 into?

24 A. The last room I walked into was the kitchen.

25 Q. Was there anything noticeable in that room?

1 A. Noticeable in the kitchen, I didn't see any
2 shell casings or anything like that. But I did see that
3 there was a table with boxes behind it. Next to the
4 door, the cabinet doors were opened and they had like,
5 another curtain type-deal over the window as well. But
6 nothing in the space behind the frig or in front of the
7 frig.

8 Q. How was the door when you saw it?

9 A. It appeared to be shut.

10 Q. And where were those boxes that you were
11 talking about?

12 A. Those boxes, they were next to the door.
13 There was a set of boxes, a stack of boxes next to the
14 door, right up against the door.

15 Q. And then what were you doing after you looked
16 in the kitchen?

17 A. After I looked in the kitchen, I was waiting
18 for my lieutenant to come in so I could tell him what we
19 had. Me being a corporal, you know, he was over me and
20 he just wanted to know what we had on the scene.

21 MS. WORKMAN: Beg the Court's indulgence.

22 Q. (By Ms. Workman) Corporal Sharperson, you left
23 your body cam on the entire time you were at the scene?

24 A. Yes, ma'am. I did.

25 MS. WORKMAN: Please answer any questions

1 Mr. Nielson has for you.

2 THE COURT: Cross-examination?

3 MR. NIELSON: Thank you, your Honor.

4

5 **CROSS-EXAMINATION**

6 **BY MR. NIELSON:**

7 Q. You're a ranking corporal --

8 A. Yes, sir.

9 Q. -- Corporal Sharperson? Okay. I want to make
10 sure I'm calling you by it right title.

11 A. Thank you.

12 Q. Corporal, what did you say you were looking
13 for when you were wondering around the house?

14 A. Looking for any shell casings or any evidence,
15 anything else that would be believed that, you know,
16 that could be anywhere, could be important.

17 Q. Like give me some examples of anything that
18 you could have been looking for. You said, "any
19 evidence, like, other than shell casings." What else
20 could you have been looking for?

21 A. Like anything as far as blood, anything that
22 could be -- locked doors, say someone came from a
23 certain location or anything. At that point I was just
24 trying to assess the scene.

25 Q. Did you see anything that lead you to believe

1 that somebody came from any certain location?

2 A. Not in that area I looked at as far as that
3 kitchen goes.

4 Q. Did you look in the bathroom?

5 A. I looked -- I peeped in the bathroom just to
6 kind of look for, like I said, shell casings. Because
7 where the incident happening so close, shell casings
8 could have rolled, anything like that.

9 Q. 'Cause shell casings are pretty small; right?

10 A. Yeah.

11 Q. And they can go anywhere, bounce off walls,
12 they could go anywhere; right?

13 A. Yeah.

14 Q. Could be kicked by an officer or somebody else
15 coming into a room?

16 A. Yeah.

17 Q. And did you look in the spare bedroom, the
18 second bedroom?

19 A. I just kind of peeked in.

20 Q. You didn't look thoroughly in that room?

21 A. No.

22 Q. Okay.

23 A. The house was already cleared upon my arrival.

24 Q. And did at any point were you looking for any
25 keys?

1 A. No, sir.

2 Q. Would that have been considered evidence that
3 you were then looking for?

4 A. Not at the time. At the time I was looking
5 for -- we had, you know, I knew we had people shot, I
6 was looking for shell casings. That was my main thing
7 at the time, was shell casings.

8 Q. And after, we showed about five minutes of
9 this video I believe, 5:02 if I'm looking at the screen
10 correctly. What did you do after this on the screen,
11 because I think this is an hour and-a-half long video.

12 What did you do after this?

13 A. After this, we had a lot of people coming up
14 the road. We had a fairly new officer that was down
15 there trying to manage the scene. So I went down to
16 assist him with that. And we had people walking around
17 the house, walking around with tape. So I went down
18 there, with that.

19 Q. So from here on out, the rest of the time you
20 were not in the house, you were outside doing, kind of,
21 crowd control; is that fair to say?

22 A. Yes, sir.

23 Q. And you never went back in the house to help
24 search for anything?

25 A. No. Once EMS left out and I helped EMS with

1 the subject, out of the house. That was really it.

2 Q. And you didn't do anything like look for
3 fingerprints or collect touch DNA or anything like that?

4 A. No, sir.

5 Q. And did you -- basically, what we've seen is
6 your -- is your investigation inside the house?

7 A. Yes, sir.

8 MR. NIELSON: Beg the Court's indulgence.

9 No further questions, your Honor.

10 THE COURT: Any redirect?

11 MS. WORKMAN: Briefly, your Honor.

12

13 **REDIRECT EXAMINATION**

14 **BY MS. WORKMAN:**

15 Q. Corporal Sharperson?

16 A. Yes, ma'am.

17 Q. You're not there to necessarily -- you stated
18 your job was to preserve the scene; is that --

19 A. Just help preserve the scene and provide
20 security.

21 Q. Were you there to collect evidence?

22 A. No, ma'am.

23 Q. You just helped the scene secure --

24 A. Yes, ma'am. That's why we had our guys come
25 in as far as special ops and evidence tech guys to come

1 in.

2 Q. You said, "other people come in"? I'm sorry,
3 what was the last part?

4 A. So anytime we're on scene, as far as, patrol
5 officers, especially a scene like this, we get there, we
6 hold the scene. Make sure no evidence is destroyed or
7 anything like that, as far as people walking through the
8 crime scene and everything. And we help out the best
9 way we can with EMS. And once that is done, then we
10 have other guys that come in and take care of that
11 situation.

12 MS. WORKMAN: That's all the questions I have.

13 THE COURT: You may step down, sir. Thank
14 you.

15 MS. WORKMAN: Your Honor, may he be excused
16 from his subpoena?

17 THE COURT: Any objection?

18 MR. NIELSON: No, your Honor.

19 THE COURT: You're free to go, sir.

20 Call your next witness.

21 MR. NIELSON: Your Honor, may we approach real
22 quick?

23 THE COURT: Yes, sir.

24 *(Whereupon, a brief discussion was held*
25 *off the record.)*

1 THE COURT: You may call your next witness.

2 MS. MCGINNIS: Beg the Court's indulgence.

3 MS. WORKMAN: The State calls Christina Ervin.

4

5 *C-H-R-I-S-T-I-N-A E-R-V-I-N, the Witness herein, having*

6 *been sworn by the Clerk of Court, was examined and*

7 *testified as follows:*

8

9 THE COURT: Your witness.

10 MS. WORKMAN: Thank you, your Honor.

11

12 **DIRECT EXAMINATION**

13 **BY MS. WORKMAN:**

14 Q. Ms. Ervin, will you please state your name for
15 the Court.

16 A. Christina Ervin.

17 Q. And where are you employed?

18 A. Lancaster County EMS as a paramedic.

19 Q. How long have you worked there?

20 A. Seven years.

21 Q. Were you working on the date of September 24,
22 2020?

23 A. Yes.

24 Q. Do you recall a scene location that you went
25 to around 3:00 a.m.?

1 A. Yes.

2 Q. Can you tell me where that was?

3 A. I don't remember the exact address. I was
4 looking over my report and I didn't -- I didn't look for
5 the address.

6 Q. Can you tell me what you saw when you arrived
7 at the scene of [REDACTED] West Hood Street?

8 A. We walked in the door and we saw a male
9 patient laying on the couch or kind of slumped on the
10 couch with --

11 Q. What --

12 A. -- handcuffed in the front.

13 Q. What did you do?

14 A. We rendered care to his wounds. We put a
15 trauma dressing on it and got him on the backboard or
16 got a collar on him, got him on a backboard. Secured
17 him to that backboard, moved him to our stretcher, then
18 to our unit. Got him on our cardiac monitor. Assessed
19 for any other wounds. Multiple attempts to start IVs.
20 Got an IV started. Got him some fluids started.
21 Transported him emergent traffic from the scene to the
22 helipad and said he needed to be flown to a higher level
23 of care hospital.

24 Q. Can you tell me who else was on scene when you
25 arrived?

1 A. Police officers.

2 Q. Was there anyone else?

3 A. Not that I -- not that I remember -- that I
4 recall.

5 Q. Were you the only EMS that arrived that
6 evening?

7 A. No.

8 Q. What is -- as part of EMS, what is your job?

9 A. To render care to patients that are injured or
10 sick.

11 Q. If there's a crime scene, what are your
12 protocols in terms of a crime scene?

13 A. We try not to touch any evidence if we see it,
14 because it's not ours. That's not my job. I don't want
15 to, even mess with that. I don't want to disturb
16 anything. But I won't necessarily look for any -- any
17 -- what they would consider evidence. I just go to my
18 patient. Treat my patient and I get them to where they
19 need to be for care.

20 Q. Where was your patient located when you walked
21 in the house?

22 A. On the couch.

23 Q. How long, approximately, did it take you
24 before you left the scene?

25 A. I can look, you know, at times, but we work as

1 quickly as we can.

2 MS. WORKMAN: Beg the Court's indulgence.

3 Q. (By Ms. Workman) And Ms. Ervin, what was the
4 person that you assessed, what was he wearing?

5 A. I don't remember what he was wearing.

6 Q. What do you typically do when someone has
7 trauma like that in terms of, what is -- what's your
8 first procedure?

9 A. To cut their clothing away.

10 Q. And then what did you do next?

11 A. Typically, if we leave them on -- if we cut
12 their clothes, I'll them wherever they fall. Some times
13 they even get hung up, but if he had a shirt on, you
14 know, I don't recall that, if he had a shirt on or not.
15 If he had a shirt on we would have typically cut it
16 away. And since I put a trauma dressing on the wounds
17 on the back, there couldn't have been any clothing on
18 his back to put the dressing on.

19 Q. Would you have checked if there was anyone
20 else in the house that needed emergency care?

21 A. Not since there was another unit there.

22 Q. You were aware that there was another patient
23 in the house though, that was being treated by someone
24 else?

25 A. Yes.

1 Q. And ultimately, did you have any dealings with
2 that person?

3 A. No.

4 Q. Did the other EMS, did they -- what happened,
5 what did they do?

6 A. I don't know what they did, because like I
7 said, we went and we assessed this patient and that's
8 the only patient I had contact with.

9 Q. And you said your patient was alive; is that
10 correct?

11 A. Yes.

12 MS. WORKMAN: Please, answer any questions Mr.
13 Nielson has.

14 THE COURT: Cross-examination?

15 MR. NIELSON: Thank you, your Honor.

16

17 **CROSS-EXAMINATION**

18 **BY MR. NIELSON:**

19 Q. Do you remember the name of the patient that
20 you treated?

21 A. I only remember because of looking at the
22 report.

23 Q. So do you now know what their name was?

24 A. Truesdale.

25 Q. Mr. Truesdale. And where was Mr. Truesdale

1 shot at?

2 A. He had from -- I mean I can read off my report
3 'cause it --

4 Q. If you can remember.

5 A. I know he had the wounds on the back.

6 Q. Do you remember how many wounds he had on the
7 back?

8 A. Not -- not right off without looking at the
9 report.

10 Q. Was it multiple?

11 A. Yes. I do remember it was multiple because we
12 put the trauma dressing on the back because he multiple
13 wounds back there.

14 Q. Did he have wounds anywhere else?

15 A. Can I look through the report?

16 Q. Yes --

17 THE COURT: Yes, ma'am. You can refresh your
18 recollection.

19 Q. (By Mr. Nielson) -- if you need that to
20 refresh your recollection.

21 A. He had from what my report states, he has four
22 wounds scattered on back. He has one wound to the left
23 check. He has one wound to the left ear, one wound to
24 the left side of right buttocks and one wound to the
25 right index finger.

1 Q. Okay. That's six or seven gunshot wounds --

2 A. Six.

3 Q. -- give or take. Okay.

4 And your job was the treat him and not the
5 other patient as you stated to the solicitor; correct?

6 A. Yes, because we had two units arrive on the
7 scene.

8 MR. NIELSON: Thank you. No further
9 questions.

10 THE COURT: Any redirect?

11 MS. WORKMAN: No redirect.

12 THE COURT: You may step down. Thank you.

13 MS. WORKMAN: Your Honor, can this witness be
14 excused from her subpoena as well?

15 THE COURT: Any objection?

16 MR. NIELSON: No objection.

17 THE COURT: You're free to go, ma'am.

18 You may call your next witness.

19 MS. MCGINNIS: Can we approach briefly?

20 THE COURT: Yes, ma'am.

21 *(Whereupon, a brief discussion was held*
22 *off the record.)*

23 THE COURT: Ladies and gentlemen, we'll take a
24 very brief recess before we go onto the next witness.

25 If you would please go to your jury room. Please

1 remember not to discuss the case amongst yourselves. We
2 will be back with you.

3 (Jury exited.)

4 THE COURT: Yes, Mr. Nielson, you had a
5 motion?

6 MR. NIELSON: Your Honor, at this point I
7 understand the sensitive nature of this case. I
8 understand what -- that there is going to be high
9 emotions there. I also saw the look on the jurors faces
10 when a streak happened from the gallery. And I don't
11 know if that's something that we can undue. I would
12 ask, your Honor, for a mistrial at this point.

13 THE COURT: From State?

14 MS. MCGINNIS: Judge, I think the jurors are
15 all human. They understand this is obviously a family
16 member who saw something very upsetting. I don't think
17 it's prejudicial. It wasn't in conjunction with
18 anything said about Mr. Truesdale doing anything. It
19 was merely the sight of the body was incredibly
20 upsetting to her.

21 So I would obviously ask you not to grant the
22 mistrial motion. I don't believe it's appropriate. I
23 don't believe any prejudice is done at this point.

24 THE COURT: I concur. I don't believe it's
25 prejudicial to Mr. Truesdale. Obviously, it's something

1 that was upsetting to the family. However, it was not
2 being discussed in connection to Mr. Truesdale. At this
3 juncture, I will offer to give the jury a curative
4 instruction if you wish for me to do so Mr. Nielson.

5 MR. NIELSON: I think that just draws more
6 attention to it, your Honor.

7 THE COURT: Okay. So based upon your request,
8 not draw more attention to it and give it curative
9 instruction, I will not do so. However, members in the
10 gallery, please be very mindful of it. Emotional
11 outburst -- I understand this is a very upsetting case
12 for both sides and a very serious case. I cannot have
13 emotional outburst in the courtroom. If you feel that
14 you can't control that and you're not able to do so, I'm
15 going to ask you to leave the courtroom while sensitive
16 testimony takes place.

17 I understand that the next witness is going to
18 be the pathologist and there's going to be some
19 photographs and understandably some very upsetting type
20 of testimony for the family members. So this might be
21 the time for you to exit the courtroom during this
22 testimony if you feel that you are unable to restrain
23 your emotions during this type of testimony.

24 I'll leave it up to you, but I would say, if
25 it's different, if you can't bear it, I'll ask you to

1 leave the courtroom because if this happens again, you
2 could be looking at potential contempt actions.

3 I'm mindful that it's upsetting but we must
4 maintain decorum in the courtroom.

5 Would y'all like to stay or does anybody need
6 to leave at this juncture?

7 *(Audience member excused themselves.)*

8 MR. NIELSON: Your Honor, can I have two
9 minutes?

10 THE COURT: Yes, sir.

11

12 *(Whereupon, a brief recess was taken.)*

13

14 THE BAILIFF: All rise.

15 THE COURT: Are the parties ready to proceed?

16 MS. MCGINNIS: If I can have one second to set
17 this up, your Honor. I'm showing him the blow ups.

18 THE COURT: Sure.

19 MS. MCGINNIS: Thank you, Judge.

20 THE COURT: Let's have our jury please.

21 *(Jury entered.)*

22 THE COURT: Thank you, ladies and gentlemen of
23 the jury. We are now ready to proceed.

24 Call your next witness.

25 MS. MCGINNIS: Thank you, Judge. The State

1 would call Dr. Erin Presnell.

2
3 *S-U-S-A-N E-R-I-N P-R-E-S-N-E-L-L, the Witness herein,*
4 *having been sworn by the Clerk of Court, was examined*
5 *and testified as follows:*

6
7 THE COURT: Your witness.

8 MS. McGINNIS: Thank you, Judge.

9
10 **DIRECT EXAMINATION**

11 **BY MS. McGINNIS:**

12 Q. Good afternoon, Dr. Presnell. Could you state
13 your full name for the record.

14 A. Yes. My name is Susan Erin Presnell, that's
15 P-R-E-S-N-E-L-L.

16 Q. Thank you, Dr. Presnell.

17 And where are you employed?

18 A. I'm a forensic pathologist. I work at MUSC
19 down the road and in Charleston.

20 Q. How long have you work down at MUSC?

21 A. I have been there a very long time. I have
22 faculties since 1999, so 22, almost 23 years.

23 Q. And you said you're a forensic pathologist.
24 What kind of training does that require to become a
25 forensic pathologist?

1 A. Well, let's see. I went to Clemson for my
2 undergrad. Then I moved to MUSC where I did all my
3 additional -- all the rest of my training. So I did my
4 four years of medical school.

5 After medical school, I took pathology as my
6 specialty instead of pediatrics or one of the other
7 fields. The pathology training was five years. And I
8 was in general pathology and then I did an additional
9 year of forensic pathology as a subspecialist.

10 Along the way, I boarded, I'm licensed to
11 practice medicine in South Carolina and I'm boarded by
12 the American Board of Pathology in general pathology but
13 also forensic pathology.

14 Q. And can you explain the difference between
15 general and forensic pathology.

16 A. Pathology is a broad scope. In fact, it means
17 the study of disease. Most pathologist actually
18 diagnose disease in living patients.

19 So if you've had a biopsy before or blood work
20 or a surgeon takes something out, like, an appendix, the
21 pathologist will look at it, diagnose if it's cancer or
22 not or if it's an infection or not.

23 My field as forensic pathology, we're not just
24 examining a piece of tissue. We're examining a whole
25 individual that has passed. We are looking for diseases

1 but we also evaluate trauma through the process of an
2 autopsy. And then, ultimately, you're trying to get to
3 the 'cause and manner of death.

4 Q. And after all of that training and you became
5 licensed to practice, what are your ongoing training or
6 educational requirements?

7 A. Well, South Carolina requires all physicians
8 to have 40 hours. It's every two years. But I'm in an
9 academic institution, so there's a lot of teaching,
10 presentations, papers, National Society Memberships,
11 stuff you need to belong to.

12 Q. And you both attend those training and may
13 give some trainings; is that fair?

14 A. Yes.

15 Q. How many autopsies have you performed in your
16 career?

17 A. That is an estimate, around 4000 probably.

18 Q. How many times have you had to come testify in
19 court?

20 A. Another estimate, I'm getting to around 150.

21 Q. 150.

22 MS. MCGINNIS: Judge, at this time we'd offer
23 Dr. Presnell as an expert witness in the field of
24 forensic pathology.

25 THE COURT: Any voir dire?

1 MR. NIELSON: No, your Honor, and no
2 objection.

3 THE COURT: She's qualified.

4 MS. MCGINNIS: Thank you.

5 Q. (By Ms. McGinnis) Dr. Presnell, I'm going to
6 turn your attention to your Autopsy FA20-902.

7 Is that an autopsy that you performed?

8 A. Yes. This is an autopsy referred to us by the
9 Lancaster Deputy Coroner on Mr. Shamon White. I did the
10 autopsy on September 25th of that year.

11 Q. When you do an autopsy, do you take
12 photographs?

13 A. Yes. So we kind of follow the standard
14 protocol for all autopsies. So we'll photograph the
15 person as they arrived. We'll document the finding or
16 document any clothing they might be wearing or
17 intervention. I also do diagrams and then we also clean
18 them up and do more photographs. We do lots of
19 photographs. And then, again, the diagrams and
20 documentation of the findings.

21 Q. Would those diagrams assist you in explaining
22 what your findings were in the 'cause of death of
23 Mr. Shamon White for the jury?

24 A. Yes. I think it's easier to see it visually.

25 (State's Exhibit 19, Diagram Autopsy, was

1 marked for Identification.)

2 (State's Exhibit 20, Diagram Autopsy, was
3 marked for Identification.)

4 Q. (By Ms. McGinnis) I'm going to show you what's
5 been marked as State's 19 and 20.

6 Are these -- are you familiar with these?

7 A. Yes. Those are blown-up copies of my diagram
8 at the time of autopsy.

9 Q. Okay. And 19 is front and back?

10 A. Nineteen?

11 Q. This one, Number 19 is front and back?

12 A. Oh, yes. I'm sorry. Yes, front and back and
13 side --

14 Q. Sorry. And the other is side-to-side?

15 A. Side-to-side.

16 MS. MCGINNIS: Judge, at this time, we'd offer
17 State's 19 and 20 into evidence.

18 THE COURT: Any objection?

19 MR. NIELSON: No, your Honor.

20 MS. MCGINNIS: May I publish?

21 THE COURT: Yes, ma'am.

22 (State's Exhibit 19, Diagram Autopsy, was
23 admitted into evidence.)

24 (State's Exhibit 20, Diagram Autopsy, was
25 admitted into evidence.)

1 Q. (By Ms. McGinnis) Before I have you walk
2 through these, can you just explain to the jury the
3 general steps that you take when you perform an autopsy
4 on somebody.

5 A. Well, I kind of started with, you know,
6 overall documentation. But basically we do the external
7 exam. Again, we're going to document any disease but
8 also the trauma.

9 After that, we may do ancillary studies like
10 x-rays. In particular with gunshot wounds, because
11 we're trying to find the location of any bullets, if
12 there's any bullets in the person so we can get them
13 out. Then we go inside and look at the internal organs,
14 disease, and trauma. We collect specimens for
15 toxicology testing. We may or any not take tissue to
16 look at under the microscope. And that's basically the
17 end of the first part of the autopsy.

18 The second part comes when we get the results
19 back from tox and if there are slides to look at under
20 the microscope.

21 Q. Is that what you did in this case, an external
22 examination of Mr. White?

23 A. Right, yes.

24 Q. And once you do that, you do an internal look
25 at the organs and things of that nature?

1 A. Yes.

2 Q. Did you take any slide in this particular
3 case?

4 A. No.

5 Q. How about anything for toxicology?

6 A. Yes. We take some blood for toxicology
7 testing.

8 Q. And Mr. Shamon White, what did you note on
9 your external examination of Mr. White?

10 A. Well, we try to note everything, but as far as
11 traumatic injuries, he has at least three gunshots
12 wounds. He has actually four pathways but we can walk
13 through them as I stand up there or up here first.

14 MS. MCGINNIS: Judge, can the witness step
15 down to walk through --

16 THE COURT: Yes, ma'am.

17 MS. MCGINNIS: I will put up State's Number 19
18 first.

19 MR. NIELSON: Your Honor, I'm going to step
20 over here to see what she's referring.

21 THE COURT: Yes, sir.

22 MS. PERSNELL: Again, this is a copy of the
23 diagram I did at the time of autopsy. So you'll see a
24 lot of other writing on here besides just the injuries
25 that I'll highlight. His weight, his height, tattoos,

1 et cetera. But I'm going to highlight his main
2 injuries.

3 The most significant in my prospective is this
4 gunshot wound to the abdomen, a little bit to the left
5 of the midline. This gunshot wound goes in, into his
6 body through the liver, through the heart, through the
7 right lung, and out the right back. This is his exit
8 wound on the back. Again, going from his left to his
9 right upper back.

10 Then we have a gunshot wound that is on the
11 left side of his buttock. So right here (indicating.)
12 This bullet goes into the body to the -- basically, to
13 the right back area and inside the muscle, the psoas
14 muscle is what it is, right in the back of the abdomen
15 cavity we recovered the bullet. That is the one bullet
16 that we recovered from inside his body.

17 The third gunshot wound is this one to the
18 left side of the thigh or the outside of the left thigh.
19 This bullet goes in and out the inside of his left
20 thigh.

21 I tried to kind of draw that line that's on
22 the side of his left leg on the edge of this diagram.
23 So this is going from here and out to here (indicating.)
24 Then that other one is on the left side of his buttock.

25 And then the fourth gunshot wound is on the

1 inside of his right thigh, like right here (indicating.)
2 Also goes through soft tissue. These three, one, two,
3 three, all go through the soft tissue, don't necessarily
4 hit a major vital structure.

5 See this one goes in the inside of the right
6 thigh and out the front of the right thigh. Because of
7 its location and its appearance, it looks like it's
8 probably a reentrance. Like this one to the left thigh
9 exited and then reentered and went through.

10 I'd say at least three gunshot wounds. If his
11 leg was way up, it could possibly be four separate
12 wounds but it's at least three. One to the left buttock
13 with soft tissue injury. We got the bullet from inside.
14 One to the left side with soft tissue injury and one to
15 the left abdomen going upward and into the liver, heart
16 and lung.

17 Q. (By Ms. McGinnis) I'm going to set this down
18 so I can see you a little bit better on the stand.

19 So those three gunshot wounds, starting with
20 the one into his buttock that's designated as --

21 A. K.

22 Q. K, thank you. That entered into his buttock
23 and was -- you said, that was located at autopsy?

24 A. Yes.

25 (State's Exhibit 6, Autopsy Photo, was

1 marked for Identification.)

2 Q. (By Ms. McGinnis) And if I gave you a --
3 showed you a photograph, would that help you in kind of
4 showing the jury where that was located?

5 A. Do you mean x-ray?

6 Q. Just a photograph to show where it entered the
7 body. I apologize.

8 A. Okay. Yes.

9 Q. I'm going to show you what has been marked for
10 identification as State's Exhibit Number 6.

11 MR. NIELSON: Your Honor?

12 THE COURT: Yes, sir.

13 MR. NIELSON: Until they get into evidence, I
14 don't think we should show it to the jury.

15 THE COURT: Ms. McGinnis, you can't publish
16 until it's properly introduced.

17 MS. MCGINNIS: Thank you, Judge.

18 May I approach the witness?

19 THE COURT: Yes, ma'am.

20 Q. (By Ms. McGinnis) I'll show you State's
21 Exhibit No. 6.

22 Are you familiar with this photo?

23 A. Yes.

24 Q. What does that photo show?

25 A. You can see the two gunshot wounds; one to his

1 left buttock and one to his left thigh.

2 Q. Was this photo taken during the autopsy
3 process?

4 A. Yes.

5 Q. Does it fairly and accurately depict his body
6 at the time you were doing the autopsy?

7 A. Yes.

8 MS. MCGINNIS: Judge, I'd offer State's 6 into
9 evidence.

10 THE COURT: Any objection?

11 MR. NIELSON: No objection.

12 THE COURT: All right. It's in.

13 MS. MCGINNIS: Permission to publish?

14 THE COURT: Yes, ma'am.

15 MS. MCGINNIS: Thank you, Judge.

16 (State's Exhibit 6, Autopsy Photo, was
17 entered into evidence.)

18 Q. (By Ms. McGinnis) Can you describe to the jury
19 what we're seeing on this photograph.

20 A. So obviously you're seeing the lower -- well,
21 the lower two-thirds of his body on the backside.

22 Does the machine zoom in at all? You can see
23 that on his left buttock on the side there, I actually
24 have a probe that is entering, kind of trying to get a
25 feel for which direction the gunshot wound is going.

1 You can see it going upward. And then also,
2 if you look close, you can see on the outside of the
3 left thigh, the gunshot wound there.

4 Q. I believe if you touch on the screen, it will
5 mark on that so you can show them what you're talking
6 about.

7 (State's Exhibit 18, Autopsy Photo, was
8 marked for Identification.)

9 Q. (By Ms. McGinnis) I'm going to next show you
10 what's been marked as State's Exhibit No. 18.

11 MS. MCGINNIS: May I approach the witness,
12 Judge?

13 THE COURT: Yes, ma'am.

14 Q. (By Ms. McGinnis) What does 18 depict?

15 A. This is a photograph of the bullet that we
16 recovered at the time of autopsy.

17 Q. Does it fairly and accurately depict the
18 bullet after you recovered it from Mr. White body?

19 A. Yes.

20 MS. MCGINNIS: Judge, I'd move State's 18 in
21 evidence.

22 THE COURT: Any objection?

23 MR. NIELSON: Without objection.

24 THE COURT: Okay.

25 (State's Exhibit 18, Photo, was entered

1 into evidence.)

2 MS. MCGINNIS: Permission to publish.

3 THE COURT: Yes, ma'am.

4 Q. (By Ms. McGinnis) So this wound into the
5 buttock where it came to rest in the right side, was
6 this a fatal wound?

7 A. No.

8 Q. Did it -- what did it hit when it entered his
9 body?

10 A. It really didn't go into the abdominal cavity.
11 It went along the soft tissue up the buttock to the --
12 it's not a back muscle but it's right on the inside of
13 that. It's the psoas muscle.

14 Q. So this was not a fatal wound in your medical
15 opinion?

16 A. Not immediately fatal. I think if not being
17 treated and then continued to bleed and it got infected.
18 I mean, it could happen, but this isn't the 'cause of
19 his death.

20 Q. Okay. I want to next draw your attention to
21 the wound to the leg. What was that initial wound
22 designated as?

23 A. The gunshot wound to the outside of the left
24 leg was "L."

25 Q. And you photographed that as well?

1 A. Yes.

2 Q. And did you photograph the path that it kind
3 of took through Mr. White's legs?

4 A. I can't remember, I problem did. I
5 photographed a lot.

6 Q. And the initial entrance was L.

7 Did you designate a letter for the exit on the
8 left leg?

9 A. The exit is M.

10 Q. Okay. Then the entrance into the right leg?

11 A. Is N and that exit is O.

12 (State's Exhibits 7 through 8, Autopsy
13 Photos, was marked for Identification.)

14 (State's Exhibit 10 through 16, Autopsy
15 Photos, was marked for Identification.)

16 Q. (By Ms. McGinnis) I'm going to show you some
17 photographs that are State's 7 through 16, minus number
18 9.

19 MS. MCGINNIS: May I approach the witness?

20 THE COURT: Yes, ma'am.

21 Q. (By Ms. McGinnis) In flipping through these,
22 can you describe each one going by the evidence sticker
23 in the lower corner?

24 A. Let's see. Number 7 shows gunshot wound L to
25 the outside of the left body. You can also see the one

1 in the buttock.

2 Eight is another photograph of the probes in
3 over those wounds.

4 L -- excuse me, 10 is a up-close of the
5 gunshot wound to the side of his left thigh.

6 12 is the really up-close of the exit gunshot
7 wound to the left thigh.

8 And 11, that's a good one to show overall, not
9 only the exit on the left thigh, but also the entrance
10 and exit on the right thigh.

11 13, is very close of the entrance on the right
12 thigh.

13 14, is an even closer entrance on the right
14 side.

15 15, is the exit on the right thigh and 16 is
16 an overall, where you can see the abdominal gunshot
17 wound and the ones to the legs -- to the thighs.

18 MS. MCGINNIS: Judge, at this time, we'd move
19 State's 7 through 16, except for Number 9, into
20 evidence.

21 THE COURT: Any objection?

22 MR. NIELSON: My only objection is that 13 and
23 14 are cumulative. One, is a close-up and one is an
24 even closer-up, I think it was described by
25 Dr. Presnell.

1 THE WITNESS: Yes.

2 MR. NIELSON: I don't know that we need both
3 of those in evidence.

4 THE COURT: Doctor, would there be a
5 difference in your explanation and your ability to
6 testify regarding what you see the difference in them?

7 THE WITNESS: No.

8 THE COURT: So we can do one of each.

9 MS. MCGINNIS: Thank you, Judge. If I can
10 approach the witness?

11 THE COURT: Yes, ma'am.

12 MS. MCGINNIS: I'll remove No. 14, your Honor,
13 but are the others admitted without objection?

14 MR. NIELSON: Without objection on all the
15 rest, your Honor.

16 THE COURT: All right. And the rest are in.

17 (State's Exhibit 7 through 8, Autopsy
18 Photos, was entered into evidence.)

19 (State's Exhibit 10 through 13, Autopsy
20 Photos, was entered into evidence.)

21 (State's Exhibit 15 through 16, Autopsy
22 Photos, was entered into evidence.)

23 MS. MCGINNIS: Permission to publish just a
24 couple of these?

25 THE COURT: Yes, ma'am.

1 Q. (By Ms. McGinnis) So first is State's 16.

2 Can you show the jury, first the leg pathway?

3 A. The leg pathway?

4 Q. Yes.

5 A. So the entrance is -- the entrance remember is
6 somewhere on the side of the left thigh, so it's going
7 this way. N is labeled -- the N marker is right beside
8 the entrance on the right thigh. And then O is right
9 beside the exit on the right thigh. So this -- this
10 exits and possibly reenters right here.

11 Q. With this injury -- was this a fatal injury
12 immediately?

13 A. No.

14 Q. Did it hit anything major?

15 A. No. It went through the thigh muscle, soft
16 tissue and muscle.

17 Q. Soft tissue and muscle. That brings us to the
18 final gunshot wound, which is going to be designated as
19 "J"; is that correct?

20 A. J, yes.

21 Q. And can you describe again gunshot wound J,
22 where the entrance is?

23 A. It's on the abdomen a little bit to the left
24 of the midline, above the belly button.

25 (State's Exhibit 17, Autopsy Photo, was

1 marked for Identification.)

2 MS. MCGINNIS: May I approach, Judge?

3 THE COURT: Yes, ma'am.

4 Q. (By Ms. McGinnis) I'm showing you what's been
5 marked as State's 17 for identification purposes.

6 What's that a photograph of?

7 A. The gunshot wound J to abdomen.

8 Q. Is that a fair and accurate depiction of that
9 gunshot wound?

10 A. Yes.

11 MS. MCGINNIS: Offer 17 into evidence, your
12 Honor?

13 MR. NIELSON: Without objection.

14 THE COURT: It's in.

15 (State's Exhibit 17, Autopsy Photo, was
16 entered into evidence.)

17 Q. (By Ms. McGinnis) And when this gunshot
18 entered Mr. White's body, what direction did it travel?

19 A. It's -- just think of the entrance and the
20 exit. So the entrance is up on the left upper abdomen
21 and the exit is on the back, right back. So it's going
22 up. It's going from his lower to his upper towards his
23 back and towards the right.

24 Q. When you receive a body, do you receive some
25 information about how the body may have gotten those

1 injuries?

2 A. It just depends.

3 Q. But you can't tell from receiving a body,
4 other than the direction, you can't tell if this person
5 was standing up, lying down, anything of that nature?

6 A. Right, yeah. So at the time of autopsy,
7 they're on the autopsy table, I can tell you the
8 direction through the body and then whatever position
9 that you corollate them in, can dictate where the actual
10 gunshot wound came from.

11 (State's Exhibit 3, Autopsy Photo, was
12 marked for Identification.)

13 (State's Exhibit 4, Autopsy Photo, was
14 marked for Identification.)

15 Q. (By Ms. McGinnis) In this particular case, you
16 said it exited out the shoulder. I'm going to show you
17 State's 3 and 4.

18 MS. MCGINNIS: May I approach?

19 THE COURT: Yes, ma'am.

20 Q. (By Ms. McGinnis) Can you describe what's in
21 photograph 3 and photograph 4.

22 A. Three is a photograph of his backside again
23 but he was turned the other way so you can see the exit
24 wound on his right back, right back shoulder. And then
25 four is a little bit closer.

1 Q. And these are a fair and accurate depictions
2 of the wounds?

3 A. Yes.

4 MS. MCGINNIS: Offer 3 and 4 into evidence,
5 Judge?

6 THE COURT: Any objection?

7 MR. NIELSON: Without objection.

8 THE COURT: Okay.

9 (State's Exhibit 3, Autopsy Photo, was
10 entered into evidence.)

11 (State's Exhibit 4, Autopsy Photo, was
12 entered into evidence.)

13 Q. (By Ms. McGinnis) I'm going to place State's 4
14 on here.

15 Can you just circle the exit wound?

16 A. So if you can turn it around, it looks like
17 he's --

18 This is from the one direction; the other
19 photograph is from the other direction but you can see
20 the exit right there. (Indicating.)

21 Q. And I'm going to show you State's 3. You said
22 it was the other direction?

23 A. Right. So there you can see a better
24 orientation without the shoulder bent. There's the
25 entrance -- I mean, exit. Sorry.

1 Q. Dr. Presnell, can you describe for the jury in
2 more detail this bullet that entered in through wound J,
3 what damage did that do to Mr. White's body?

4 A. It went through the liver and the heart and
5 the right lung. It caused bleeding. There was -- let's
6 see, over 2 liters of blood in the right chest cavity
7 and also blood around the heart.

8 Q. How much blood does a human body general
9 contain?

10 A. Five, six liters -- five, six gallons. Five
11 gallons. Surprise question -- liters.

12 Q. So in terms of 2.2 liters?

13 A. That's significant. And that's the blood
14 that's contained within his body, not that's exited his
15 body.

16 Q. So he would have lost additional blood through
17 the actual wounds themselves?

18 A. He could have, yes.

19 Q. And the damage that was done to the liver, is
20 that a survivable injury if the bullet had hit simply
21 the liver?

22 A. Yes, depending on the medical treatment. Yes.

23 Q. And how about the heart?

24 A. I mean, if he was shot at the hospital and had
25 immediate care, perhaps he could have survived them.

1 But a gunshot wound through the heart would be very
2 difficult to survive.

3 Q. And then the right lung, did it hit just part
4 of his lung or did it his multiple parts of the lung?

5 A. It hit the -- so the right lung is divided
6 into three lobes. It went through the -- there's an
7 upper, middle, and lower. Although, the lower kind of
8 goes up high in the back and it did hit the lower lobe
9 of the right lung.

10 Q. These three organs that this bullet hit
11 combined with the blood loss, in your expert opinion,
12 what did that do to Mr. White?

13 A. Mostly with his heart, he couldn't -- the
14 blood came out of his vasculature.

15 Q. And is that, ultimately, what you found to be
16 the 'cause of his death?

17 A. Right. The disruption of the heart, the lung
18 and the liver due to that gunshot wound to the abdomen.

19 Q. And the amount of blood that he lost, is that
20 an amount of blood that the human body can continue to
21 live without in it's system?

22 A. It depends on the scenario. I mean, somebody
23 could lose a lot of blood and as they get replacement
24 fluids and expansion and maybe replacement fluid, then
25 they can survive it.

1 Q. But in a situation where we're not in the
2 hospital, where the injured person is not getting any
3 sort of replenishment?

4 A. It depends on the scenario. 2.2 liters is a
5 lot of blood. Young, healthy person may potentially
6 live for a while. But don't forget you have a hole in
7 the heart, therefore, it's not just the blood that you
8 lost but the heart can't keep the blood in it to pump it
9 around the body.

10 Q. What was your ultimate conclusion as to
11 Mr. White's 'cause of death?

12 A. The gunshot wound to the abdomen which struck
13 the liver, the heart, and the lung.

14 Q. And how long would it have taken Mr. White to
15 lose consciousness with an injury like this?

16 A. The witnesses would probably have the best
17 information on that. Seconds to minutes.

18 Q. And after he lost consciousness without
19 medical treatment, how long until he passed away?

20 A. Again, there's a lot of different scenarios.
21 If there's pressure on the injuries, then maybe there's
22 something to slow the bleeding. And again, after losing
23 consciousness, there's also a period of time where
24 someone's not deceased and it just -- sometimes I'll
25 compare it to CPR and ideal that someone needs CPR

1 within four minutes of having a heart attack so they
2 don't suffer brain damage.

3 So you think once they have the cardiac
4 arrest, you have at least four minutes -- within four
5 minutes after that, we would expect death.

6 Q. In a situation where this gunshot occurred out
7 in the field with no immediate medical care, was it your
8 opinion that the interval of death would be seconds to
9 minutes?

10 A. Yes.

11 Q. You mentioned the blood was taken or samples
12 were taken and sent to toxicology.

13 Did you receive those results back?

14 A. Yes. He had some marijuana onboard.

15 Q. Did that contribute in anyway to his death?

16 A. No.

17 Q. You also -- when you do an examination of the
18 wounds, do you look for soot or stippling?

19 A. We do. One of the things I mentioned that we
20 evaluate injuries. One of the things we look at for
21 gunshots is whether they have any sooty deposits around
22 it, which might be if the gun was in contact with the
23 person, the soot would come out the end of the gun too.

24 The other thing we look for is what we call
25 stippling. Again, if the gun is close, some of the gun

1 powder that's used to fire the bullet can come out the
2 end and mark the skin.

3 In this instance he did not have soot or
4 stippling, which means to me the gun was far enough away
5 to be called a "distance" gunshot wound.

6 Q. And I know it depends, gun to gun, but is
7 there a general distance that you consider distant?

8 A. Right. The most effective way would be to
9 test fire the gun with the suspected ammunition to see
10 how far back before no soot and no gun powder can reach
11 the body.

12 In general, for most handguns, by the time you
13 reach 36 to 42 inches, 36 inches is a yard. Once you
14 get back to a yard, for most handguns, you won't see
15 anything around an entrance.

16 Q. And of course, again, in this situation, you
17 can't tell for sure, but that's just a general --

18 A. Yes, right.

19 Q. So we went through a lot of medical terms and
20 things like that. Just to summaries it for the jury,
21 what killed Shamon White?

22 A. The gunshot wound to the abdomen that went
23 through the liver, the heart and the right lung.

24 MS. MCGINNIS: Beg the Court's indulgence.

25 Please, answer anything Mr. Nielson has for

1 you.

2 THE COURT: Cross-examination?

3 MR. NIELSON: Thank you, your Honor.

4
5 **CROSS-EXAMINATION**

6 **BY MR. NIELSON:**

7 Q. I'm going to start with questions I know
8 you're probably not going to be able to answer.

9 A. Okay.

10 Q. You can't tell where the person that shot him
11 was standing in relation to his body; correct?

12 A. That's correct.

13 Q. There's no opinion or guess that you can make
14 as to that?

15 A. No.

16 Q. However, if we look at the --

17 MR. NIELSON: Beg the Court's indulgence, your
18 Honor.

19 Q. (By Mr. Nielson) If we look at the bullet that
20 you had marked as bullet J, as wound J --

21 A. Yes.

22 Q. -- it entered 26-inches from the top of the
23 head; correct? Is my number on that correct?

24 A. I'll check. Yes, approximately 26-inches from
25 the top of the head.

1 Q. And it also entered approximately 1.6-inches
2 left of the midline?

3 A. Yes.

4 Q. And so if it came out 13-inches from the top
5 of the head -- did it come out 13-inches from the top of
6 the head?

7 A. Are we -- we're talking about J, I'm sorry?

8 Q. J.

9 A. Yes.

10 Q. It entered 26-inches?

11 A. Yes.

12 Q. And then --

13 A. Yes --

14 Q. -- it exited the back 13-inches --

15 A. I'm sorry.

16 Q. -- from the top of the head?

17 A. I thought we were talking about the bullet one
18 for a moment. We're talking about the one to the
19 abdomen?

20 Q. Yes.

21 A. So yes, exited about 13-inches from the top of
22 the head. Yes.

23 Q. So it moved about 13-inches through the body,
24 give or take?

25 A. No. So it moved a -- well, it moved from a

1 height of 13-inches. If it entered here and exited
2 10-inches higher here, this distance might be a little
3 bit longer than 13-inches.

4 Q. Sure.

5 A. But I didn't measure it.

6 Q. But just the height from where it enters to
7 where it exited was 13-inches; correct?

8 A. Yes, 13-inches.

9 Q. And it entered 1.6-inches left of the midline?

10 A. Yes.

11 Q. And it exited about 4-inches, I believe, to
12 the right of the midline?

13 A. Yes.

14 Q. And once again, it could have gone longer than
15 that but it move about 5.6-inches lateral or
16 horizontally through the body as well?

17 A. Yes.

18 Q. Is there anything in the body or that you
19 found in your autopsy that would have caused the bullet
20 path to change or was it a straight shot to the body?

21 A. I do not have -- the one to the abdomen -- the
22 gunshot wound to the abdomen does not strike any bone or
23 anything that would indicate to me it was deflected
24 somehow.

25 Q. So it most likely took a direct path through

1 the body from where it entered to where it came out?

2 A. Yes.

3 Q. And you testified that -- what did you
4 testify, how far is distance?

5 A. I said for most handguns, by the time that you
6 get the handgun, is 36 to 42-inches back. Most of the
7 time, for most handguns, the soot is not going to reach
8 the skin nor will any of the gun powder and there will
9 be no markings around the entrance wound.

10 Q. And there anything else that could 'cause soot
11 to reach the skin?

12 A. Certainly clothing or some other intermediate
13 target. Something where the bullet passes through
14 something and that something or that intermediate
15 target, could absorb the soot or the gun powder.

16 Q. So a blanket for example could be a something
17 else that could absorb it?

18 A. Yes, absolutely.

19 Q. And do you -- and as a pathologist, you think
20 that the shot that went through the thigh was an in,
21 out, and back in again, but you do not know that for
22 sure; correct?

23 A. Correct.

24 Q. It could be a fourth gunshot wound?

25 A. It could be.

1 MR. NIELSON: No further questions, your
2 Honor.

3 THE COURT: Any redirect?

4 MS. MCGINNIS: No, your Honor.

5 THE COURT: You're free to go, Doctor. Thank
6 you.

7 MS. MCGINNIS: May the professional be
8 released from her subpoena, your Honor?

9 MR. NIELSON: No objection.

10 THE COURT: You're free to go, ma'am. Thank
11 you.

12 MS. MCGINNIS: Would now be an appropriate
13 time for a break, your Honor?

14 THE COURT: Sure. We can do that.

15 Ladies and gentlemen, we'll take a brief
16 afternoon break. We'll be right back with you in about
17 15 minutes. Again, please remember my previous
18 instruction, not to discuss the case amongst yourselves.

19 (Jury exited.)

20 THE COURT: All right. Counsel, let me know
21 when you're ready to proceed.

22 MS. MCGINNIS: Thank you.

23

24 (Whereupon, a brief recess was taken.)

25 THE BAILIFF: All rise.

1 THE COURT: Everyone, please have a seat.

2 Counsel, ready to proceed?

3 MS. MCGINNIS: We are, your Honor.

4 MR. NIELSON: Yes, your Honor.

5 MS. MCGINNIS: Give me a second to make sure

6 my witness is down here. Thank you, Judge.

7 THE COURT: Let's have our jury.

8 (Jury entered.)

9 THE COURT: Welcome back, ladies and gentlemen
10 of the jury. We are ready to proceed.

11 You may call your next witness.

12 MS. MCGINNIS: The State would Yashima Mingo.

13

14 *Y-A-S-H-I-M-A M-I-N-G-O, the Witness herein, having been*
15 *sworn by the Clerk of Court, was examined and testified*
16 *as follows:*

17

18 THE COURT: Your witness.

19 MS. MCGINNIS: Thank you, your Honor.

20

21 **DIRECT EXAMINATION**

22 **BY MS. MCGINNIS:**

23 Q. Good afternoon, Ms. Mingo.

24 A. Good afternoon.

25 Q. Can you tell the jury your name?

1 A. Yashima Mingo.

2 Q. And can you spell your first name for my court
3 reporter?

4 A. Y-A-S-H-I-M-A.

5 Q. Ms. Mingo, where are you from?

6 A. I'm from Lancaster.

7 Q. From Lancaster. Have you always lived kind of
8 in the Lancaster area?

9 A. Yes, ma'am.

10 Q. And do you know Quinterious Truesdale?

11 A. Yes.

12 Q. Do you see him this courtroom today?

13 A. I can't see over there.

14 Q. If you stand up and take a look around, will
15 you tell me if you see him?

16 A. Yes, ma'am.

17 Q. Will you stand up?

18 A. Yes, ma'am.

19 Q. What is he wearing?

20 A. It's like a blueish grayish shirt.

21 MS. MCGINNIS: Let the record reflect she
22 identified Mr. Truesdale.

23 THE COURT: Yes, ma'am.

24 Q. (By Ms. McGinnis) How do you know
25 Quinterious?

1 A. We was once in a relationship and we have a
2 child together.

3 Q. How old's your child?

4 A. She's five.

5 Q. Five years old?

6 A. Uh-huh.

7 Q. What's her name?

8 A. [REDACTED].

9 Q. [REDACTED]. When did you meet Quinterious?

10 A. In like 2000 and, I want to say, like, '17 or
11 '18.

12 Q. 2017 or '18.

13 A. Uh-huh.

14 Q. And y'all dated for a period of time?

15 A. Yes, ma'am.

16 Q. And then at some point did you breakup with
17 Mr. Truesdale?

18 A. Yes, ma'am.

19 Q. About what time period was that?

20 A. In 2020, like, in July-ish.

21 Q. Okay. Did you date continuously from 2017 to
22 2020 or where you kind of on and off?

23 A. On and off.

24 Q. And moving to Spring of 2020, where did you
25 live at that time in starting about April of 2020?

- 1 A. At [REDACTED] West Hood Street.
- 2 Q. [REDACTED] West Hood Street?
- 3 A. Uh-huh.
- 4 Q. Is that here in the City of Lancaster?
- 5 A. Uh-huh.
- 6 Q. Who lived there with you?
- 7 A. Then, my kids and Quinterious like on and off.
- 8 Q. Quinterious on and off?
- 9 A. Uh-huh.
- 10 Q. Did you sign a lease at that house?
- 11 A. Yes.
- 12 Q. Whose name was on the lease?
- 13 A. Mine and my children.
- 14 Q. You and your children? Not Mr. Truesdale?
- 15 A. No.
- 16 Q. How about the bills? Did you have to put
- 17 bills in your name at the house?
- 18 A. Yeah, all of them were in my name but the
- 19 power bill.
- 20 Q. Who was the power bill with?
- 21 A. It's with Duke Power.
- 22 Q. Duke Power?
- 23 A. Uh-huh.
- 24 Q. Whose name was that in?
- 25 A. Quinterious.

1 Q. Why did he have that in his name?

2 A. Because I had a -- prior to moving, I had an
3 old power bill to where I couldn't get service or if I
4 did -- it was like a large amount I had to pay.

5 Q. You had an old bill you had to pay before you
6 could get new service?

7 A. Uh-huh.

8 Q. And did you have the money at that time to pay
9 that balance?

10 A. No, ma'am.

11 Q. So Quinterious put it in his name?

12 A. Yes, ma'am.

13 Q. Did he help you pay the bills in that house?

14 A. When we were together -- like, the power bill
15 when we were together.

16 Q. When you were together?

17 A. Yes, ma'am.

18 Q. And about how long did Quinterious live there
19 with you?

20 A. A couple months. Like up until, like, July.

21 Q. Up until July. When did you move in that
22 house?

23 A. In April.

24 Q. April. Okay.

25 When you and Quinterious lived there, did he

1 have a key?

2 A. No.

3 Q. Let me be clear, did he ever possess a key to
4 the house?

5 A. Yeah. Prior to me moving in, the person that
6 stayed there before me, I guess, they hadn't gave the
7 keys to the actual landlord. So when they seen him,
8 they gave the key to him and he gave the key to me.

9 Q. So at some time right when you moved in a
10 previous tenant had a key?

11 A. Uh-huh.

12 Q. And he handed it to Quinterious?

13 A. Uh-huh.

14 Q. And Quinterious gave it to you?

15 A. Yeah.

16 Q. And at that time, did you let him make a copy
17 of that key?

18 A. No.

19 Q. Did you let him hold on to that key?

20 A. He had it for -- he did have it for, like,
21 within, like, a couple weeks.

22 Q. A couple weeks?

23 A. Uh-huh.

24 Q. What was that key to, do you remember?

25 A. The back door, because I got the front door

1 key from the landlord.

2 Q. You had a front door key. He had a back door
3 key for a period of weeks?

4 A. Uh-huh.

5 Q. When he gave the key back to you, did you
6 allow him to hold it or have a copy of it or anything
7 like that?

8 A. No, ma'am.

9 Q. Okay. So he lived there with you, but he
10 didn't have a key?

11 A. Uh-huh.

12 Q. How would he get in and out of the house?

13 A. He would -- it depends on, like, if we come to
14 the house together, then, I'd been open the door or if
15 he was like coming over or he'll, like, call or text me
16 and let me know, he outside or do it for me to unlock
17 the door or open it.

18 Q. Did he stay there every single night?

19 A. No.

20 Q. At any point during your relationship did he
21 stay there --

22 A. At one -- yes, ma'am. At one point.

23 Q. And at some point did it go to some nights on,
24 some nights off?

25 A. Uh-huh.

1 Q. So y'all are on and off through the summer and
2 at one point you broke up for good?

3 A. Uh-huh.

4 Q. When was that again?

5 A. In, like, July. Like, mid July.

6 Q. And did you make a clean break with him, did
7 you cut off all contact?

8 A. At first, yes, ma'am. He was, like, blocked
9 and stuff, like, cut off social media, like, everything.

10 Q. And you said, "at first." Did that change?

11 A. Yes, ma'am.

12 Q. Tell me why that changed?

13 A. Because he was making contact with me because
14 we have a child together, so I unblocked him and was
15 communicating through, like, Messenger, Facebook.

16 Q. What did y'all communicate about?

17 A. Our child. He wanted to see his daughter.

18 Q. Where did he see his daughter?

19 A. At my house or depends on if he was over at
20 his mom's house.

21 Q. So would he sometimes come back to that house?

22 A. Uh-huh.

23 Q. And you were still staying at hood street?

24 A. Uh-huh.

25 Q. Now, did Quinterious have belongings in the

1 house?

2 A. No, ma'am. When we broke up, like,
3 officially, I had took his belongings to a family friend
4 of theirs.

5 Q. Let's back it up to April when you moved in.
6 Did he have stuff there then?

7 A. Yes, ma'am.

8 Q. And then y'all broke up in about July?

9 A. Uh-huh.

10 Q. Then what happened to his stuff?

11 A. I took it to a family friend of theirs.

12 Q. What was that persons name?

13 A. Tamika Ingram.

14 Q. will you lean into that microphone.

15 A. Tamika Ingram.

16 Q. Tamika Ingram?

17 A. Uh-huh.

18 Q. And did you take it directly to Ms. Ingram?

19 A. I was taking it to his moms at first, but she
20 wasn't at home, so he told he to take over there to her.
21 So that's where I took it over there too.

22 Q. To Ms. Ingram?

23 A. Uh-huh.

24 Q. She lives, here, in Lancaster?

25 A. Yes, ma'am.

1 Q. And did you hand it to her? Did you drop it
2 off?

3 A. I gave it to her. She was in the house when I
4 went in there, but I took it and dropped it off. It was
5 in the living room, placed in the living room.

6 Q. Now, at some period of time after July, was
7 there a time you didn't stay at that house?

8 A. Yes, ma'am.

9 Q. Why didn't you stay at that house?

10 A. Because we had -- my TVs were broken.

11 Q. Do you know who broke your TVs?

12 A. Yeah.

13 Q. Who broke them?

14 A. Quinterious.

15 Q. So he broke your television and then you went
16 to stay somewhere else?

17 A. Uh-huh.

18 Q. Why was that?

19 A. Because I didn't -- I couldn't afford to buy
20 new TVs and my cousin was nice enough to let me stay
21 over there at her house.

22 Q. After your TVs got broken was Quinterious
23 allowed back in your house?

24 A. No, ma'am.

25 Q. You said, "your cousin." Who's that?

1 A. Erica Mingo.

2 Q. Where does Ms. Mingo live?

3 A. In Carolina Court in Lancaster.

4 Q. That's here in Lancaster?

5 A. Yes, ma'am.

6 Q. How long did you stay with Erica?

7 A. To like -- for a couple of weeks.

8 Q. About when do you think you moved back into
9 your house?

10 A. In August, because this happened in July,
11 like, in mid-August I was back at my house.

12 Q. So the TV thing happened in July?

13 A. Uh-huh.

14 Q. And sometime in August you were back?

15 A. Uh-huh.

16 THE COURT: Ms. Mingo, if you could say, "yes"
17 or "no," because I can tell you're shaking your head --

18 MS. MINGO: Yes, ma'am.

19 THE COURT: -- but the Court Reporter has to
20 write down your answers.

21 Q. (By Ms. McGinnis) When you were staying with
22 Erica, did you start talking to somebody else?

23 A. Yes, ma'am.

24 Q. And when I say, "talking to," did you start
25 dating somebody else?

1 A. Yes, ma'am.

2 Q. Who was that?

3 A. Shamon.

4 Q. What was his full name?

5 A. Shamon White.

6 Q. Did he have a nickname that you called him?

7 A. We called him Charleston.

8 Q. Charleston?

9 A. Charleston.

10 Q. Okay. When did you meet Shamon?

11 A. I actually meet him prior to, 'cause I know
12 him before we actually had started like -- we was
13 already -- like as far as texting and communicating, I
14 want to say, like, a little bit, like, in April.

15 Q. You knew him --

16 A. Yes, ma'am.

17 Q. -- for a little bit?

18 A. Yes, ma'am.

19 Q. And then when you were staying with Erica,
20 y'all started dating?

21 A. Yes, ma'am.

22 Q. So you stayed with Erica for how long?

23 A. For a couple of weeks.

24 Q. And then where did you go after you stayed
25 with her?

1 A. I went back home.

2 Q. When you say, "back home?"

3 A. I went to [REDACTED]

4 Q. Hood Street?

5 A. Yes, ma'am.

6 Q. Remind me again, about when was that, when in
7 the year?

8 A. Around 2020 -- you said, "the year"?

9 Q. When? When in the year? What month?

10 A. In August.

11 Q. August. Okay. At that point, were you still
12 dating Shamon?

13 A. Yes, ma'am.

14 Q. Were you dating Quinterious at all?

15 A. No, ma'am.

16 Q. Did y'all communicate?

17 A. Like every once in a while.

18 Q. What was that about?

19 A. Our child.

20 Q. About your child?

21 A. Yes, ma'am.

22 Q. Was he living with you at that point?

23 A. No, ma'am.

24 Q. Did he have anything at your house at that
25 point?

1 A. No, ma'am.

2 Q. Moving to September 23, 2020. Did you see Mr.
3 Truesdale that day?

4 A. Yes, ma'am.

5 Q. What did you see him for?

6 A. He had asked to see our child and I let him
7 come.

8 Q. Let him come to your house?

9 A. Yes, ma'am.

10 Q. How long did he stay?

11 A. Briefly. Like ten to 15 minutes.

12 Q. Ten, 15 minutes?

13 A. Uh-huh.

14 Q. What was he wearing when he came in?

15 A. I don't remember.

16 Q. At some point when he was there did he change
17 clothes?

18 A. Uh-huh.

19 Q. Tell me about that.

20 A. I had -- when I had washed clothes, there was
21 a shirt that I found that did belong to him and I gave
22 it to him that day.

23 Q. When he came on the 23rd, you gave it to him?

24 A. Yes, ma'am.

25 Q. Did he have anything else there?

1 A. No, ma'am.

2 Q. How do you know that?

3 A. Because I had -- when I took him his stuff the
4 first time, like, I made sure nothing was left. I
5 didn't find that shirt until -- actually, I washed
6 clothes and I had washed all my clothes at that point,
7 there was nothing left.

8 Q. There was nothing left?

9 A. No, ma'am.

10 Q. Was Shamon staying with you frequently at that
11 time?

12 A. Yes, ma'am.

13 Q. About how often?

14 A. It had got to the point where it was almost
15 like every -- he'd come like every night. And I would
16 just take him home or to his mom's house in the morning
17 when it was time for him to get ready to go to work.

18 Q. So when Quinterious was there on the 23rd, did
19 y'all have a conversation?

20 A. Yes, ma'am.

21 Q. What did y'all talk about?

22 A. Our child.

23 Q. About your child?

24 A. Yes, ma'am.

25 Q. And anything else?

1 A. He was talking about like us getting back
2 together and stuff.

3 Q. He was talking about that?

4 A. Uh-huh. Yes.

5 Q. And what did you tell him?

6 A. No, ma'am.

7 Q. Did he ask you about anything? Did he say, do
8 I have anything at your house?

9 A. No, ma'am.

10 Q. When did Quinterious leave your house on the
11 23rd?

12 A. He stayed like ten to 15 minutes. He came
13 around like 12:00. I let him know I had to go take my
14 kids to my mom because I had to work. So he didn't stay
15 long. He had somebody wait out for him.

16 Q. He had someone drive him over there?

17 A. Uh-huh. Yes, ma'am.

18 Q. And waiting for him outside?

19 A. Uh-huh.

20 Q. Where were you working at that time?

21 A. At the -- Springs. At the hospital.

22 Q. The hospital here in Lancaster?

23 A. Yes, ma'am.

24 Q. About how far was that from your house?

25 A. Driving, like a good five minutes. Five to

1 six minutes.

2 Q. Five to six minute drive?

3 A. Uh-huh.

4 THE COURT: You have to answer, "yes" or "no."

5 MS. MINGO: Yes, ma'am.

6 Q. (By Ms. McGinnis) Did you have a car?

7 A. Yes, ma'am.

8 Q. What kind of car was it?

9 A. It's a Buick Century.

10 Q. What color is it?

11 A. It's like gold.

12 Q. Gold?

13 A. Yes, ma'am.

14 Q. Where did you park?

15 A. Near the front of my house.

16 Q. Front of your house?

17 A. Yes, ma'am.

18 Q. Was your car there when Quinterious came that
19 day?

20 A. Yes, ma'am.

21 Q. Had you had that car for a while?

22 A. Yes, ma'am.

23 Q. Did you drive it while y'all were dating?

24 A. Yes, ma'am.

25 Q. He had ridden in the car?

1 A. Yes, ma'am.

2 Q. Okay. So you're working at Springs, what time
3 were you supposed to be at work?

4 A. At 5:00.

5 Q. Five o'clock?

6 A. Yes, ma'am.

7 Q. And what did you do before you went to work?

8 A. Like, get my kids situated. I got to take the
9 kids to my mom's which is in Fort Mill.

10 Q. So from your house in Lancaster, you went
11 where?

12 A. To Fort Mill.

13 Q. To Fort Mill. How many children do you have?

14 A. I have five.

15 Q. Five. And how many are Mr. Truesdale's?

16 A. One.

17 Q. And that's [REDACTED]?

18 A. Yes, ma'am.

19 Q. So you took your children to your mom's house?

20 A. Yes, ma'am.

21 Q. Then where did you go?

22 A. I went to work. When I got to work, they
23 didn't need me.

24 Q. They didn't need you?

25 A. No, ma'am.

1 Q. When you say, "you had to be at work at 5:00,"
2 is that a.m. or p.m.?

3 A. P.m.

4 Q. How long did you usually work?

5 A. It basically, kind of, really depends. But
6 the average is eight hours, no later than like ten.

7 Q. Was that overnight shifts?

8 A. Sometimes. Yes, ma'am.

9 Q. What did you do at the hospital?

10 A. Like janitorial.

11 Q. Janitorial work?

12 A. Yes, ma'am.

13 Q. So you got there that night and what did they
14 tell you?

15 A. That someone -- like it was an extra person
16 that was there and like I had to choose if I wanted to
17 stay there or leave 'cause they really didn't need me,
18 so I left.

19 Q. Where did you go after you left?

20 A. Home. Back home.

21 Q. Back home to Hood Street?

22 A. Yes, ma'am.

23 Q. What did you do there?

24 A. I actually took a shower and I had called
25 Shamon to let him know that I didn't have to work.

1 Q. Did you go get your kids?

2 A. No, ma'am.

3 Q. Why not?

4 A. 'Cause I just felt like I needed a break. I
5 have five kids and I rather get a break.

6 Q. So you just wanted to have a night without
7 kids?

8 A. Yes, ma'am.

9 Q. You called Shamon. Then what happen?

10 A. I ended up going to get him.

11 Q. Going to get him from where?

12 A. His mom house.

13 Q. Where is that?

14 A. It's like kinda over there by Carolina Court.

15 Q. But here in Lancaster?

16 A. Yes, ma'am.

17 Q. After you got Shamon, what did y'all do?

18 A. We went and got some food.

19 Q. And then what?

20 A. We went home. Well, went to my house.

21 Q. And again, that's the house at [REDACTED] West Hood
22 Street?

23 A. Yes, ma'am.

24 Q. And who lived with you at that time?

25 A. Just me and my kids and Shamon was coming,

1 like, occasionally.

2 Q. Would come occasionally and stay?

3 A. Yes, ma'am.

4 Q. But not Quinterious?

5 A. No, ma'am.

6 Q. And who were you in a relationship with at
7 that point?

8 A. Shamon.

9 Q. And he was the only person?

10 A. Yes, ma'am.

11 Q. When you came back home, how did you get to
12 your house?

13 A. My car. What you mean?

14 Q. Is there a couple different ways you can get
15 to that house on Hood Street?

16 A. Yes, ma'am.

17 Q. Did you come to the front of the house or to
18 the back of the house?

19 A. I came the back way, I think. If I'm not
20 mistaken, I think it's like French Street.

21 Q. French Street?

22 A. Yes, ma'am.

23 Q. Okay. So you came up on the back of your
24 house?

25 A. Yes, ma'am.

1 Q. And then where did you park?

2 A. In the front.

3 Q. In the front? Is that where you parked
4 earlier in the day?

5 A. Yes, ma'am.

6 Q. When Quinterious was there?

7 A. Yes, ma'am. That was parked like this, that's
8 the only place I park.

9 Q. Only place you park?

10 A. Yes, ma'am.

11 (State's Exhibit 5, Photo, [REDACTED] Hood
12 Street, was marked for Identification.)

13 MS. MCGINNIS: May I approach the witness,
14 your Honor?

15 THE COURT: Yes, ma'am.

16 Q. (By Ms. McGinnis) I'm going to show you
17 what's been marked for Identification as State's Number
18 5.

19 What does that show?

20 A. The backside of the house.

21 Q. And do you know when this was taken?

22 A. It looks like the same night it happened.

23 Q. Does this fairly and accurately depicted what
24 your house looked like that night?

25 A. Yes, ma'am.

1 MS. MCGINNIS: I'd offer State's 5 into
2 evidence, your Honor.

3 THE COURT: Any objection?

4 MR. NIELSON: No, your Honor.

5 THE COURT: All right. It's in.

6 (State's Exhibit 5, Photo, [REDACTED] Hood
7 Street, was entered into evidence.)

8 MS. MCGINNIS: Permission to publish?

9 THE COURT: Yes, ma'am.

10 Q. (By Ms. McGinnis) When you lived there, did
11 you have any pets?

12 A. I had a dog.

13 Q. What kind of dog did you have?

14 A. He was -- I don't even know. It was actually,
15 kind of given to the kids and it was -- I don't know.

16 Q. Just kind of like a mixed dog?

17 A. Yes, ma'am.

18 Q. Did the dog live inside or outside?

19 A. It was kind of both.

20 Q. Okay.

21 A. Uh-huh.

22 Q. When the dog was outside, where did it stay?

23 A. In the -- it was a little pen that was like in
24 the back part of the house. It's like the little black
25 thing that's beside the porch, it was a house that

1 was --

2 Q. A doghouse?

3 A. Yes, ma'am.

4 Q. Can you circle where that would have been? If
5 you touch that screen, it should mark on there.

6 A. Like here, middle area (indicating.)

7 Q. Try it again, sorry. That's where the dog's
8 doghouse was?

9 A. Yes, ma'am.

10 Q. Was it there that day?

11 A. When I got home it was. Yes, ma'am.

12 Q. When you got home from getting dinner with
13 Shamon?

14 A. Uh-huh.

15 Q. And you know that because?

16 A. The way I came home, you can see it is
17 actual -- the back of the house.

18 Q. From the road?

19 A. Yes, ma'am.

20 Q. Would you have had your headlights on if it
21 was dark out?

22 A. Yes, ma'am.

23 Q. So you would have seen if it was there or not?

24 A. Yes, ma'am.

25 Q. When you came home that night, it was next to

1 the steps?

2 A. Yes, ma'am.

3 Q. Did you move it?

4 A. No, ma'am.

5 Q. Did you leave the house at all after you came
6 back from dinner?

7 A. No, ma'am.

8 Q. So you and Shamon spent the evening at home?

9 A. Yes.

10 Q. At some point, did y'all go to bed?

11 A. Yes, ma'am.

12 Q. What did you do before you went to bed? I
13 mean, do you have a routine before you go to bed, you
14 turn the lights off?

15 A. Oh, yes, ma'am. I -- all -- 'cause I make
16 sure the house was -- actually, I made sure that was
17 done before we even -- 'cause we don't really be in the
18 living room, we like being in my room. So I made sure
19 that the door was locked.

20 Q. So when you come in the front door, do you
21 lock it?

22 A. Yes, ma'am.

23 Q. Did you check the back door?

24 A. Yes, ma'am.

25 Q. Tell me about the air-conditioning in that

1 house. How did you heat and cool that house?

2 A. It was a window. Like, a window unit.

3 Q. A window unit for air-conditioning?

4 A. Yes, ma'am.

5 Q. Do you remember what the weather was like that
6 day?

7 A. I don't.

8 Q. Do you remember if you had your
9 air-conditioners running?

10 A. I do, always.

11 Q. You always run them?

12 A. Yes, ma'am.

13 Q. And if you have the air conditioning running,
14 do you ever leave any windows open?

15 A. No, ma'am.

16 Q. If you don't have the air conditioning
17 running, do you leave the windows open?

18 A. No, ma'am.

19 Q. And do you check that before you go to bed or
20 at some point in the day do you check and make sure
21 everything's secure?

22 A. Yes, ma'am.

23 Q. So at some point, you and Shamon go to bed.
24 How did you wake up?

25 A. To Quinterious cutting on the light and he was

1 standing at the foot of my bed.

2 Q. Describe the bedroom for me. When you walk in
3 the door, where's the bed?

4 A. It's -- because the house is so small, it's
5 like really -- right there. It's like as soon as you
6 walk into the room.

7 Q. As soon as you walk in, is it to your left or
8 to your right?

9 A. To the left.

10 Q. To the left?

11 A. Uh-huh. To my left, yeah.

12 Q. And you said Shamon turned on the light?

13 A. Quinterious.

14 Q. I'm sorry. Quinterious turned on the light.
15 Where was he standing when the light came on?

16 A. At the bottom -- the foot of the bed. The
17 light switch is like right next the bed. Like, all of
18 it is in one little --

19 Q. So right kind of near the door at the foot of
20 the bed?

21 A. Uh-huh.

22 THE COURT: Is that a, "yes"?

23 MS. MINGO: Yes, ma'am.

24 THE COURT: Thank you.

25 Q. (By Ms. McGinnis) What was Quinterious

1 wearing?

2 A. It was a black, like, face mask and the jacket
3 he had on, I'm not sure if it's camouflage or Army
4 fatigue.

5 Q. Okay. So a face mask, like, a COVID face
6 mask?

7 A. No, like the actual --

8 Q. Describe the face mask.

9 A. The actual -- like, a ski mask of some sort
10 with the eyes out and mouth out. It wasn't a COVID.

11 Q. Did it cover his face?

12 A. Yes, ma'am.

13 Q. With the exception of the eyes and the mouth?

14 A. Yes, ma'am.

15 Q. But it did not cover his mouth, like, to
16 prevent COVID?

17 A. No.

18 Q. This was in 2020?

19 A. Uh-huh. Yes, ma'am.

20 Q. So people were still wearing masks everywhere?

21 A. Yes, ma'am.

22 Q. This was not a COVID mask?

23 A. No, ma'am.

24 Q. So you woke up to the light being flipped on,
25 and you saw Mr. Truesdale.

1 Was he holding anything?

2 A. A gun.

3 Q. Where was the gun pointed?

4 A. It was pointed at me first.

5 Q. You first. Did he say anything to you?

6 A. He was -- about what he'll, like, what he'll
7 to me or his feeling about his family. I guess he was
8 considering me and my kids his family or whatever.

9 Q. Slow down a little bit and talk right into the
10 microphone. I'm sorry, let me have you repeat that
11 part.

12 What did he tell you?

13 A. Basically, going -- telling us stuff by, he
14 was like, "Didn't I tell you what I'd do to you and
15 myself about, like, our family." I think he was, like I
16 said, myself and my kids as his, like, I guess, like,
17 we're family.

18 Q. Okay. What did you say to that?

19 A. I was begging him 'cause he had the gun
20 pointed at me, so I was begging him, like, think about
21 our daughter. Like, you know, like, please, don't do
22 this, don't.

23 Q. And what happened after that?

24 A. He took the gun like from pointed at me to
25 getting pointed at Shamon.

1 Q. Did he say anything to Shamon?

2 A. He was telling him that he need to get out the
3 bed. He was like, Bro, why you here? You need to get
4 up and leave.

5 Q. When he was there earlier that day, had you
6 told him about Shamon?

7 A. He had said somebody had told him that I had a
8 boyfriend or something, and I was like, yeah. That came
9 up in a conversation on -- when he was talking about us
10 getting back together.

11 Q. Did he know Shamon?

12 A. No, ma'am.

13 Q. Had he ever meet him before?

14 A. No, ma'am.

15 Q. So he said something to Shamon about needing
16 to leave, then when that happened?

17 A. He just shot him.

18 Q. Say that again? I'm sorry.

19 A. He shot him.

20 Q. He shot him?

21 A. Uh-huh.

22 Q. How many times did he shoot?

23 A. He shot twice.

24 Q. And when you said, "he," who shot?

25 A. Quinterious.

1 Q. Do you know where the gun was pointed at that
2 time?

3 A. I thought it was -- it was pointed, like,
4 downwards. I thought he like, shot, like, beside the
5 bed, like to probably try like to scare him or
6 something. But I'm not sure if he actually shot him
7 when he shot the first two times.

8 Q. Did you get hit?

9 A. No, ma'am.

10 Q. After he shot the first two times, then what
11 happened?

12 A. He pointed the gun at me. He took his
13 focus -- I felt like he took to focus off Shamon. And
14 when he took his focus off Shamon, that gave like Shamon
15 the leeway 'cause he had his gun up under the pillow.
16 He always slept with it.

17 Q. Shamon had a gun under his pillow?

18 A. Yes, ma'am.

19 Q. And he -- did he do that often?

20 A. Yes, ma'am. He always did.

21 Q. Every night that he stayed with you?

22 A. Yes, ma'am.

23 Q. So Quinterious, you said shifted focus back to
24 you and what did Shamon do?

25 A. When he stiffed focus on me, that gave Shamon

1 like the leeway to actually retrieve his gun up under
2 the pillow to fire back at Quinterious.

3 Q. And do you know ho many times Shamon shot?

4 A. I don't.

5 Q. Do you know if Quinterious shot more than two
6 times?

7 A. After that -- after -- the first two times he
8 did, 'cause it was kind of like, a -- like the first
9 time he shot like twice. There was kind of like a pause
10 and then he like pointed it towards me and then Shamon
11 was able to shoot him back and I don't know how many
12 times they both fired at each other.

13 Q. But Quinterious shot back again?

14 A. Yes, ma'am.

15 Q. Eventually did the shooting stop?

16 A. Yes, ma'am.

17 Q. After about how long?

18 A. I don't know. It was like -- it was -- it was
19 kind of quick. It was like seconds.

20 Q. Seconds. Okay. Then what happened, where was
21 Quinterious?

22 A. He was still -- he had dropped to the foot of
23 like where he was standing at the bottom of the bed.

24 Q. Where was Shamon?

25 A. He was still in the bed with me.

1 Q. Still beside you in bed?

2 A. Yes, ma'am.

3 Q. What did you do next?

4 A. I -- when I noticed Quinterious did drop I --
5 'cause we didn't have any -- I had a shirt on, but I
6 didn't have any pants on. My pants were beside Shamon
7 on the opposite side, like where he was laying, it was
8 beside him and my phone was on that side, so I had to
9 get up and get my phone and my pants from over there and
10 I called 911.

11 Q. You called 911?

12 A. Yes, ma'am.

13 Q. Did you stay in the house or did you leave the
14 house?

15 A. For a moment when I was on the phone, I was in
16 there for a minute but in the process of me calling, I
17 really was -- 'cause Shamon was -- I was trying to make
18 sure he was fine, but Quinterious had got up in the
19 middle of that.

20 Q. While you were on the phone, Quinterious got
21 up?

22 A. Yes, ma'am.

23 Q. Where did he go?

24 A. In the kitchen.

25 Q. Could you hear him in there?

1 A. He didn't say nothing when he had got up and
2 went in the kitchen. But prior to me leaving out the
3 room, he was telling me to take him -- put him in the
4 car and take him to the emergency room.

5 Q. Put him in the car and take him to the
6 emergency room?

7 A. Uh-huh.

8 Q. Did Shamon tell you anything?

9 A. When I -- when I was reaching, like, over
10 getting my pants, he was -- he was talking. He was
11 asking me was I shot or was I hit anywhere? And I was
12 like no.

13 Then he was like -- "well, babe, I think he
14 shot me." But I didn't see any blood or anything, like,
15 anywhere, like, over here. I didn't actually see it
16 until I pulled the covers, like, checked the bottom
17 area.

18 Q. You looked at his chest, you couldn't see any
19 injuries?

20 A. Yes, ma'am.

21 Q. Then you moved the covers?

22 A. Yeah.

23 Q. Where did you see injuries when you removed
24 the covers?

25 A. It had to be, like, bottom -- like, bottom

1 area, like, downward area. It wasn't really sure. It
2 was like a pool of blood, like, I couldn't really
3 actually see.

4 Q. Do you have any medical training?

5 A. No, ma'am.

6 Q. You were on the phone with 911. And what were
7 you telling 911?

8 A. To hurry up.

9 Q. When you were in the room with Shamon, after
10 he said he was shot, did he -- was he able to tell you
11 anything else?

12 A. No.

13 Q. What happened to Shamon after that?

14 A. He kind of took like a -- it was like a little
15 deep breath of air.

16 Q. A deep breath?

17 A. Yes, ma'am.

18 Q. And was he able to talk to you anymore after
19 that?

20 A. No, ma'am.

21 Q. And so then where did you go after that?

22 A. Out the door.

23 Q. Out the front door?

24 A. Yes, ma'am.

25 Q. Was the front door locked?

1 A. Yes, ma'am. I had to unlock it to get out.

2 Q. So it was closed and locked?

3 A. Yes, ma'am.

4 Q. Where was Quinterious when you got out of the
5 house?

6 A. He was coming like as him coming out the
7 kitchen, I was -- it's real small. We kind of like
8 bypassed each other. He was coming out the kitchen and
9 I was going out the door, but I think, like, in the
10 living room.

11 Q. So last time you saw him he was coming from
12 the kitchen towards the living room?

13 A. Uh-huh.

14 Q. And do you go back in the house after you
15 unlocked the door and went out?

16 A. No, ma'am.

17 Q. Not that night?

18 A. Not that night, no.

19 Q. Then what happened, were you still on the
20 phone with 911?

21 A. Yes, ma'am.

22 Q. And did, ultimately, the police and EMS come?

23 A. Yes, ma'am.

24 Q. What did you tell them?

25 A. I'm not really sure because it was, like, so

1 much ready.

2 Q. You were pretty upset?

3 A. Yes, ma'am.

4 Q. Is that fair? Did you tell them what
5 happened?

6 A. Yes, ma'am.

7 Q. Did you talk to a couple of different officers
8 that night?

9 A. Yes, ma'am.

10 Q. At least one or two?

11 A. Yes, ma'am.

12 Q. Did EMS come?

13 A. Yes, ma'am.

14 Q. What -- do you know what they did at all?

15 A. I don't. I know they went in the house. I
16 don't know what happened.

17 Q. You don't know what they did in the house?

18 A. I don't.

19 Q. Did you see Quinterious leave the house?

20 A. No, ma'am. They -- they -- I think he was the
21 one that was transported by ambulance, but I didn't see
22 when they -- no, ma'am.

23 Q. You know EMS took him, but you didn't see it?

24 A. Yes, ma'am.

25 Q. I want to come show what's been marked as

1 State's Exhibit 9 for identification?

2 (State's Exhibit 9, Photo, was marked for
3 Identification.)

4 MS. MCGINNIS: May I approach the witness your
5 Honor?

6 THE COURT: Yes, ma'am.

7 Q. (By Ms. McGinnis) Can you tell me what this
8 is a picture of?

9 A. Clothes, my children's clothes. We had our
10 shoes, like, in -- that's our shoes over in the corner.

11 Q. Let me stop you. Where's this picture taken?

12 A. Oh. In the closet.

13 Q. At West Hood Street?

14 A. Yes, ma'am.

15 Q. Is this how it looked that night?

16 A. Yes, ma'am.

17 MS. MCGINNIS: Permission to -- I'd move this
18 into evidence.

19 THE COURT: Any objection?

20 MR. NIELSON: No, your Honor.

21 MS. MCGINNIS: Permission to publish?

22 THE COURT: Yes, ma'am.

23 (State's Exhibit 9, Photo, was entered
24 into evidence.)

25 Q. (By Ms. McGinnis) Yashima, I'm going to ask

1 you to do the same thing that you did on this other one.

2 Can you kind of point out some things in this
3 closet and identify those for me.

4 For example, what's this right here?

5 A. That was like my son's khaki pants.

6 Q. How about right here on the top of the pile?

7 A. I'm not sure what that is.

8 Q. Does it look like an article of clothing?

9 A. Yes, ma'am.

10 Q. Do you know who it belongs to?

11 A. Either me -- I'm not sure what that is.

12 Q. How about these right here?

13 A. Those are like pants that were mine.

14 Q. Pants that were yours?

15 A. Uh-huh.

16 Q. How about over on this side of the closet.

17 What's over here?

18 A. Those are -- that was in the little thing,
19 like, my bed sheets and stuff. Apparently, it was
20 pulled out.

21 Q. They were in this plastic thing right here?

22 A. Yes, ma'am.

23 Q. This is bedding?

24 A. Yes, ma'am.

25 Q. How about over here on the left-hand side.

1 What's over here?

2 A. Shoes.

3 Q. Who do those shoes belong to?

4 A. Of what I see, mines and my children.

5 Q. How about this one right here, that's
6 reflective?

7 A. That's mine.

8 Q. And maybe this one right here?

9 A. That was my daughters.

10 Q. Those are your daughters?

11 A. Yes, ma'am.

12 Q. Can you show me anything in this picture that
13 belonged to Quinterious Truesdale?

14 A. No, ma'am.

15 Q. No, you can't show me or, no, there's nothing
16 there?

17 A. There's nothing there that belongs to him.

18 Q. Was this the only closet in your bedroom?

19 A. Yes, ma'am.

20 Q. Was there a closet in another room in the
21 house?

22 A. In the kids room, but I think it was, like, I
23 want to say, baskets of the kids clothes.

24 Q. Baskets of the kids clothes?

25 A. Uh-huh.

1 Q. When Quinterious stayed with you where did he
2 keep his stuff?

3 A. It would be in my room.

4 Q. In your room?

5 A. Uh-huh.

6 Q. And this was the only closet in your room?

7 A. Yes, ma'am.

8 Q. And there was nothing in this photograph that
9 belongs to Quinterious Truesdale?

10 A. No, ma'am.

11 MS. MCGINNIS: Beg the Court's indulgence, for
12 one minute.

13 Q. (By Ms. McGinnis) This night, when this
14 incident happened, did you go back in that house or did
15 you go stay somewhere else?

16 A. I went and stayed somewhere else.

17 Q. Did you come back to this house the next day?

18 A. Yes, ma'am.

19 Q. Did you notice anything amiss in your
20 children's room when you came back?

21 A. I never really -- no, ma'am.

22 Q. Did you notice, were all your doors and
23 windows closed and locked when you got back?

24 A. The window that was in the children's room was
25 still open.

1 Q. Was still open?

2 A. Yes, ma'am.

3 Q. And you say, "still open." Was is open when
4 you went to bed that night?

5 A. No, ma'am.

6 Q. When did you notice it was open?

7 A. When I went back the following day.

8 Q. Was there anything else unusual near that
9 window?

10 A. The doghouse that usually be in the back of
11 the house.

12 Q. Where was it in relation to the window?

13 A. Up under the window.

14 Q. Up under the window inside?

15 A. Outside.

16 Q. How high was that window off the ground, like,
17 in relation to your height? Was it knee height, waist
18 height, shoulder height?

19 A. Like waist -- the house is so small, it was
20 really like waist height. Like, it wasn't really --

21 Q. Okay. Did you move that doghouse under the
22 window?

23 A. No, ma'am.

24 Q. Tell me the last place you saw the doghouse
25 when you were outside your house?

1 A. When I was coming home, it was in the back of
2 my house.

3 Q. And that would be right here?

4 A. In that little area.

5 Q. In that little block area?

6 A. Yes, ma'am.

7 Q. Right here?

8 A. Yes, ma'am.

9 Q. Did you open that window?

10 A. No, ma'am.

11 Q. Did Shamon open that window?

12 A. No, ma'am.

13 Q. Tell me about your kitchen. Could you get in
14 and out of the house from your kitchen?

15 A. The back door had, like, I usually put the --
16 like I said, the house is so small. I had my trash can
17 and like some boxes that I had that was behind the,
18 like, my table, so it was really, like, in front of the
19 door. In front of the back door from the inside.

20 Q. This picture is the back door to your house?

21 A. Yes, ma'am.

22 Q. And when you go in this door is goes into what
23 room?

24 A. The kitchen.

25 Q. When you open it, does the door open to the

1 left or does it open to the right?

2 A. It opens towards the left.

3 Q. Towards the left. And what did you have in
4 the kitchen by the?

5 A. The trash can was in front of the back door
6 and there was some boxes that were there.

7 Q. And are these like a macaroni and cheese box,
8 a big box?

9 A. No. It was like big boxes, like, I had
10 received, like, I had got from, like, the Christian
11 Service. They had gave me some cans and I had put the
12 cans up and used the boxes and I was going to throw them
13 away in the trash.

14 Q. How many boxes was it?

15 A. It was like three.

16 Q. Sorry?

17 A. It was like three.

18 Q. Like three?

19 A. Yes, ma'am.

20 Q. And how were they in the kitchen?

21 A. In front of -- like stacked up in front of the
22 door. And the trash can was also in front of the door.

23 Q. When you came back the next day, were those
24 boxes still in that same place?

25 A. Yes, ma'am.

1 Q. Had they been knocked over?

2 A. No, ma'am.

3 Q. And had they been moved at all?

4 A. No, ma'am.

5 Q. Could you have gotten in that back door

6 without knocking those boxes over?

7 A. No, ma'am. I couldn't even, like, if I just
8 had to just go out the door, I would still have to move
9 them out the way to go out the door.

10 Q. You'd have to move them to open the door?

11 A. Yes, ma'am.

12 Q. And they were not moved?

13 A. No, ma'am.

14 Q. Do you know how Quinterious got in your house
15 that night?

16 A. I don't exactly know how he got in my house
17 that night, but I was assuming the window because it was
18 still open. I know I didn't move the doghouse to put it
19 there up under the window.

20 Q. So the doors to your house are the front door.
21 And tell me how you found that when you went outside to
22 call 911?

23 A. It was locked. I had to unlock it to go out
24 the door.

25 Q. And then we have the back door?

1 A. Uh-huh.

2 Q. And nothing was disturbed by the back door?

3 A. No, ma'am.

4 Q. And then you saw an open window in your
5 children's room?

6 A. Yes, ma'am.

7 Q. And tell me what was up under that window
8 outside?

9 A. It was the doghouse that was on the back of --
10 they usually on the back of the house.

11 Q. Usually in the back of the house was up under
12 the window instead?

13 A. Uh-huh.

14 Q. Remind me again, when Quinterious came in your
15 bedroom, who shot first?

16 A. Quinterious.

17 Q. Quinterious. What was he wearing?

18 A. A ski mask and he had a jacket on, it was
19 brownish. Like it was, like, army fatigue or
20 camouflage, I'm not sure.

21 Q. So a ski mask covering this face?

22 A. Yes, ma'am.

23 Q. What time of night did this happen?

24 A. Like two in morning, two or three.

25 Q. Two or three in the morning?

1 A. Yes, ma'am.

2 Q. Had you invited Quinterious over?

3 A. No, ma'am.

4 Q. Had you told him, come back anytime?

5 A. No, ma'am.

6 Q. To your knowledge, did he have a key to get in
7 your house?

8 A. No, ma'am.

9 Q. And did he have your permission to come to
10 your house?

11 A. Earlier when he came to see his child, but
12 then a night, no, ma'am.

13 Q. So after he left that afternoon, was he
14 allowed to come back?

15 A. No, ma'am.

16 Q. Did he live there with you at that time?

17 A. No, ma'am.

18 Q. And you had who in your bed with you that
19 night?

20 A. Shamon.

21 MS. MCGINNIS: I don't believe I have anything
22 further. Please answer anything Mr. Nielson may have
23 for you.

24 THE COURT: Cross-examination?

25 MR. NIELSON: Yes, your Honor.

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CROSS-EXAMINATION

BY MR. NIELSON:

Q. Ms. Mingo, let's start with your family situation in 2020.

How many kids did you have in 2020?

A. Five.

Q. How many of them were living at your house with you?

A. In July, all of them, five.

Q. All five of them?

A. Uh-huh.

MR. NIELSON: Can I get this marked as Defense one.

(Defendant's Exhibit 1, Lease Agreement, was marked for Identification.)

MR. NIELSON: May I approach, your Honor?

THE COURT: Yes, sir.

Q. (By Mr. Nielson) I'm showing you what's been marked as State's Exhibit 1. Would you take this document please. Sorry, Defense Exhibit 1. I apologize.

Do you recognize that document?

A. Yes.

Q. What is that document?

1 A. The lease when I moved to where I was staying
2 at.

3 Q. The lease to what house?

4 A. [REDACTED] West Hood Street.

5 Q. How many kids were living with you in that
6 house?

7 A. Five.

8 Q. All five?

9 A. Yeah.

10 Q. How many kids are listed on that document?

11 A. Two.

12 MR. NIELSON: Your Honor, Defense would move
13 State's No. 1 into evidence at this time.

14 THE COURT: Any objection?

15 MS. MCGINNIS: No objection to Defense 1.

16 (Defendant's Exhibit 1, Lease Agreement,
17 was entered into evidence.)

18 MR. NIELSON: Permission to publish to the
19 jury?

20 THE COURT: Yes, sir.

21 Q. (By Mr. Nielson) Ms. Mingo, and I'm not as
22 in-depth with this technology as Ms. McGinnis is. Can
23 you point to me where it shows on this document which of
24 your children were living at that house?

25 A. You want me to circle it?

1 Q. Sure. But you had three other children living
2 in that house?

3 A. Yep.

4 Q. Does this document have at least one more line
5 for one more child?

6 A. Yes.

7 Q. But there were other children living there
8 that aren't on this document?

9 A. Yes.

10 Q. Okay. There were people living in that house
11 that were not on this rental agreement; correct?

12 A. As far as my kids, yes.

13 Q. But I'm just asking, there were people that
14 were not on this rental agreement that were living in
15 the house?

16 A. Uh-huh. Yes, sir.

17 Q. Now let's talk about the power bill.

18 Whose name was the power bill in?

19 A. Quinterious.

20 Q. Quinterious?

21 A. Yes, sir.

22 Q. You said that it was in his name because you
23 had a prior bill that you hadn't settled?

24 A. Yes.

25 Q. So you had -- not because he lived there, but

1 because you had a prior bill?

2 A. Yes.

3 Q. Was he living there though at that point?

4 A. At one point, yes.

5 Q. At the point the power was put in his name, he
6 was living in the house?

7 A. Yes.

8 Q. At what point did you take the power out of
9 his name?

10 A. When I asked him for the information to change
11 the power bill. He wasn't giving me the correct
12 information for it. I couldn't actually do it. He had
13 to do it because it was in his name.

14 Q. Did you call Duke Energy?

15 A. I asked him for the information.

16 Q. Did you call Duke Energy?

17 A. No.

18 Q. Could you have looked up their phone number
19 online?

20 A. I guess.

21 Q. Did you have a lease agreement that had your
22 name on it?

23 A. Yes, but they wasn't going to let me change
24 the information because it wasn't my information. You
25 had have to have like your social and stuff to actually

1 change it.

2 Q. You can't change the power bill with the valid
3 lease?

4 A. Not -- with the lease, but it wasn't in my
5 name to have his information to do it.

6 Q. This lease wasn't in your name?

7 A. My lease, yes.

8 Q. You couldn't call Duke Energy, show them this
9 lease and change the power to your name?

10 A. No, because it was already in his name; it was
11 an active service.

12 Q. But it wasn't in your name; right?

13 A. No, it wasn't.

14 Q. He's not on this lease; right?

15 A. They don't ask for a lease with the power
16 bill.

17 Q. Did you offer to show them a lease?

18 A. No.

19 Q. Did you call them at all?

20 A. No.

21 Q. Not one time did you call them to try to
22 change the bill out of his name, after you had this big
23 fight and he broke your TVs and everything else that
24 went on, not once did you try to change the power bill
25 out of his name?

1 A. I asked him for the information to change it,
2 for me to change it. But no, I did not call Duke Power
3 to change it.

4 Q. You did not do anything to contact Duke Power?

5 A. When he had gave me the wrong -- he gave me
6 the information one time and it was the wrong
7 information. I called Duke Power then, when I was
8 trying to change it and they was telling me it wasn't
9 the right account number for me to actually change it.
10 And then I asked him for the account number again. He
11 didn't give me the correct one.

12 Q. But you didn't try any other way to try to
13 change the power bill?

14 A. No.

15 Q. Let's talk about the toboggan or the ski mask,
16 whatever you want to call it.

17 Was it normal for him to wear, like,
18 toboggans, ski masks, things like that on his head, was
19 that abnormal?

20 A. Like a hat, but not a ski mask, no.

21 MR. NIELSON: Can we mark this as Defense 2.

22 (Defendant's Exhibit 2, Photo of
23 Quinterious Truesdale, was marked for
24 Identification.)

25 Q. (By Mr. Nielson) Can you take this picture

1 please? Please, take this picture.

2 What is this a picture of, Ms. Mingo?

3 A. The same ski mask that he had on but it's not
4 the way he had it on. He actually had it pulled over
5 his face.

6 Q. Okay. What I'm asking you is, what is this a
7 picture of?

8 A. It look like the same ski mask that he had on.

9 Q. Who is in this picture?

10 A. My child.

11 Q. Is that his child as well?

12 A. Apparently.

13 Q. Is that this child as well?

14 A. Yes.

15 MR. NIELSON: Your Honor, defense would move
16 State's Exhibit 2 into evidence.

17 THE COURT: Any objection?

18 MS. MCGINNIS: No objection to Defense 2.

19 (Defendant's Exhibit 2, Photo of Q.
20 Truesdale, was entered into evidence.)

21 MR. NIELSON: Permission to publish?

22 THE COURT: Yes, sir.

23 Q. (By Mr. Nielson) You said that that looks
24 like the same ski mask that he was wearing that day,
25 just pulled up in a different way?

1 A. It was pulled over his face.

2 Q. That's what I'm saying. In this it's being
3 worn a different way?

4 A. As a hat, yes.

5 Q. But it was normal of him to wear clothing like
6 this; correct?

7 A. Apparently.

8 Q. Well, I'm not testifying. Was it normal for
9 him to wear clothing like this, like a hat, a ski mask
10 something like that?

11 A. Yeah.

12 Q. Now do you remember being interviewed by
13 police either a day or two days after this event?

14 A. Uh-huh.

15 Q. At the Lancaster Police Department?

16 A. Yes.

17 Q. Do you remember them asking you if Quinterious
18 had a key?

19 A. Yes.

20 Q. Do you remember what you told them?

21 A. Prior to when that person who stayed there
22 before me gave him the key.

23 Q. Did you tell them that story?

24 A. I don't remember.

25 MR. NIELSON: Your Honor, we have a matter of

1 law we need to take up.

2 THE COURT: All right, sir.

3 Ladies and gentlemen of the jury, if you'll
4 please go to your jury room momentarily. We'll be right
5 back with you.

6 (Jury exited.)

7 MR. NIELSON: I'm sorry, your Honor. I was
8 having the solicitor teach me about the technology that
9 they have in this courtroom. I'm not used to this
10 courthouse.

11 At this point, I would like to refresh
12 Ms. Mingo's recollection of what she told the police one
13 day later. I have an interview that we only need to
14 play a small portion of. I know the exact time that we
15 need to move it to to refresh her recollection. And I
16 would like to ask her if that would help her refresh,
17 what she told the police that day.

18 THE COURT: All right, sir. You may do so.

19 Q. (By Mr. Nielson) Ms. Mingo, if I showed you
20 part of your interview that you had with a police
21 officer that day, would that help you remember what you
22 told them about whether or not he had a key?

23 A. Yes.

24 MR. NIELSON: May I refresh her recollection,
25 your Honor?

1 THE COURT: Yes, sir.

2 MR. NIELSON: Your Honor, we're going to play
3 it through the solicitor's laptop.

4 THE COURT: That's fine.

5 Q. (By Mr. Nielson) Ms. Mingo, who is this on
6 the screen?

7 A. Huh?

8 Q. Who is this on screen?

9 A. Me.

10 Q. That's you. Okay.

11 MR. NIELSON: Your Honor, I got my time wrong.
12 We're just going to move on.

13 THE COURT: You're ready to have the jury
14 back?

15 MR. NIELSON: Yes, please.

16 THE COURT: Let's have the jury back please.

17 MR. NIELSON: I apologize.

18 THE COURT: That's all right.

19 (Jury entered.)

20 THE COURT: Welcome back, ladies and gentlemen
21 of the jury.

22 Counsel, please proceed.

23 MR. NIELSON: Thank you, your Honor.

24 Q. (By Mr. Nielson) At some point the previous
25 tenant had given him a key; is that correct?

1 A. He gave it to me.

2 Q. Key to which door?

3 A. The back door.

4 Q. Did he ever have a key to the front door?

5 A. Did he, Quinterious?

6 Q. Yeah. To the best of your knowledge did he
7 ever have a key to the front door?

8 A. No.

9 Q. And when did the neighbor give him the key to
10 the back door, do you know?

11 A. No.

12 Q. Do you know what month it was in? Was it
13 April, May?

14 A. It was kind of like in April, it was after --
15 prior to move in.

16 Q. It was prior to you moving in?

17 A. Like -- uh-huh.

18 Q. And he had the key for, you told the
19 solicitor, a couple of weeks?

20 A. Uh-huh.

21 Q. So by May he no longer had that key?

22 A. No, 'cause we had a disagreement then and he
23 returned my key then.

24 Q. But you said he didn't move out of the house
25 until July; correct?

1 A. No. He didn't actually move out until July.

2 Q. But while he was living in the house and then
3 not moved out yet, he didn't have a key for a couple of
4 months?

5 A. I didn't give me key back to him.

6 Q. So he didn't have a key for a couple months,
7 but was living there?

8 A. Uh-huh.

9 Q. Okay. Didn't have a key to his own house?

10 A. It wasn't his house; it was my house.

11 Q. Was he living there or was he not living
12 there? You told the solicitor he was living there.

13 A. He was --

14 Q. So if he's living there, it's his house;
15 right?

16 A. Uh-uh.

17 Q. No? Can you explain what you mean by that?

18 A. It was his house.

19 Q. So it was his house --

20 A. I guess so --

21 Q. -- so he was living there --

22 A. Like, no. I just feel like he wasn't on the
23 lease anyway and he wasn't paying no bills, but the
24 power bill was on the house.

25 Q. Can you name your children's names for me,

1 first names only is fine?

2 A. [REDACTED], [REDACTED], [REDACTED], and [REDACTED] and [REDACTED].

3 Q. [REDACTED], [REDACTED] and [REDACTED], were they living
4 there?

5 A. Yes.

6 Q. Was their names on this lease?

7 A. [REDACTED] was. It's [REDACTED].

8 Q. Okay. But you had three kids who were living
9 there that were not on this lease; right?

10 A. Uh-huh.

11 Q. Okay. So just because his names not on that
12 lease, doesn't mean it wasn't his house; right?

13 A. It's basically not the kids' house. It's my
14 house and my name is there.

15 Q. They were living there?

16 A. Yeah.

17 Q. The kids were?

18 A. They were staying there but that doesn't mean
19 this is there house.

20 Q. But they were living there?

21 A. Uh-huh.

22 Q. I think we're getting off to semantics here,
23 do you agree?

24 A. No.

25 Q. Okay. When did you say you started texting

1 with Shamon?

2 A. I knew -- like we had already -- I had already
3 knew him like in May.

4 Q. You started texting -- I believe you told the
5 solicitor April, but April or May?

6 A. April or May.

7 Q. While you were still with Quinterious?

8 A. Yeah.

9 Q. While he was still living in the house?

10 A. Yeah.

11 Q. And when did you take -- when did you
12 supposedly take his clothes to a family friend?

13 A. In July.

14 Q. After you broke up?

15 A. Yeah.

16 Q. When did you give him -- when did you
17 supposedly give him the last shirt that you still had at
18 the house?

19 A. The day he came prior to him seeing his
20 daughter the same day.

21 Q. When did you wash that shirt and find it?

22 A. Like a week prior to that.

23 Q. A week prior to the 23rd?

24 A. Uh-huh.

25 Q. So sometime around September 16th?

1 A. Probably. Yes, sir.

2 Q. So you went a month and a half without washing
3 the clothes in the house just to find his shirt?

4 A. What you mean just -- no. I had a large
5 amount of clothes. I had a large amount.

6 Q. But you happened to finally wash his shirt
7 that day or a week earlier?

8 A. It was in one of the -- yes.

9 Q. Did Quinterious know where you were working?

10 A. I don't believe so. I'm not sure.

11 Q. Did you ever tell him where you were working?

12 A. No. I just told him I had to work.

13 Q. Did you tell him what your hours were?

14 A. No.

15 Q. Did you tell him what shift you were working?

16 A. No. When I talked to him, I let him know that
17 I had to take the kids to my mom. I didn't tell him
18 what time I had to be at work or nothing like that.

19 Q. Did you say like third shift or anything like
20 that?

21 A. No. Even when I was taking the kids to my
22 mom, it was even nothing like. No.

23 Q. Did you tell him what time you had to take the
24 kids to your mom's house?

25 A. Uh-huh.

1 Q. What time did you tell him?

2 A. I was taking them at like two something when
3 my mom had got out of work.

4 Q. And how far away does your mom live?

5 A. She stays in Fort Mill.

6 Q. 45 minutes or so?

7 A. Uh-huh.

8 THE COURT: Is that a "yes"?

9 THE WITNESS: Yes, sir. I mean, yes, ma'am.

10 THE COURT: Thank you.

11 Q. (By Mr. Nielson) Did he know how you got to
12 work?

13 A. No, sir. But my car -- he know I drove my
14 car.

15 Q. But he doesn't know where you worked; right?

16 A. No, sir.

17 Q. You could have worked really close?

18 A. I could have.

19 Q. You could have walked?

20 A. I could have.

21 Q. It was physically possible you could have
22 walked to work in his mind?

23 A. Possibly.

24 Q. Just because your car is there, does that
25 necessarily tell him for sure you're there?

1 A. He know I don't walk.

2 Q. What do you do for work?

3 A. Sir?

4 Q. What did you do for work?

5 A. I was basically like cleaning, janitorial.

6 Q. So you had the ability to walk, you were doing
7 janitorial work. You walk around the hospital?

8 A. Yes.

9 Q. Cleaning up after things?

10 A. Yes.

11 Q. You had the ability to walk?

12 A. Yes.

13 Q. And could have physically walked to work?

14 A. Yeah.

15 Q. How far is the hospital from your house?

16 A. Driving it was like five to six minutes.

17 Q. How many blocks away is the hospital from Hood
18 Street?

19 A. Probably like three, three or four.

20 Q. It takes five minutes to drive three blocks?

21 A. It depend on which way you go but --

22 Q. Let's talk about the window. You did not see
23 who opened the window; correct?

24 A. I didn't.

25 Q. There were police officers in your house that

1 night?

2 A. Yes.

3 Q. There was EMS in your has that night?

4 A. Yes.

5 Q. A lot of people in and out of the house that

6 night?

7 A. Yes.

8 Q. CSI people? CSI, I mean, like people who

9 gather the evidence and that kind of stuff? Sorry.

10 A. Yes.

11 Q. Those people were in and out of your house

12 that night?

13 A. Yes.

14 Q. You said you didn't know the window was opened

15 until the next day when you came back; right?

16 A. Yes.

17 Q. So you don't know for sure that Quinterious

18 had opened that window?

19 A. I knew it wasn't open before I went to bed.

20 Q. And it was open the next day after all those

21 other people were in the house?

22 A. Yes.

23 Q. Right?

24 A. Yes.

25 Q. Let's talk about the boxes in your kitchen.

1 You mentioned what came in those boxes.

2 A. There were like canned goods. I had went to
3 the community -- not community, Christian Services and
4 they give you, it was basically like the free food and
5 they was like canned goods.

6 Q. You said you'd taken the cans out of the
7 boxes?

8 A. Uh-huh.

9 Q. So the boxes were empty and sitting by the
10 backdoor?

11 A. Yes.

12 Q. If the door was open, it would easily push
13 your garbage can and some empty boxes out of the way?

14 A. The garbage can wasn't empty but it would
15 have.

16 Q. Was it a really big garbage can or was it a
17 normal kitchen size garbage can?

18 A. It was a normal kitchen size.

19 Q. So even not being empty, would the door kind
20 of just move it out of the way?

21 A. It still would -- because where it was
22 positioned, it still would move it.

23 Q. And it could have easily moved it. And the
24 boxes could have easily have been moved back if somebody
25 had pushed them out of the way?

1 A. If somebody would push them back but --

2 Q. But it could have easily been pushed right
3 back; right?

4 A. Uh-huh.

5 Q. And you don't know whether that happened, you
6 just know they were in the same place when you went
7 back?

8 A. Yes. They weren't moved.

9 Q. But you know don't whether they were moved and
10 pushed back or were not moved; correct?

11 A. Yes.

12 Q. And Quinterious never had a key to your front
13 door?

14 A. No.

15 Q. He could never come in the front door; right?

16 A. Uh-huh.

17 Q. When you were talking to the police -- let me
18 ask it a different way.

19 You testified to the solicitor he was standing
20 at the foot of the bed after he flipped on the light;
21 right? Right next to the light switch?

22 A. Yes. It was like he --

23 Q. As you're standing staring at the foot of the
24 bed, where is the light switch, is it on the left wall,
25 behind you, where is it at?

1 A. It was on the left wall.

2 Q. So it was right there next to him?

3 A. Uh-huh.

4 Q. So he comes in, he flips on the light, he's
5 standing right there at the foot of the bed; right?

6 A. Uh-huh.

7 Q. And he pointed the gun at both -- your
8 testimony is, that he pointed the gun at both of you.
9 And eventually he fired shots and he fired two shots;
10 right? You don't know whether or not either one of
11 those two shots hit Shamon?

12 A. The first two, I don't. Because it was
13 pointed downward. I wasn't sure if he shot at the
14 floor, like, he was trying to scare him or if he
15 actually shot him, because Shamon didn't -- he didn't --
16 like he was shot.

17 Q. Did you -- you eventually moved your stuff out
18 of the house?

19 A. Uh-huh.

20 Q. Were there any holes in the floor where bullet
21 holes were in the floor after he shot?

22 A. No, sir.

23 Q. Okay. When you moved your stuff out of the
24 house, were there any bullet holes in the closet area?

25 A. Yes.

1 Q. Do you remember how many?

2 A. I don't.

3 Q. Were those bullet holes there before the
4 gunfight?

5 A. No.

6 Q. There were no bullet holes in your closet
7 either inside or outside before the fight?

8 A. No, sir.

9 Q. And your testimony about the picture the State
10 showed you is that none of those clothes were
11 Quinterious?

12 A. It wasn't.

13 Q. And you didn't go back in the house that night
14 after you went outside and called 911?

15 A. No, sir.

16 Q. I'm trying to get the understanding of where
17 you were in regards to Quinterious when you left the
18 house. You say -- did you say to the solicitor you
19 basically ran into him in the hallway?

20 A. He was coming, like the way the house is made
21 up, he was coming out of the kitchen -- when he got up,
22 he went into the kitchen. I don't know what he did in
23 the kitchen or what was going on, but he's in the
24 kitchen, but yeah we kind of like, he was stumbling out
25 of the kitchen and I ran like past him out the front

1 door.

2 Q. Did he ask you to call the police?

3 A. He asked -- I was already on the phone with
4 the police. He asked me to put him in the car and take
5 him to the hospital.

6 Q. He didn't say anything about calling 911?

7 A. Did he?

8 Q. Yeah?

9 A. I don't -- no, 'cause I was already on the
10 phone. I just know he was telling me to put him in the
11 car.

12 Q. Was there anything wrong with the window in
13 the kids bedroom, was it broken? Did it have the
14 ability to be shut and locked?

15 A. No, sir.

16 Q. It was not broken. Sorry, that was a bad
17 question. It was not broken.

18 A. Uh-uh.

19 Q. I shouldn't ask you two questions at one time.
20 I apologize for that. That's my fault.

21 Are you taller or shorter than Quinterious?

22 A. I don't --

23 Q. Or about the same height, how do you compare?

24 A. We're about the same height.

25 Q. You're about the same height?

1 A. Uh-huh.

2 Q. And you say that the window that was open came
3 up to about your waist?

4 A. It was up like -- it was like, space from the
5 window to the ground. Is that what you asking like?

6 Q. How much space was there between the bottom of
7 the window and ground?

8 A. There was a little space.

9 Q. Like where would it have come up to on you if
10 you were standing next to the window, do you know?

11 A. I would have to -- it would be like, here,
12 like, up.

13 Q. It would be somewhere chest up?

14 A. Yes.

15 Q. How tall are you?

16 A. Like five, six I think.

17 Q. Five, six?

18 A. Uh-huh.

19 Q. We're getting close to the end. Okay.

20 When you moved into [REDACTED] Hood Street, did you
21 go to DMV and change your drives license?

22 A. I don't think so.

23 Q. You lived in that house for -- you lived in
24 that house for after few months. And basically, six
25 months and then you were out; right?

1 A. Uh huh. Yes, sir.

2 Q. You were not there for a long period of time?

3 A. No, sir.

4 Q. And you say you don't think you went to the
5 DMV and changed your drivers license?

6 A. No, sir.

7 Q. So you never had an identification that
8 identified you as living in that house?

9 A. No. As far as the lease. No, sir.

10 Q. Just the lease?

11 A. Uh-huh.

12 MR. NIELSON: Beg the Court's indulgence.

13 Your Honor, no further questions at this time.

14 THE COURT: Any redirect?

15 MS. MCGINNIS: Briefly, your Honor.

16

17 **REDIRECT EXAMINATION**

18 **BY MS. MCGINNIS:**

19 Q. Mr. Nielson asked you about walking to work.

20 What time were you going to work that night?

21 A. I had to be there at like five.

22 Q. 5:00 p.m.?

23 A. Yes, ma'am.

24 Q. And you were going to work how many hours?

25 A. I think it was like eight. It really depends.

1 Q. But you think that night was about eight?

2 A. Yes, ma'am.

3 Q. What time would that have put you getting off
4 of work?

5 A. I don't know. 'Cause usually it be like 12:00
6 or like 1:00.

7 Q. The middle of night, is that far?

8 A. Yes, ma'am.

9 Q. And this house, is it in a good area of town?

10 A. Not -- I mean not really.

11 Q. Not necessarily a bad area?

12 A. It's not, no.

13 Q. But not a great area.

14 A. Right.

15 Q. How about the area around the hospital, is
16 that a good area of town?

17 A. Yes, ma'am.

18 Q. Do you have to walk through some different
19 kinds of neighborhoods between the hospital and your
20 house if you walked?

21 A. It's all kind of like one kind of meeting
22 neighborhood.

23 Q. All one kind of neighborhood?

24 A. Yes, ma'am.

25 Q. Would you consider it safe for a women --

1 MR. NIELSON: Your Honor, I'm going to object
2 to this line of questioning --

3 A. -- not for a women, period --

4 MR. NIELSON: -- I never asked her if she did
5 walk from the house. I just asked if she could have. I
6 never said she should have or did. This is not in the
7 scope of what I asked about, so it's not in the scope of
8 redirect.

9 THE COURT: It is within the scope. Your
10 objection is overruled. You may proceed.

11 Q. (By Ms. McGinnis) Would you consider it safe
12 to walk from [REDACTED] West Hood Street to the hospital in the
13 middle of the night for a women alone?

14 A. No, ma'am.

15 Q. Now tell me, from where we were at the
16 courthouse today, how far is [REDACTED] West Hood Street from
17 here?

18 A. It depend on which way you go.

19 Q. If we were to go out at the bottom of the
20 courthouse on French Street, how far down is it. Is it
21 a mile or less?

22 A. Less.

23 Q. Less?

24 A. Yes, ma'am.

25 Q. It's right up here near the courthouse?

1 A. Yes, ma'am.

2 Q. And you worked at Springs Memorial Hospital?

3 A. Yes, ma'am.

4 Q. Down Meeting Street?

5 A. Yes, ma'am.

6 Q. And the three to four blocks, they're not city
7 blocks here, down Main Street?

8 A. No, ma'am.

9 Q. Are they pretty long blocks?

10 A. Yes, ma'am. It's like a long road depending
11 on which way you walk, it's a long road.

12 Q. It's a long road?

13 A. Yes, ma'am.

14 Q. Tell me about the house, is it a big house, a
15 small house, how many rooms does it have?

16 A. It was small, it had two bedrooms.

17 Q. Two bedrooms?

18 A. Yes, ma'am.

19 Q. If you're standing at the foot of your bed,
20 how many steps would it take you to get to the closet?

21 A. Like three, like two or I guess, close.

22 Q. Pretty close?

23 A. Yes, ma'am.

24 Q. Do you know how many times Shamon shot?

25 A. I don't.

1 Q. It was more than one?

2 A. Yes, ma'am.

3 Q. Do you know if he hit Quinterious with all
4 those shots?

5 A. I didn't realize no, ma'am nobody was actually
6 hit until Quinterious dropped to the bottom of the bed.

7 Q. Is it possible some of Shamon's shots could
8 have missed Quinterious and gone towards the closet?

9 A. Yes, ma'am. Because he had kind of like
10 leaned up a little bit. He had leaned up a little bit,
11 so therefore. Yes, ma'am.

12 Q. When you say, "he," Shamon had leaned up a
13 little bit?

14 A. Yes, ma'am.

15 Q. In the bed?

16 A. Yes, ma'am.

17 Q. And defense counsel asked you about trying to
18 move that Duke account back to your name. When did you
19 start trying to do that?

20 A. After I -- after us breaking up. Actually, it
21 was kind of before, because we really was going like
22 back and forth.

23 Q. When you say you're "going back and forth"
24 kind of on and off?

25 A. Yes, ma'am.

1 Q. At that point was he living with you
2 consistently?

3 A. No.

4 Q. Would he stay sometimes?

5 A. He would stay sometimes.

6 Q. But not every night?

7 A. No, ma'am.

8 Q. And why did you want to change it?

9 A. Because he had -- he had said one night in the
10 middle of an argument that he was going to get it turned
11 off while me and my kids were there. So ever since
12 then, I was asking him to get it changed because we was
13 already -- the relationship was already like in a bad
14 way. So I was trying to change that before he was able
15 to even do that, but he wouldn't give me the actual
16 right numbers to switch it and change it.

17 Q. And is there a point in calling Duke to change
18 it if you don't have the information they need?

19 A. No, ma'am.

20 Q. And you did try to call?

21 A. I did one time. He did have given me some
22 numbers apparently it wasn't the right account number.

23 Q. So you knew what you needed to change it?

24 A. Yes, ma'am.

25 Q. Did he give that to you?

1 A. Not the correct information.

2 Q. Mr. Nielson showed you Defense Exhibit 2,
3 which is Mr. Truesdale and [REDACTED]?

4 A. Yes.

5 Q. How old is [REDACTED] in this picture about?

6 A. I think like three.

7 Q. Would this be close in time to when this
8 incident happened?

9 A. Yes, ma'am.

10 Q. Kind of looks like the fall?

11 A. Like before. Yes, ma'am.

12 Q. And describe what Quinterious is wearing on
13 his head?

14 A. The same, it's the ski mask.

15 Q. Do you know it's a ski mask, can you see the
16 holes?

17 A. Oh, from here, no. But I know I seen it
18 before.

19 Q. I'm going to hand to you, can you point out --
20 MS. MCGINNIS: I'm sorry. May I approach the
21 witness?

22 THE COURT: Yes, ma'am.

23 Q. (By Ms McGinnis) Can you point out you to me
24 anywhere that you can see holes on this. Could this
25 just be a hat that's similar?

1 A. Yes, ma'am. I don't see any holes.

2 Q. You don't see any holes?

3 A. No, ma'am.

4 Q. Did Quinterious often wear hats?

5 A. Sometimes.

6 Q. When he came in that night you describe it as
7 a ski mask. How did you know it was a ski mask?

8 A. Because it was over his face.

9 Q. It was pulled over his face?

10 A. It was pulled down his face. Yes, ma'am.

11 Q. Could you see the holes then?

12 A. Yes, ma'am.

13 Q. And remind me again, you had the
14 air-conditioning on that night?

15 A. Yes, ma'am.

16 Q. In the house. You didn't open the window?

17 A. No, ma'am.

18 Q. Shamon didn't open the window?

19 A. No, ma'am.

20 Q. And you know for sure it was closed when you
21 went to bed?

22 A. Yes, ma'am.

23 Q. In theory, the police could have opened it?

24 A. Uh-huh.

25 Q. But you know you didn't do it and Shamon

1 didn't do it?

2 A. Yes.

3 Q. When you went to bed that window was closed?

4 A. Yes, ma'am.

5 MS. MCGINNIS: Beg the Court's indulgence.

6 Thank you so much Ms. Mingo.

7 THE COURT: You may step down.

8 MR. NIELSON: Your Honor, I do have some
9 recross.

10 THE COURT: No, sir. There was nothing new
11 brought up. You may step down Ms. Mingo.

12 Would Counsel please approach?

13 MS. MCGINNIS: Your Honor, may Ms. Mingo be
14 excused from her subpoena?

15 THE COURT: Any objection?

16 MR. NIELSON: No.

17 THE COURT: You're free to go, ma'am.

18 (Whereupon, a brief discussion was held
19 off the record.)

20 THE COURT: Ladies and gentlemen of the jury,
21 our next witness is going to take more than 30 minutes.
22 I always try to be mindful of your time so that you can
23 get home on time and take care of whatever
24 responsibilities you may have at home. So it's a good
25 time for us to break for our evening recess. If you

1 faces, that's what you see when you go on Facebook. I
2 think that she told you can she be fair and impartial,
3 there's no reason to excuse her.

4 THE COURT: I agree. I think she recognized
5 the face and people have multiple friends on Facebook
6 and she said they didn't socialize or see each other in
7 their home or anything of that nature and did not
8 discuss the matter. She certainly seemed very convinced
9 in her ability to be fully fair and impartial based on
10 her body language, as well as, answers. So I'm going to
11 deny your motion, solicitor.

12 MS. MCGINNIS: Thank you, Judge.

13 THE COURT: Anything further before I bring
14 the jury out?

15 MS. MCGINNIS: No, your Honor.

16 THE COURT: Let's have the jury please.

17 (Jury entered.)

18 THE COURT: Good morning, ladies and gentlemen
19 of the jury. Welcome back. I hope that you had a nice
20 evening. We're ready to proceed with the trial of this
21 case.

22 You may call your next witness.

23 MS. WORKMAN: Thank you, Judge.

24 The State would call David Dale.

25

1 D-A-V-I-D D-A-L-E, the Witness herein, having been
2 sworn by the Clerk of Court, was examined and testified
3 as follows:

4
5 THE COURT: Your witness.

6 MS. WORKMAN: Thank you, your Honor.

7
8 **DIRECT EXAMINATION**

9 **BY MS. WORKMAN:**

10 Q. Please state your name for the record.

11 A. David Dale.

12 Q. And where are you employed?

13 A. I'm currently employed with the Sandy Hook
14 Communications but formally with the City of Lancaster
15 Fire Department.

16 Q. And how long were you employed with the city?

17 A. Just under four years.

18 Q. I'm sorry?

19 A. Just under four years.

20 Q. And were you employed at the time of September
21 24, 2020?

22 A. Yes, ma'am.

23 Q. Do you recall being called out to [REDACTED] West
24 Hood Street that evening --

25 A. Yes, ma'am.

1 Q. -- or that morning? Can you tell me what your
2 duties are when you get called out as a fire department?

3 A. We were there for first responders for the
4 medical side to assist EMS.

5 Q. What did you do when you arrived?

6 A. We had two patients. Me and another fireman
7 went to the back bedroom to assist the EMS crew that was
8 already on scene. They advised us to start CPR on the
9 patient while they call med control to see what they
10 needed to do. They were hooking him up to a heart
11 monitor at the time to see the status of the patient.
12 They were advised to discontinue the resuscitation
13 efforts and the coroner was called.

14 Q. What did you do after the coroner was called?

15 A. We cleared the scene.

16 Q. You said this was the patient that was in the
17 bedroom?

18 A. Correct.

19 Q. Do you recall his name?

20 A. I do not.

21 Q. Did you have anything to do with the patient
22 that was in the living room?

23 A. No, ma'am.

24 MS. WORKMAN: Beg the Court's indulgence.

25 That's all the question I have for you.

1 Please answer any of Mr. Nielson's questions.

2 THE COURT: Cross-examination?

3 MR. NIELSON: Thank you, your Honor.

4

5 **CROSS-EXAMINATION**

6 **BY MR. NIELSON:**

7 Q. Just a few questions, Mr. Dale.

8 You're a firefighter, not a policeman; right?

9 A. Correct.

10 Q. Did you ever go in the second bedroom at all
11 that night?

12 A. The only bedroom I entered was the one with
13 the patient.

14 Q. Okay. You did not go in any other bedroom in
15 this house?

16 A. Correct.

17 Q. And your job is not to investigate cases?

18 A. No, sir.

19 Q. Not to do police work?

20 A. Absolutely not.

21 Q. Not to collect evidence?

22 A. No, sir.

23 Q. None of those things?

24 A. No, sir.

25 MR. NIELSON: No further questions, your

1 Honor.

2 THE COURT: Any redirect?

3 MS. WORKMAN: No redirect.

4 THE COURT: You may step down, sir.

5 Any objection to him being excused?

6 ME. Nielson: No, your Honor.

7 MS. MCGINNIS: No, your Honor.

8 THE COURT: You may call your next witness.

9 MS. MCGINNIS: State would call Scott
10 Williamson.

11

12 *J-E-F-F-R-E-Y S-C-O-T-T W-I-L-L-I-A-M-S-O-N, the Witness*
13 *herein, having been sworn by the Clerk of Court, was*
14 *examined and testified as follows:*

15

16 THE COURT: Your witness.

17 MS. MCGINNIS: Thank you.

18

19 **DIRECT EXAMINATION**

20 **BY MS MCGINNIS:**

21 Q. Good morning, Mr. Williamson.

22 A. Good morning.

23 Q. Could you state your name for the record.

24 A. Jeffery Williamson.

25 Q. And you go by "Scott"?

1 A. Yes.

2 Q. Where do you work?

3 A. I work for the Lancaster Police Department.

4 Q. Lancaster Police Department. How long have
5 you worked there?

6 A. A little over three years now.

7 Q. Where did you work before that?

8 A. Lancaster County Sheriff's Office.

9 Q. So how long have you been in law enforcement
10 in total?

11 A. Approximately ten years.

12 Q. Approximately ten years?

13 A. Uh-huh.

14 Q. And what role are you in now with the police
15 department?

16 A. With the police department, I'm assigned to
17 the County Narcotics Task Force.

18 Q. Just talk a little bit about what you do on
19 that task force.

20 A. On that task force, I'm assigned to the county
21 sheriff's office where we investigate drug crimes in the
22 county.

23 Q. And the city?

24 A. And the city, yes, ma'am.

25 Q. How long have you been employed in that

1 capacity?

2 A. Over a year now.

3 Q. Before that you were still with the police
4 department, what was your role there?

5 A. At the police department I was assigned to the
6 narcotics unit there as well.

7 Q. Okay. As part of that assignment did you --
8 do you just patrol shift?

9 A. Yes, ma'am.

10 Q. Can you explain what a patrol shift means?

11 A. During my time at the city narcotics unit, we
12 would patrol the city, being proactive, making traffic
13 stops and stuff like that. Not really answering calls
14 unless they're serious in nature or something like that.

15 Q. Were those dayshifts, nightshifts?

16 A. They were mostly nightshift.

17 Q. Mostly nightshifts. Is that the capacity in
18 which you were working on September 24th --

19 A. Yes, ma'am.

20 Q. -- 23rd into the 24th?

21 A. Yes, ma'am.

22 Q. What time would your shift have started?

23 A. I believe it was sometime in the afternoon,
24 I'm not sure exactly.

25 Q. Were those typically 12-hour shifts?

1 A. Yes, ma'am.

2 Q. What were you doing at approximately 3:00 a.m.
3 on the 24th of September?

4 A. At 3:00 a.m. on the 25th, myself and another
5 detective were working on our patrol shift. We got a
6 call for service regarding a shooting on Hood Street.
7 We responded to Hood Street in order to assist with the
8 patrol units.

9 Q. Where is Hood Street? Is that here in the
10 City of Lancaster?

11 A. It is, yes, ma'am.

12 Q. At [REDACTED] West Hood?

13 A. [REDACTED] West Hood Street, yes.

14 Q. And you mentioned you didn't typically respond
15 to calls. Why would you respond to this particular
16 call?

17 A. The information we received on the call was
18 that there were two people shot inside of a residence.
19 With the serious nature of that, we were responding to
20 assist patrol.

21 Q. When you pull up on scene, who else was there?

22 A. As far as law enforcement?

23 Q. Uh-huh.

24 A. As far as law enforcement, there was myself,
25 Detective Beck, Trooper King and Deputy Mahadeen.

1 Q. So y'all were the first ones on scene?

2 A. Yes, ma'am.

3 Q. What did you do when you got there?

4 A. When we got there, we encountered Ms. Mingo in
5 the driveway. She said that there were two people
6 inside that were shot. Deputy Mahadeen and myself went
7 into the residence in order to clear it.

8 Q. When you say, "clear it," describe what that
9 means?

10 A. In order to clear the house, you know, we just
11 wanted to make it safe for responding units medical,
12 fire, and stuff like that, so there's nobody with
13 weapons that could potentially hurt anybody else.

14 Q. And when you got in the residence what room
15 did you get into first?

16 A. When we come into the residence, we entered
17 through the front door which was the living. There in
18 the living room was a couch where we come across Mr.
19 Truesdale.

20 Q. And when you say, "Mr. Truesdale," can you
21 describe what he's wearing?

22 A. I can't remember exactly what --

23 Q. What he's wearing today. I'm sorry.

24 A. What he's wearing today, I believe, is a blue
25 dress shirt.

1 MS. MCGINNIS: Let the record reflect that he
2 indicated Mr. Truesdale.

3 THE COURT: Yes, ma'am.

4 Q. (By Ms. McGinnis) So that was Mr. Truesdale
5 you encountered on the couch in the living room?

6 A. Yes, ma'am.

7 Q. Did someone stay with Mr. Truesdale while
8 somebody else cleared the rest of the house?

9 A. Yes. I believe somebody stopped and stayed
10 with Mr. Truesdale while we continued through the house.

11 Q. Where did you go next after --

12 A. Once we made it through the living room, the
13 house kind of comes to a T. At that T, the kitchen was
14 to the left, the two bedrooms to the right. We went to
15 the right in order to clear the rest of the residence
16 which is where we encountered Mr. White.

17 Q. Which bedroom was that?

18 A. The front bedroom.

19 Q. Was a light on in that bedroom?

20 A. Yes, it was.

21 Q. Is that why you went to that room?

22 A. Yes.

23 Q. When you entered that bedroom, what did you
24 find?

25 A. We found Mr. White in the bed.

1 Q. What was his condition?

2 A. He seemed to be deceased at that time.

3 Q. And you're classified as a first responder?

4 A. Yes, ma'am.

5 Q. Do you have extensive medical training?

6 A. I do not, no.

7 Q. What is your protocol when you find someone
8 who appears to be deceased like that?

9 A. Wait on EMS to respond so they can work on
10 that subject.

11 Q. And after you found Mr. Shamon White in the
12 bed, what did you do next?

13 A. We made sure to just to secure the scene, that
14 way we can start an evidence log -- I mean, a crime
15 scene log. A log of who came into the residence, who
16 was there, try to preserve what evidence was around.

17 Q. When you went -- after you encountered
18 Mr. White in the front bedroom, did you enter any other
19 rooms in the house?

20 A. No, I don't believe so.

21 Q. Did other Officers continue to clear the rest
22 of the house?

23 A. Yes, they did.

24 Q. Did you personally ever go into the second
25 bedroom in the house?

1 A. Not that I recall, no.

2 Q. You wouldn't have opened a window in that
3 room?

4 A. No, ma'am.

5 Q. Do you recall the weather that night?

6 A. I believe it was clear. I know that we were
7 wearing T-shirts at the time.

8 Q. Short sleeves?

9 A. Short sleeve T-shirts, yes.

10 Q. So would you classify it as cold?

11 A. I wouldn't think so, no.

12 Q. So after you cleared the house and were
13 waiting for EMS, did they ultimately arrive?

14 A. Yes, they did.

15 Q. Did you assist EMS, is that part of your role
16 there?

17 A. No. We just secured the scene while they do
18 what they needed to do.

19 Q. Ultimately are you aware that someone was
20 transported by EMS from that house?

21 A. Yes, ma'am.

22 Q. And who was that?

23 A. That was Mr. Truesdale.

24 Q. What happened to Mr. White?

25 A. Mr. White stayed on scene, was pronounced

1 deceased.

2 Q. When someone's pronounced deceased on the
3 scene, does that kind of kick you into high gear?

4 A. It does, yes. We make sure to keep that scene
5 secure until the coroner's office can arrive, as well as
6 other investigators to document the scene.

7 Q. As part of your time on the scene, did you
8 spend a little bit of time in that front bedroom?

9 A. I did. Yes, ma'am.

10 Q. Did you observe any evidence plainly visible
11 to you when you were in that bedroom?

12 A. The thing that stood out to me was the pool of
13 blood at the end of the bed, at the foot of the bed.
14 With that blood was a ski mask as well as a firearm.

15 (State's Exhibit 55, Photograph mask/gun,
16 was marked for Identification.)

17 (State's Exhibit 56, Photograph mask/gun,
18 was marked for Identification.)

19 Q. (By Ms. McGinnis) I'm going to show you what's
20 been marked for identification as State's Exhibit 55 and
21 56.

22 MS. MCGINNIS: May I approach the witness?

23 THE COURT: Yes, ma'am.

24 Q. (By Ms. McGinnis) Are you familiar with these
25 photographs?

1 A. Yes, ma'am. This is the ski mask as well as
2 the firearm that was at the foot of the bed along with
3 the blood.

4 Q. As part of your training as a law enforcement
5 officer, do you have some firearms training?

6 A. Yes, ma'am.

7 Q. When you observe this firearm, did anything
8 look out of place to you?

9 A. Yes. The actual pin for the recoil spring
10 looks to be out of place and the slid looks to be back.

11 Q. Let me back up. Do these fairly and
12 accurately depict the gun and the mask as you saw them
13 that night?

14 A. Yes, it does.

15 MS. MCGINNIS: Judge, I'd move 55 and 56 into
16 evidence.

17 THE COURT: Any objection?

18 MR. NIELSON: Without objection, your Honor.

19 THE COURT: It's in.

20 (State's Exhibit 55, Photograph mask/gun,
21 was entered into evidence.)

22 (State's Exhibit 56, Photograph mask/gun,
23 was entered into evidence.)

24 MS. MCGINNIS: Permission to publish?

25 THE COURT: Yes, ma'am.

1 Q. (By Ms. McGinnis) I'm going to put one of
2 these up on the overhead and I'm going to ask you to
3 point out to me exactly what you're talking about so you
4 can explain that to the jury.

5 A. Yes, ma'am.

6 Q. I'm going to zoom in a little bit here. Can
7 you point out a little bit to the jury what they're
8 seeing?

9 A. Okay. This is the actual ski mask as well as
10 the firearm with the blood that was found at the foot of
11 the bed when we arrived on scene.

12 Q. You said some things look out of place. Can
13 you use your finger and mark on that screen, can you
14 show exactly what looks out of place to you?

15 A. At this point this arrow that I drew, this is
16 the pin that holds the recoil spring in place, it
17 shouldn't be out past the frame of the gun like that --

18 MR. NIELSON: Objection, your Honor. That's
19 opinion testimony and he's not qualified as an expert.

20 THE COURT: Sustained.

21 Q. (By Ms. McGinnis) Without explaining why it
22 looks out of place to you?

23 A. Yes. This just looks out of place --

24 MR. NIELSON: Your Honor, once again, it's
25 still an opinion testimony. The fact it's out of place

1 is an opinion.

2 THE COURT: Unless you build a proper
3 foundation for that type of testimony, that objection's
4 sustained.

5 MS. MCGINNIS: Thank you, your Honor.

6 Q. (By Ms. McGinnis) After you secured the
7 scene, what did you do?

8 How long were you there at the scene?

9 A. I was only there for a short time after
10 securing the scene. Other detectives started to arrive
11 on scene in order to process the scene. We assisted
12 briefly with obtaining a statement from Ms. Mingo and
13 once we obtained that statement, we cleared from the
14 scene.

15 Q. And you were a detective at that point?

16 A. Yes, ma'am.

17 Q. You were assigned to narcotics?

18 A. Yes.

19 Q. Is there another division in the police
20 department that handles violent crimes?

21 A. Yes. They have a special operations division.

22 Q. Okay. And so they ultimately came and you
23 turned the scene over to them?

24 A. Yes.

25 Q. And after that, was that essentially the end

1 of your involvement with the case?

2 A. Yes, ma'am.

3 MS. MCGINNIS: Thank you. If you'll just
4 answer anything Mr. Nielson has for you.

5 THE COURT: Cross-examination?

6 MR. NIELSON: Thank you, your Honor.

7

8 **CROSS-EXAMINATION**

9 **BY MR. NIELSON:**

10 Q. Were you the first -- sorry, what's your rank?

11 A. Detective.

12 Q. Detective. Okay. I want to make sure I call
13 you by the right thing.

14 A. I appreciate it.

15 Q. Detective, were you the first person on the
16 scene?

17 A. There was a group of us that arrived kind of
18 at the same.

19 Q. All three of you were out there about the same
20 time?

21 A. Yes, sir.

22 Q. Do you remember which direction you came to
23 the house from?

24 A. I came to the house, I remember responding
25 from French Street and the Hood Street side of French

1 Street.

2 Q. You drove in pasted what I believe during this
3 trial has been determined the "back door" first?

4 A. I didn't -- no, sir. We parked on French
5 Street and walked up Hood Street.

6 Q. And then walked up Hood Street?

7 A. Yes, sir.

8 Q. So your car was parked on French Street?

9 A. Yes, sir.

10 Q. Then you walked, I believe that would be east
11 up Hood Street?

12 A. Yes, sir.

13 Q. Can you tell me what's on the west side of
14 that house, is it an open field, is it a wooded area, is
15 it weeds --

16 A. It's an open field. Yes, sir.

17 Q. -- weeds?

18 A. I wouldn't say a field, it just looks like a
19 lot.

20 Q. Is there anything growing in that lot?

21 A. Grass.

22 Q. Was anything growing in the lot?

23 A. Just grass.

24 Q. You've been trained in the police academy?

25 A. Yes, sir.

1 Q. You're a trained law enforcement officer?

2 A. Yes, sir.

3 Q. And you received training in -- some training,
4 if not extensive training at least, some training in
5 investigations?

6 A. Yes, sir.

7 Q. And scene preservation?

8 A. Yes, sir.

9 Q. And how to collect evidence if necessary?

10 A. Yes, sir.

11 Q. Did you collect any evidence in this case?

12 A. No, sir.

13 Q. And that wasn't your job though; correct?

14 A. No, sir.

15 Q. Like, that wasn't why you were there.

16 Eventually, as you testified, you turned it over to
17 somebody else?

18 A. Yes, sir.

19 Q. Did -- and I know that kind of already answers
20 my next question. I'm going to ask it anyway.

21 Did you -- so you didn't collect any
22 fingerprints?

23 A. No, sir.

24 Q. Didn't take any touch DNA?

25 A. No, sir.

1 Q. Didn't do anything with the window that we
2 heard extensively talked about in this trial?

3 A. No, sir.

4 Q. On either the outside or the inside?

5 A. No, sir.

6 Q. Can you testify you never even went in that
7 other bedroom; correct?

8 A. No, sir.

9 MR. NIELSON: Beg the Court's indulgence.

10 No further questions.

11 THE COURT: Any redirect?

12 MS. WORKMAN: No, your Honor.

13 THE COURT: You may step down, thank you.

14 You may call your next witness?

15 MS. MCGINNIS: Beg the Court's indulgence, one
16 moment Judge.

17 MS. WORKMAN: Your Honor, the State would call
18 Erica Mingo.

19

20 *E-R-I-C-A M-I-N-G-O, the Witness herein, having been*
21 *sworn by the Clerk of Court, was examined and testified*
22 *as follows:*

23

24 THE COURT: Your witness.

25 MS. WORKMAN: Thank you, your Honor.

1

2

DIRECT EXAMINATION

3

BY MS. WORKMAN:

4

Q. Ms. Mingo, will you please state your full name for the record.

5

6

A. Erica Mingo.

7

Q. And Ms. Mingo, do you know Yashima Mingo?

8

A. Yes.

9

Q. How do you know Ms. Mingo?

10

A. She's my cousin.

11

Q. And are you familiar with Quinterious Truesdale?

12

13

A. Yes, I am.

14

Q. How do you know him?

15

A. I stayed in the same neighborhood as him before.

16

17

Q. Before? Okay. How long have you known him?

18

A. It's -- I don't know the exact amount.

19

Q. Years?

20

A. Yes, years.

21

Q. Let me turn your attention back to 2020. Were you aware that Ms. Mingo and Quinterious Truesdale were in a relationship at some point?

22

23

A. Yes.

24

Q. And what happened?

25

1 A. What happened?

2 Q. Were they together the entire year?

3 A. The entire year, years?

4 Q. No, no, no. In 2020, did they breakup at some
5 point?

6 A. Yes.

7 Q. Where were you living at the time during 2020?

8 A. Carolina Court.

9 Q. Did Ms. Mingo ever live with you that year?

10 A. Yes.

11 Q. Generally speaking, when did Ms. Mingo live
12 with you?

13 A. I don't know exact month she moved with me,
14 but I know she stayed with me for about three months.

15 Q. And why was that?

16 A. Because her TV was broken.

17 Q. Okay. And at some point do you know that she
18 moved back into her house?

19 A. Yes.

20 Q. And that would be the point where she moved
21 out of your house?

22 A. Yes.

23 Q. Where did she go when she moved out?

24 A. Back to her house.

25 Q. Do you know when that was?

1 A. I don't know no dates of that.

2 Q. Was it before or after September?

3 A. I don't know no dates of anything. I know no
4 dates.

5 Q. Okay.

6 MS. WORKMAN: Beg the Court's indulgence.

7 Q. (By Ms. Workman) Do you know if Ms. Mingo at
8 that point, when she moved out of your house, was she
9 dating anyone else?

10 A. Yes.

11 Q. Who was she dating at that point?

12 A. Shamon.

13 Q. And where does Shamon live?

14 A. He stayed at the top of my road of my complex.

15 Q. Did they talk?

16 MR. NIELSON: Your Honor, there's no way she
17 can testify as to other people's conversations.

18 MS. WORKMAN: Withdrawn.

19 Q. (By Ms. Workman) And after those TVs were
20 broken, why did she continue to live with you,
21 Ms. Mingo?

22 A. Because --

23 MR. NIELSON: Objection, your Honor.

24 THE COURT: If she knows, she can testify.
25 She has personal knowledge of her being there. Be

1 careful about hearsay though.

2 MS. WORKMAN: Yes, your Honor.

3 THE COURT: What was the circumstances? You
4 can say that.

5 Q. (By Ms. Workman) What were the circumstance
6 why she lived with you?

7 A. Because they was doing a lot of fighting and
8 she was in fear for her life.

9 MS. WORKMAN: Nothing further. Please answer
10 any questions Mr. Nielson has.

11 MR. NIELSON: Your Honor, I'm going to object
12 to the last statement that she said, "feared for her
13 life." Once again, that's hearsay. There's no
14 exception that it's within --

15 THE COURT: I'll strike the "feared for her
16 life."

17 Ladies and gentlemen, you are not allowed to
18 consider that she feared for her life, but she was aware
19 that they were fighting and certainly that would be
20 admissible.

21 MR. NIELSON: Yes, your Honor.

22 THE COURT: So just strike the statement "that
23 she feared for her life." You're not to consider that.

24 All right. Cross-examination?

25 MR. NIELSON: Thank you, your Honor.

1

2

CROSS-EXAMINATION

3

BY MR. NIELSON:

4

Q. You told the solicitor that you didn't know
the exact dates that she lived with you; right?

6

A. Yes.

7

Q. During the year 2020, did you go into the
house on Hood Street?

9

A. No.

10

Q. You never went into the house that entire
year?

11

12

A. No, not to my knowledge.

13

Q. You never visited your sister?

14

A. She's my cousin.

15

Q. Your cousin. Sorry. You never visited her at
that house?

16

17

A. I didn't go in the house if I did.

18

Q. Okay. So you didn't go in the house the whole
year. You definitely didn't go -- did you go into the
house during the time that she was living with you?

20

21

A. No.

22

MR. NIELSON: Thank you. No further
questions.

23

24

THE COURT: Any redirect?

25

MS. WORKMAN: No redirect.

1 THE COURT: You may step down, ma'am. Thank
2 you.

3 MS. WORKMAN: Can this witness be excused,
4 your Honor?

5 THE COURT: Any objection?

6 MR. NIELSON: No objection.

7 THE COURT: You're free to go, ma'am.
8 You may call your next witness.

9 MS. MCGINNIS: Judge, can we approach?

10 THE COURT: Yes, ma'am.

11 (Whereupon, a brief discussion was held
12 off the record.)

13 THE COURT: Ladies and gentlemen, we must take
14 a brief recess. If you'll please go to the jury room.
15 Please remember to not discuss this matter. We will be
16 right with you.

17 (Jury exited.)

18 THE COURT: Would counsel please approach?

19 (Whereupon, a brief discussion was held
20 off the record followed by a brief
21 recess.)

22 THE BAILIFF: All rise.

23 THE COURT: Are we ready to proceed?

24 MS. MCGINNIS: Yes, your Honor.

25 MR. NIELSON: Yes, your Honor.

1 THE COURT: Let's have our jury please.

2 (Jury entered.)

3 THE COURT: Welcome back, ladies and gentlemen
4 of the jury. We're now ready to proceed.

5 You may call your next witness.

6 MS. WORKMAN: Thank you, your Honor. The
7 State would call Scotty Steen.

8
9 *S-C-O-T-T-Y S-T-E-E-N, the Witness herein, having been*
10 *sworn by the Clerk of Court, was examined and testified*
11 *as follows:*

12
13 THE COURT: Your witness.

14 MS. WORKMAN: Thank you, your Honor.

15

16 **DIRECT EXAMINATION**

17 **BY MS. WORKMAN:**

18 Q. Officer Steen, please state your full name for
19 the record.

20 A. Scotty Steen.

21 Q. And where do you work?

22 A. Lancaster Police Department.

23 Q. How long have you worked there?

24 A. A little over four years now.

25 Q. In what capacity? What's your position?

1 A. Patrol division.

2 Q. What does that entail?

3 A. We respond to call for service. We enforce
4 traffic violations.

5 Q. And are you familiar with or did you go out to
6 the call on [REDACTED] West Hood Street on September 24th?

7 A. I did.

8 Q. What did you do when you arrived?

9 MR. NIELSON: Your Honor, I can barely hear
10 him.

11 THE COURT: Sir, do you mind moving the
12 microphone a little bit closer to you?

13 MR. STEEN: Yes, ma'am.

14 MR. NIELSON: That's better. Thank you.

15 Q. (By Ms. Workman) I'll ask the question again.
16 Were you called out to [REDACTED] West Hood Street on September
17 24th?

18 A. Yes.

19 Q. Do you recall about what time? In 2020,
20 excuse me.

21 A. It was around 3:00 in the morning.

22 Q. What did do you when you arrived?

23 A. I was one of the first on the scene whenever I
24 got there. I was -- actually, I believe I was the last
25 one into the house when it be being cleared.

1 Q. What do you do when you're called out to a
2 crime scene?

3 A. The severity of it. Whenever we get there, we
4 secure the scene. And if EMS is needed, we advise to
5 them to come. And if the detectives or something like
6 that needs to been called in.

7 Q. So you basically access the situation?

8 A. Yes.

9 Q. And see what you need to do next?

10 A. Yes, ma'am.

11 (State's Exhibit 166, Officer Steen body
12 cam, was marked for Identification.)

13 MS. WORKMAN: Your Honor, may I approach?

14 THE COURT: Yes, ma'am.

15 Q. (By Ms. Workman) Officer Steen, I'm going to
16 show you what's been marked as State's 166.

17 Will you identify what that is?

18 A. That is video from by body camera.

19 Q. Have you reviewed that body cam?

20 A. I have.

21 Q. Does it fairly and accurately depict what
22 happened that night?

23 A. It does.

24 MS. WORKMAN: Your Honor, I'd offer State's
25 Exhibit 166 into evidence.

1 THE COURT: Any objection?

2 MR. NIELSON: No objection to the video part,
3 pursuant to the audio stuff we've already talked about.

4 MS. WORKMAN: Motion to publish?

5 THE COURT: Yes, ma'am.

6 (State's Exhibit 166, Officer Steen body
7 cam, was entered into evidence.)

8 Q. (By Ms. Workman) While we're waiting for it to
9 upload.

10 When you get to a scene, when do you turn on
11 your body cam?

12 A. Now or then?

13 Q. Then. When you arrived on scene?

14 A. As soon as we get there. Normally, either
15 prior to exiting the vehicle or as we get out.

16 Q. And you let it run until when?

17 A. Until either the scene is secure or, not
18 secure but when we're finished.

19 Q. When you first walked in were the lights on or
20 off?

21 A. They were off.

22 Q. You were about which number person to walk in
23 the house?

24 A. About the third, I was like the third one in.

25 Q. And when you walked in you were standing there

1 and you -- what did you do at that point?

2 A. I observed a male subject on the couch. While
3 other officers cleared the rest of the house I
4 maintained eyes on that subject and also checked the
5 rear of the couch, just to ensure there was nobody else
6 there or any type of weapons or anything like that.

7 Q. So you secured the house at that point?

8 A. Yes, ma'am.

9 Q. And what were you doing with this tape, yellow
10 tape?

11 A. Any time we have a crime scene, we have to put
12 up crime scene tape, just to keep people out and
13 establish a crime scene area.

14 Q. Did you move anything at that point?

15 A. No.

16 Q. Was the window opened or did you touch that?

17 A. I didn't touch the window. I put tape around
18 the air conditioner just to give us something to secure
19 it to without actually touching anything. No.

20 Q. When you got there everything is -- you left
21 everything as you thought?

22 A. Yes, ma'am. Further into it, I believe I
23 moved a bicycle out in order to just to get an area
24 bigger to have something to tie it to but --

25 Q. What did you do after that?

1 A. Started a crime scene log.

2 Q. If you look at this image on the screen, what
3 is that? What are we looking at?

4 Let me back it up just a moment.

5 A. That's going to be the rear area of the house.

6 Q. What's that in front of you, right there on
7 the bottom?

8 A. It looks like a dog kennel.

9 Q. Did you put that there?

10 A. I did not.

11 Q. Is that the only thing that you moved, that
12 bicycle?

13 A. Yes.

14 MS. WORKMAN: Thank you. That's all I have
15 for you. Please answer any questions Mr. Nielson has.

16 THE COURT: Cross-examination.

17 MR. NIELSON: Thank you, your Honor.

18

19 **CROSS-EXAMINATION**

20 **BY MR. NIELSON:**

21 Q. What's your rank?

22 A. Now or then?

23 Q. Now?

24 A. Sergeant.

25 Q. I just want to call you by the right name.

1 A. Yes, sir.

2 Q. Sergeant Steen, you were on patrol then?

3 A. I was.

4 Q. Are you still on patrol now?

5 A. Yes, sir.

6 Q. You're a sergeant over patrol?

7 A. Yes, sir.

8 Q. Still Lancaster Police Department?

9 A. Yes, sir.

10 Q. You remember the police academy?

11 A. I do.

12 Q. You've been fully trained as a certified
13 police officer?

14 A. Yes, sir.

15 Q. Had you at that point?

16 A. Yes, sir.

17 Q. When you're at the police academy they teach
18 you basic skills on investigations, collection of
19 evidence, those kinds of things?

20 A. Yes, sir.

21 Q. And you've received that training?

22 A. Yes, sir.

23 Q. Did you collect any evidence in this case?

24 A. I did not.

25 Q. Was there ever even a time where you went in

1 any of the bedrooms in this case other than the room
2 where the body was found?

3 A. No, sir.

4 Q. So you never even went in the second bedroom?

5 A. Uh-uh.

6 Q. Did you do anything to collect DNA or
7 fingerprints off the window?

8 A. No.

9 Q. Neither one of those two things?

10 A. No, sir.

11 Q. Do you know if anybody else did?

12 A. To my knowledge no, but I don't know.

13 Q. Were you in charge of this case? Who was the
14 lead investigator on this case?

15 A. To be honest with you, I'm not sure who the
16 lead investigator was at the time.

17 Q. Was anybody there calling the shots?

18 A. Captain Hall, I believe was the highest rank
19 that was on scene.

20 Q. And you said the light were off in the house
21 everywhere except the bedroom; correct?

22 A. I just said the lights were off when we
23 entered.

24 Q. Okay, when you entered?

25 A. Yes.

1 Q. Do you know if any lights were on?

2 A. I do not. Like I said, whenever I went in, I
3 stayed there until they cleared.

4 Q. And you didn't touch any windows?

5 A. No, sir.

6 Q. So if there was any DNA or fingerprints on the
7 window you would not have disturbed those fingerprints
8 or that DNA?

9 A. Correct.

10 MR. NIELSON: No further questions, your
11 Honor.

12 THE COURT: Any redirect?

13 MS. WORKMAN: Briefly, your Honor.
14

15 **REDIRECT EXAMINATION**

16 **BY MS. WORKMAN:**

17 Q. Sergeant Steen, you -- once you get there, you
18 called in other officers to come in; is that correct?

19 A. Yes.

20 Q. And you hold the scene secure until they get
21 there?

22 A. Yes, ma'am.

23 Q. At that point do they have other jobs that
24 they do in terms of the scene, securing the scene and
25 processing te evidence?

1 A. As far different officers?

2 Q. Yes.

3 A. Yes. You have detectives, you have patrol,
4 you have --

5 Q. So there are other officers that would have
6 higher rank above you --

7 A. Yes.

8 Q. -- is that accurate to say?

9 A. Yes.

10 MS. WORKMAN: That's all the questions I have,
11 your Honor.

12 THE COURT: You may step down, sir. Thank
13 you.

14 MS. WORKMAN: Can this officer be excused?

15 THE COURT: Any objection?

16 MR. NIELSON: No, your Honor.

17 THE COURT: You're free to go.

18 You may call your next witness.

19 MS. MCGINNIS: Thank you, Judge.

20 At this time the State would call Donnie Sims.

21

22 *D-O-N-A-L-D S-I-M-S, the Witness herein, having been*
23 *sworn by the Clerk of Court, was examined and testified*
24 *as follows:*

25

1 THE COURT: Your witness.

2 MS. McGINNIS: Thank you.

3

4

DIRECT EXAMINATION

5

BY MS. McGINNIS:

6

Q. Mr. Sims, can you state your name for the

7

record?

8

A. Donald Sims. I go by "Donnie."

9

Q. And where do you work?

10

A. City of Lancaster Police Department.

11

Q. And how long have you been in law enforcement?

12

A. Approximately, 12 years.

13

Q. 12 years. And how long have you been doing
14 crime scene investigation?

15

A. Since March of 2020.

16

Q. Okay. And did you go to the criminal justice
17 academy?

18

A. I did.

19

Q. Did you receive some training there on how to
20 process crime scenes and collect evidence?

21

A. Forensics training and training through our
22 department and through the county.

23

Q. What is your role when you arrive at a crime
24 scene as the crime scene investigator and evidence
25 technician?

1 A. My primary role is to meet with the officers
2 on scene and see what needs to be done as far as what
3 their requests are for collection. So I would identify
4 any evidence. I would mark it, photograph the scene,
5 photograph the evidence. Collect it, document the
6 collection process, the date and time and then
7 memorialize it, say on an evidence sheet and make sure
8 it's stored properly at the Lancaster Police Department.
9 If it needed any further testing or needed to be
10 presented at any time in the future, it would be
11 available.

12 Q. Okay. Is that, in fact, what you did in this
13 case?

14 A. That's correct.

15 Q. And you went out to the scene at [REDACTED] West Hood
16 Street?

17 A. That's correct.

18 Q. Is that here in the City of Lancaster?

19 A. It is. It's in the City limits, our
20 jurisdiction.

21 Q. That's in Lancaster County?

22 A. That's correct.

23 Q. About what time was it? Do you know what time
24 the call went out?

25 A. I was at home when I received the call from

1 Lieutenant Small. I would say around 3:20, 3:30
2 something like that.

3 Q. What time did you arrive at the scene?

4 A. It was before 4 o'clock. I know some of my
5 photos are shortly after four.

6 Q. What did you find when you got there?

7 A. I found an establish scene. Many other
8 officers were on scene already to include investigators,
9 my boss Lieutenant Brian Smalls was there. I met with
10 him and asked, "What do we have?" "What are the
11 circumstances?" I entered the home through the parking
12 lot, open door. The door was open there. There was
13 crime scene type evident.

14 Q. The front door?

15 A. Correct.

16 Q. And what room did you enter in to?

17 A. It's a hallway that makes like a T where you
18 can -- it's a den basically.

19 Q. Where was the majority of the scene that you
20 processed in this case?

21 A. The first bedroom to my right. That was the,
22 what I would deem, Bedroom Number One.

23 Q. Okay. What did you find in that bedroom when
24 you arrived on scene?

25 A. The first thing I noticed was blood spatter.

1 As I stood in the doorway I could see additional blood
2 spatter. Items on the ground, such as a weapon, some
3 clothing, cartridge -- fired and cartridge casings and
4 there was a deceased male laying in the floor.

5 Q. And you photographed as you went through the
6 scene that night?

7 A. Correct.

8 Q. And you do that to memorialize the scene as
9 you find it?

10 A. That's right. There are stages to it. I
11 typically take photographs of the general area and then
12 as I begin moving through and marking areas would be
13 more specific photographs at that time.

14 (State's Exhibit 21, Photo entry of [REDACTED]
15 West Hood Street, was marked for
16 Identification.)

17 (State's Exhibit 22, Photo living room,
18 was marked for Identification.)

19 (State's Exhibit 25, Photo couch/clothing
20 and key, was marked for Identification.)

21 (State's Exhibit 26, Photo blood spatter,
22 was marked for Identification.)

23 (State's Exhibit 27, Photo hallway/den,
24 was marked for Identification.)

25 (State's Exhibit 109, Photo floor in den,

1 was marked for Identification.)

2 (State's Exhibit 110, Photo door
3 threshold, was marked for
4 Identification.)

5 (State's Exhibit 111, Photo close-up
6 blood from door, was marked for
7 Identification.)

8 (State's Exhibit 115, Photo wood panel
9 wall, was marked for Identification.)

10 (State's Exhibit 116, Photo close-up
11 bullet hole, was marked for
12 Identification.)

13 (State's Exhibit 117, Photo tape
14 measured, was marked for Identification.)

15 (State's Exhibit 118, Photo floor den/rug
16 and cartridge/casing, was marked for
17 Identification.)

18 (State's Exhibit 119, Photo floor
19 cartridge casing, was marked for
20 Identification.)

21 MS. MCGINNIS: May I approach the witness,
22 your Honor?

23 THE COURT: Yes, ma'am.

24 Q. (By Ms. McGinnis) All right. Investigator,
25 at this time these have been marked for identification

1 only. Can you read me the evidence number and describe
2 what's in the photograph for each photo?

3 A. Beginning with the first one, it is State
4 Exhibit 21. And it is an entry door to [REDACTED] West Hood
5 Street.

6 Q. Okay. What's after that?

7 A. State's Evidence 22 is just inside the
8 doorway. It is the den area where a sitting chair is
9 and a table.

10 Q. Okay. That's the first room you entered into
11 when you came into the house?

12 A. That's correct.

13 Q. What's next?

14 A. State's Exhibit 109.

15 Q. And what does that depict?

16 A. That is the floor and it shows blood spatter.

17 Q. Now, is that the floor in the den?

18 A. That's correct.

19 Q. Okay.

20 A. State's Exhibit 110, we are measuring from the
21 threshold from the open door to a patch of blood
22 spatter.

23 Q. Okay.

24 A. State's Exhibit 111, shows a close-up view of
25 that type measure and shows the range of the blood

1 spatter between 25-inches to 32-inches from the doorway.

2 Q. Okay.

3 A. State Exhibit 25, it shows the couch and the
4 den. And on the couch are clothing with blood on them
5 and a lanyard with a key on it and a haz waste bag
6 laying on the couch.

7 Q. All right.

8 A. State Exhibit 26 shows blood spatter in front
9 of the couch. State Exhibit 27 shows the floor of the
10 den and the mat at the doorway.

11 Q. At what doorway?

12 A. It appears to be the bedroom. It's an
13 internal door -- interior door. So it appears to be the
14 bedroom.

15 Q. Doorway to the hall to the bedrooms?

16 A. That's correct. State's Exhibit 115 shows a
17 wood panel wall with a TV bracket to the side of it and
18 it captures bullet holes in the wall.

19 Q. Okay. And based on your being at that crime
20 scene, what room is that wall in?

21 A. This brown kind of wall would be in the den
22 and the back of this wall would be the bedroom closet
23 area.

24 Q. It's a shared wall between the den and the
25 closet?

1 A. That's correct.

2 Q. In what you're calling Bedroom One?

3 A. Bedroom One. Yes, ma'am.

4 Q. And I'm sorry. What is on the wall?

5 A. There's a TV bracket hanging --

6 Q. Don't show it yet.

7 A. Sorry.

8 Q. TV bracket and what else is noted?

9 A. There are bullet holes there.

10 State's Exhibit 116 is a close-up view of a
11 bullet hole in the brown panelled wall.

12 Q. And that's still the den wall?

13 A. That's correct. State's Exhibit 117 is a
14 close-up of that with a tape measure. And it shows the
15 hole at 55 inches on the tape measure. State's Exhibit
16 118 shows the floor of the den with a small rug and with
17 a cartridge casing laying there.

18 Q. Okay.

19 A. State's Exhibit 119 is a close-up of the mat
20 with the fired cartridge casing lying there.

21 Q. Okay. Is that all?

22 A. Yes, ma'am.

23 MS. MCGINNIS: Judge, I moved State's 21, 22,
24 109, 110, 111, 25, 26, 27, 115, 116, 117, 118, 119 into
25 evidence.

1 THE COURT: Any objection.

2 MR. NIELSON: Without objection, your Honor.

3 THE COURT: All right, it's in.

4 (State's Exhibit 21, Photo entry of [REDACTED]
5 West Hood Street, was entered into
6 evidence.)

7 (State's Exhibit 22, photo living room,
8 was entered into evidence.)

9 (State's Exhibit 25, Photo couch/clothing
10 and key, was entered into evidence.)

11 (State's Exhibit 26, Photo blood floor by
12 couch, was entered into evidence.)

13 (State's Exhibit 27, Photo floor
14 hallway/den, was entered into evidence.)

15 (State's Exhibit 109, Photo blood floor
16 in den, was entered into evidence.)

17 (State's Exhibit 110, Photo threshold,
18 was entered into evidence.)

19 (State's Exhibit 111, Photo close-up
20 blood from door, was entered into
21 evidence.)

22 (State's Exhibit 115, Photo wood panel
23 wall, was entered into evidence.)

24 (State's Exhibit 116, Photo close-up
25 bullet hole, was entered into evidence.)

1 (State's Exhibit 117, Photo wall measured
2 55", was entered into evidence.)

3 (State's Exhibit 118, Photo den/Rug and
4 cartridge, was entered into evidence.)

5 (State's Exhibit 119, Photo cartridge
6 casing, was entered into evidence.)

7 MS. MCGINNIS: Permission to publish?

8 THE COURT: Yes, ma'am.

9 Q. (By Ms. McGinnis) After you photographed the
10 den, you went into bedroom one?

11 A. That's correct.

12 Q. Did you also take photographs in that room?

13 A. I did.

14 (State's Exhibit 28, Photo entrance
15 Bedroom One, was marked for
16 Identification.)

17 (State's Exhibit 29, Photo blood spatter
18 at doorway, was marked for
19 Identification.)

20 (State's Exhibit 122, Photo fired
21 cartridge casing in bedroom, was marked
22 for Identification.)

23 (State's Exhibit 30, Photo foot of bed
24 gun/mask, was marked for Identification.)

25 (State's Exhibit 31, Photo deceased

1 victim, was marked for Identification.)
2 (State's Exhibit 125, photo handgun/black
3 cloth, was marked for Identification.)
4 (State's Exhibit 126, Photo foot of bed
5 live round, was marked for
6 Identification.)
7 (State's Exhibit 127, close-up of unfired
8 round, was marked for Identification.)
9 (State's Exhibit 128, Photo blood
10 spatter/projectile was marked for
11 Identification.)
12 (State's Exhibit 129, close-up
13 projectile, was marked for
14 Identification.)
15 (State's Exhibit 130, Photo another
16 projectile by victims feet, was marked
17 for Identification.)

18 MS. MCGINNIS: May I approach the witness
19 ma'am?

20 THE COURT: Yes, ma'am.

21 Q. (By Ms. McGinnis) I'm going to hand you
22 another stack of photos that have been marked for
23 identification only at this point. Can you do like you
24 did before, walk me through the evidence number and what
25 the photo contains?

1 A. All right. Exhibit 28, I'm standing at the
2 entrance to Bedroom One with a photo toward the interior
3 toward the bed.

4 State's Exhibit 29 is the blood spatter at the
5 doorway of Bedroom One.

6 State's Exhibit 122 shows a fired cartridge
7 casing on the rug at the bedroom.

8 Q. At the door to the bedroom?

9 A. It's more of the interior of the bedroom.

10 Q. Okay.

11 A. State's Exhibit 30 is a picture of the foot of
12 the bed where the clothes basket is and a handgun that
13 has a black cloth item over it and blood spatter. And
14 you can, in the background, see the deceased person
15 laying beside the bed.

16 Q. And let me stop you there. When you got there
17 where was the deceased in that room?

18 A. In the floor of Bedroom One.

19 Q. Were you aware that there had been some
20 medical treatment, they tried to render aid to him?

21 A. That's correct.

22 Q. But you personally didn't move him, you
23 photographed him where he was?

24 A. That's correct.

25 Q. Okay. Sorry. Go ahead.

1 A. Exhibit 31, shows the deceased victim lying
2 on the black rug in the center of room beside the bed.

3 Exhibit 125 close-up of the handgun and the
4 black cloth object and blood spatter.

5 Q. And did you collect both of those,
6 specifically, the black cloth object?

7 A. That's correct.

8 Q. What is that black cloth object?

9 A. It's a mask with cutouts for eyes and mouth.

10 Q. Thank you.

11 A. Exhibit 126 is a photo of the foot of the bed
12 with an unfired cartridge casing beside a clothes, it's
13 like a Tupperware containers used for clothes basket.

14 127 is a close-up of an unfired cartridge
15 casing with a flashlight shinning on it to depict it
16 more clearly.

17 Q. Okay.

18 A. State's Exhibit 128 is a photo of blood
19 spatter and a projectile, a fired projectile at the
20 victims feet in Bedroom One.

21 129 is a close-up of the fired projectile and
22 it is enhanced by an ink pen pointing at it.

23 And 130 is another photo of the fired
24 projectile with the victims feet in the background.

25 Q. And these all fairly and accurately depict the

1 scene as you saw it and photographed it that night?

2 A. That's correct, they do.

3 MS. MCGINNIS: Judge, at this time we'd move
4 28, 29, 122, 30, 31, 125 through 130 into evidence.

5 THE COURT: Any objection?

6 MR. NIELSON: No, your Honor. No, objection.

7 THE COURT: All right. They're in.

8 (State's Exhibit 28, Photo entrance

9 Bedroom One, was entered in evidence.)

10 (State's Exhibit 29, Photo blood spatter
11 at doorway, was entered in evidence.)

12 (State's Exhibit 122, Photo fired
13 cartridge casing in bedroom, was entered
14 in evidence.)

15 (State's Exhibit 30, Photo foot of bed
16 gun/mask, was entered in evidence.)

17 (State's Exhibit 31, Photo deceased
18 victim, was entered in evidence.)

19 (State's Exhibit 125, photo handgun/black
20 cloth, was entered in evidence.)

21 (State's Exhibit 126, Photo foot of bed
22 live round, was entered in evidence.)

23 (State's Exhibit 127, close-up of unfired
24 round, was entered in evidence.)

25 (State's Exhibit 128, Photo blood

1 spatter/projectile, was entered in
2 evidence.)

3 (State's Exhibit 129, close-up
4 projectile, was entered in evidence.)

5 (State's Exhibit 130, Photo another
6 projectile by victims feet, was entered
7 in evidence.)

8 MS. MCGINNIS: Permission to publish?

9 THE COURT: Yes, ma'am.

10 Q. (By Ms. McGinnis) You continued to photograph
11 in the bedroom?

12 A. Yes, ma'am.

13 (State's Exhibit 44, Victim on rug, was
14 marked for Identification.)

15 (State's Exhibit 133, casing, was marked
16 for Identification.)

17 (State's Exhibit 32, Master bedroom, was
18 marked for Identification.)

19 (State's Exhibit 33, bed angle, was
20 marked for Identification.)

21 (State's Exhibit 34, blanket, was marked
22 for Identification.)

23 (State's Exhibit 35, blood, was marked
24 for Identification.)

25 (State's Exhibit 36, defect/hole, was

1 marked for Identification.)

2 (State's Exhibit 137, blood/defect, was
3 marked for Identification.)

4 (State's Exhibit 43, clothing beside bed,
5 was marked for Identification.)

6 (State's Exhibit 45, dresser draw, was
7 marked for Identification.)

8 MS. MCGINNIS: May I approach the witness?

9 THE COURT: You may.

10 Q. (By Ms. McGinnis) Same procedure, if you don't
11 mind.

12 A. Exhibit 1 -- 44 rather, shows a close-up of
13 the victim lying on the black rug in the Bedroom One
14 with a fired cartridge casing near his left hand.

15 Exhibit 133 is a close-up of the fired
16 cartridge casing.

17 Exhibit 32 is a photo of the bed with a bloody
18 sheets and blankets and things like that on the bed and
19 a picture of a pillow.

20 Exhibit 33 is another photo, but a different
21 angle of the bed.

22 Q. You said 33?

23 A. That's correct, 33.

24 34 is another angle showing the blanket from
25 the opposite side of the bed at the end of the bed.

1 Exhibit 35 is a little closer view of the
2 blood on the covers.

3 Exhibit 36 shows a defect in the pillow on the
4 bed.

5 Q. When you say "defect" can you explain what
6 that term means to the jury?

7 A. That's what we refer to when there's been
8 damage to say, the cloth or the clothing it could be
9 made by a weapon, a fired bullet.

10 Q. Essentially, a hole?

11 A. Correct, I'm sorry.

12 Q. All right. Go ahead.

13 A. Exhibit 137 is a photo of blood with a defect
14 in the sheet, the mattress rather.

15 Exhibit 43 shows clothing right beside the
16 bed.

17 Exhibit 45 shows a clothes dresser with an
18 open draw.

19 Q. Do those all fairly and accurately represent
20 the scene as you saw it that night --

21 A. Yes, it did.

22 Q. -- as you photograph it?

23 A. Yes, ma'am.

24 MS. MCGINNIS: Move these into evidence, your
25 Honor, that is 44, 133, 33 through 36, 137, 43 and 45.

1 THE COURT: Any objection?

2 MR. NIELSON: No, your Honor.

3 THE COURT: All right. They're in.

4 (State's Exhibit 44, Victim on rug, was
5 marked in evidence.)

6 (State's Exhibit 133, casing, was marked
7 in evidence.)

8 (State's Exhibit 32, Master bedroom, was
9 entered into evidence.)

10 (State's Exhibit 33, bed angle, was
11 marked in evidence.)

12 (State's Exhibit 34, blanket, was marked
13 in evidence.)

14 (State's Exhibit 35, blood, was marked in
15 evidence.)

16 (State's Exhibit 36, defect/hole, was
17 marked in evidence.)

18 (State's Exhibit 137, blood/defect, was
19 marked in evidence.)

20 (State's Exhibit 43, clothing beside bed,
21 was marked in evidence.)

22 (State's Exhibit 45, dresser draw, was
23 marked in evidence.)

24 MS. MCGINNIS: Permission to publish?

25 THE COURT: Yes, ma'am.

1 Q. (By Ms. McGinnis) Let me bring your attention
2 back to No. 44 here before I publish it.

3 There has been an alteration made to that
4 photo; is that correct?

5 A. That's correct.

6 Q. Can you explain what that alteration is?

7 A. I believe it's a modesty box.

8 Q. How was Mr. White found when you were there?

9 A. He was completely nude.

10 Q. Completely nude?

11 A. Yes, ma'am.

12 Q. Where is this modesty box placed?

13 A. It would be in his groin area.

14 (State's Exhibit 140, Corner defect, was
15 marked for Identification.)

16 (State's Exhibit 46, close-up defect, was
17 marked for Identification.)

18 (State's Exhibit 141, close-up, was
19 marked for Identification.)

20 (State's Exhibit 142, Closet door defect,
21 was marked for Identification.)

22 (State's Exhibit 143, Defect, was marked
23 for Identification.)

24 (State's Exhibit 145, Tape measure
25 defect, was marked for Identification.)

1 (State's Exhibit 47, close-up, was marked
2 for Identification.)

3 (State's Exhibit 144, Closet door, was
4 marked for Identification.)

5 (State's Exhibit 48, Door, was marked for
6 Identification.)

7 (State's Exhibit 146, Tape measure, was
8 marked for Identification.)

9 (State's Exhibit 49, Interior
10 closet/clothes basket, was marked for
11 Identification.)

12 (State's Exhibit 147, Interior closet,
13 was marked for Identification.)

14 (State's Exhibit 50, Defect closet, was
15 marked for Identification.)

16 (State's Exhibit 51, Defect/top interior
17 closet was marked for Identification.)

18 (State's Exhibit 148, Top closet defect,
19 was marked for Identification.)

20 (State's Exhibit 149, Top closet defect,
21 was marked for Identification.)

22 MS. MCGINNIS: May I approach?

23 THE COURT: Yes, ma'am.

24 Q. (By Ms. McGinnis) This is a bigger stack but
25 I'll ask you to go through the same process for me.

1 A. Exhibit 140 shows the corner of the bedroom
2 with the defect on the wall.

3 Q. When you say the "corner of the bedroom" --

4 A. Actually that's the panelling, so that's going
5 to be the interior of the closet. Oh, no. Yes.

6 Q. It's the corner of the bedroom?

7 A. Yes, ma'am.

8 Q. When you walk in, can you give me just a
9 layout of how the room was laid out to explain what
10 corner that's in?

11 A. So when I go into the bedroom immediately on
12 the left is the bed in that corner. And at the foot of
13 that bed would be the baskets we talked about. Down the
14 right-hand wall would be the closet to your right in
15 that corner. Then you make the turn going back on the
16 opposite wall of the bed and that's where her dresser
17 was at.

18 Q. And then the fourth wall is where the head of
19 the bed is?

20 A. That's correct. And there's a window there
21 with an AC window unit in it.

22 Q. So the corner that is in photo 140, is the
23 corner by the closet?

24 A. That's correct.

25 Q. And you said, I'm sorry, there's what in that

1 wall?

2 A. There's a -- there's a defect.

3 Q. And again, that's a hole?

4 A. Correct. 46 is a close-up of that defect with
5 scale type beside it showing the size of the hole.

6 141 is another close-up.

7 142 is a photo of the closet door with two
8 defects in it.

9 143 is a close-up of one of the defects.

10 145 is a much tighter close-up with a tape
11 measure indicating that it is approximately 52 and a
12 half inches.

13 47 is another close-up.

14 MR. NIELSON: I'm sorry. What was that
15 number, your Honor?

16 THE COURT: 47.

17 MR. SIMS: 47 is the most recent one. Yes,
18 sir.

19 MR. NIELSON: Thank you, your Honor.

20 Q. (By Ms. McGinnis) Is another close-up?

21 A. That's correct. 144 shows the closet door
22 with two defects in it.

23 Q. How was the closet door when you found it when
24 you came into the room?

25 A. It was partially opened.

1 Q. Partially opened?

2 A. That's correct.

3 Q. Did you photograph it in both open and closed
4 position?

5 A. I did. I closed it so I could show the holes.

6 Q. Thank you.

7 A. 48 is a close-up of a portion of the door.

8 146 is a tighter close-up with this type
9 measure involved in it.

10 49 shows the interior of the closet with a
11 clothes basket down at the bottom and no clothes hanging
12 in it.

13 147 is the interior of the closet.

14 50 is a close-up of the defect with scale
15 tape.

16 Q. And where is that defect?

17 A. About middle of the wall.

18 Q. In the closet?

19 A. That's correct. 51 is a photo of the defect
20 up towards the top portion, you can see the molding
21 there.

22 Q. And again, is that in the closet?

23 A. That is the interior of the closet at the top.

24 Q. Okay.

25 A. 148 is again, a photo of that defect with the

1 molding at the top of interior of the closet and you're
2 able to see items on the top shelf that are within the
3 closet.

4 149 is the same.

5 Q. Do those all fairly and accurately represent
6 the scene as you saw it and photographed it that night?

7 A. Yes, they do.

8 MS. MCGINNIS: Judge, I would move these into
9 evidence.

10 MR. NIELSON: Your Honor, without objection
11 except 149 he testified is the exact same as 148.

12 THE COURT: Is there any difference between
13 148 and 149.

14 MR. SIMS: For clarification, 149 may be a
15 more tighter picture. It still shows the defect at the
16 top of the closet and it shows items on the top shelf.
17 So they are not the same.

18 MR. NIELSON: Okay. No objection then, your
19 Honor.

20 THE COURT: All right. They're in.

21 MS. MCGINNIS: For the record, Judge, those
22 are 140, 46, 141 through 145, 47, 144, 48, 146, 49, 147,
23 50, 51, 148 and 149.

24 THE COURT: It's in.

25 (State's Exhibit 140, Corner defect, was

1 entered into evidence.)
2 (State's Exhibit 46, close-up defect, was
3 entered into evidence.)
4 (State's Exhibit 141, close-up, was
5 entered into evidence.)
6 (State's Exhibit 142, Closet door defect,
7 was entered into evidence.)
8 (State's Exhibit 143, Defect, was entered
9 into evidence.)
10 (State's Exhibit 145, Tape measure
11 defect, was entered into evidence.)
12 (State's Exhibit 47, close-up, was
13 entered into evidence.)
14 (State's Exhibit 144, Closet door, was
15 entered into evidence.)
16 (State's Exhibit 48, Door, was entered
17 into evidence.)
18 (State's Exhibit 146, Tape measure, was
19 entered into evidence.)
20 (State's Exhibit 49, Interior
21 closet/clothes basket, was entered into
22 evidence.)
23 (State's Exhibit 147, Interior closet,
24 was entered into evidence.)
25 (State's Exhibit 50, Defect closet, was

1 entered into evidence.)

2 (State's Exhibit 51, Defect/top interior
3 closet was entered into evidence.)

4 (State's Exhibit 148, Top closet defect,
5 was entered into evidence.)

6 (State's Exhibit 149, Top closet defect,
7 was entered into evidence.)

8 MS. MCGINNIS: Permission to publish?

9 THE COURT: Yes, ma'am.

10 Q. (By Ms. McGinnis) After you photographed this
11 room, just as you find it, what's your next step in your
12 investigation?

13 A. Again, to follow-up with my boss, Lieutenant
14 Small, and what items where important, what he wished to
15 have done. At that point I would put markers out,
16 numbered markers identifying important items for
17 evidence and photograph them.

18 (State's Exhibit 83, Poster/diagram of
19 house, was marked for Identification.)

20 Q. (By Ms. McGinnis) And I'm going to show you
21 State's Exhibit 183 (sic).

22 What does this depict?

23 A. That's a depiction of the home with the two
24 bedrooms, the den, the kitchen, the bathroom, the
25 windows, the door, et cetera.

1 Q. Would this assist you in explaining where you
2 located the evidence items that you collected?

3 A. Yes, ma'am.

4 MS. MCGINNIS: Judge, at this time I'm going
5 to ask Mr. Sims to mark on this. May I display it for
6 him to mark on, then enter it into evidence?

7 THE COURT: What number is that?

8 MS. MCGINNIS: This is 83, your Honor.

9 THE COURT: Any objection?

10 MR. NIELSON: 83 or 183?

11 MS. MCGINNIS: 83.

12 MR. NIELSON: Sorry.

13 No, your Honor. No objection.

14 (State's Exhibit 83, Poster of house, was
15 entered into evidence.)

16 THE COURT: You may step down, sir.

17 Q. (By Ms. McGinnis) Now, when you place evidence
18 markers, do you place them in a specific numerical
19 order?

20 A. Correct. So I just numbered 1, 2, 3, 4.

21 Q. Is that what you did in this particular case?

22 A. Yes. In this case I would work from the first
23 one that I come to and around in order.

24 (State's Exhibit 52, Photo fired
25 casing/floor in hallway, was marked for

1 Identification.)

2 Q. (By Ms. McGinnis) Okay. I'm showing you
3 what's been marked as State's Exhibit No. 52 for
4 identification purposes at this point. What does this
5 photo depict?

6 A. That's a fired cartridge casing laying on a
7 rug near the doorway of the bedroom.

8 Q. Is this Evidence Marker Number 1?

9 A. That's correct.

10 Q. Does it fairly and accurately depict --

11 A. Yes.

12 MS. MCGINNIS: Move State's 52 into evidence?

13 MR. NIELSON: No objection.

14 (State's Exhibit 52, Photo fired
15 cartridge casing/floor hallway, was
16 entered into evidence.)

17 Q. (By Ms. McGinnis) Now, this, I believe, is the
18 brown wall in the den, which is what room?

19 A. This is the den here and this is the brown
20 wall.

21 Q. So this would be in which doorway?

22 A. It would be right here, in the doorway here.

23 Q. In the den doorway?

24 A. That's correct. Yes, ma'am.

25 Q. Can you mark approximately on there where this

1 was located?

2 A. Yes, ma'am.

3 Q. That's a one?

4 A. Yes, ma'am.

5 Q. Okay. And this is what is at Evidence Marker
6 No. 1?

7 A. That's a fired cartridge casing.

8 (State's Exhibit 53, Basket of clothes,
9 was marked for Identification.)

10 Q. (By Ms. McGinnis) I'm going to show you
11 what's been marked as State's Exhibit 53.

12 What does that depict?

13 A. That is fired casing at Evidence Marker No. 2
14 and it was in a clothes basket at the foot of the bed.

15 Q. Does this fairly and accurately depict what
16 you photographed that night?

17 A. That's correct.

18 MS. MCGINNIS: Judge, I'd moved State's 53
19 into evidence.

20 MR. NIELSON: Without objection.

21 THE COURT: It's in. Did you move 52 in?

22 MS. MCGINNIS: I did, your Honor, without
23 objection.

24 (State's Exhibit 53, fired casing/clothes
25 basket, was entered into evidence.)

1 Q. (By Ms. McGinnis) Can you mark approximately
2 where these clothes bins were?

3 A. You want me to draw a clothes bin?

4 (State's Exhibit 54, Unfired casing, was
5 marked for Identification.)

6 Q. (By Ms. McGinnis) Please, and where Number 2.
7 Okay.

8 I'm going to show you what's been marked for
9 identification as State's 54. What does this depict?

10 A. That is an unfired cartridge casing, that's
11 Item Nos. 3 and 6 and they are beside the clothes
12 basket.

13 Q. And specifically No. 3 is what I want to draw
14 your attention to.

15 A. Okay. That's an unfired cartridge casing.

16 Q. Does this fairly and accurately depict where
17 you found and photographed Item No. 3?

18 A. Yes, ma'am.

19 MS. MCGINNIS: We'd --

20 MR. NIELSON: Without objection.

21 MS. MCGINNIS: -- Move 54 into evidence.

22 THE COURT: It's in.

23 (State's Exhibit 54, Shell casing, was
24 entered into evidence.)

25 Q. (By Ms. McGinnis) What is Item No. 4?

1 A. Item No. 4 is a handgun, a Springfield XD.

2 Q. And where was that located?

3 A. It was at the foot of the bed over here.

4 Q. Okay. Keep going.

5 MR. NIELSON: Your Honor, can I look the
6 pictures she's doing? She's flashing them to the jury
7 before they're actually in evidence. I know it's a
8 technicality but can I just look at them now rather than
9 her flashing them all up in case there is a problem?

10 THE COURT: Sure.

11 Q. (By Ms. McGinnis) And while he's doing that,
12 tell me about Evidence Item No. 5?

13 A. Item 5 was the black ski mask.

14 Q. Where was that located?

15 A. On top of Item No. 4. Item No. 4 was barely
16 sticking out. You could see the muzzle.

17 Q. Can you draw that out?

18 A. It's kind of overlapping so I'm going to draw
19 an arrow to it. There's a five right there.

20 MR. NIELSON: Thank you, your Honor.

21 THE COURT: Mr. Nielson, we have any
22 objections to the remaining photographs?

23 MR. NIELSON: I have no objection to any of
24 these photographs coming in, your Honor.

25 THE COURT: Solicitor, just for the record,

1 what numbers are those?

2 MS. MCGINNIS: 57, 58, 163, 59, 60, 61, 62,
3 63, 64, 65, 66, for now.

4 THE COURT: And those are in without
5 objection.

6 (State's Exhibit 57, Bedroom 1 shell
7 casing, was entered into evidence.)

8 (State's Exhibit 58, Bedroom 1 shell
9 casing, was entered into evidence.)

10 (State's Exhibit 163, Photo marker 9, was
11 entered into evidence.)

12 (State's Exhibit 59, Photo rug, was
13 entered into evidence.)

14 (State's Exhibit 60, Marker 12, was
15 entered into evidence.)

16 (State's Exhibit 61, Marker 13, was
17 entered into evidence.)

18 (State's Exhibit 62, Marker 14, was
19 entered into evidence.)

20 (State's Exhibit 63, Marker 15, was
21 entered into evidence.)

22 (State's Exhibit 64, Photo handgun
23 bedroom 1, was entered into evidence.)

24 (State's Exhibit 65, Photo handgun
25 bedroom 1, was entered into evidence.)

1 (State's Exhibit 66, Photo handgun
2 bedroom 1, was entered into evidence.)

3 MS. MCGINNIS: Thank you, your Honor.

4 Q. (By Ms. McGinnis) I'm going to show you
5 State's 57 and this is at which evidence marker?

6 A. That is No. 6.

7 Q. And what does that depict?

8 A. I believe it's a fired cartridge casing also
9 beside the clothes basket, but closer to the bed.

10 Q. Can you draw that on there for me?

11 A. Sure.

12 Q. What is State's 58?

13 A. Marker 7 is a fired projectile in the middle
14 of the floor. There's a red -- rug there, so that was
15 more over here at the edge of the rug.

16 Q. Put a 7 on there for me. Where was Evidence
17 Item No. 8?

18 A. It was beside the victim.

19 Q. Where was the victim lying?

20 A. The victim was lying beside the bed. It would
21 be a black rug I think is where the bedroom is.

22 Q. And No. 8 was located right next to his body?

23 A. That's correct.

24 Q. Can you draw approximately where that was?

25 A. Okay.

1 Q. In State's 163, what does this depict?

2 A. That is Evidence Marker No. 9. It is an open
3 draw of a clothes dresser.

4 Q. What's inside that Evidence Marker No. 9?

5 A. That's a fired cartridge casing.

6 Q. Can you draw the dresser as well as the --

7 A. The dresser was about there and the door was
8 open, so nine would be about right there (indicating.)

9 Q. I'm going to show you State's 59.

10 What is in this picture?

11 A. That's a fired cartridge casing. That's
12 Evidence Marker No. 11, it's on the black rug in the
13 middle off the bedroom floor.

14 Q. Can you mark that approximately on there for
15 me?

16 A. Sure. It's was near the edge.

17 Q. State's No. 60.

18 A. That is Evidence Marker No. 12. It is to the
19 top of the clothes basket that was at the end of the
20 bed. And that is a fired cartridge casing in the
21 basket.

22 Q. And I know you have the basket drawn in a
23 little small there, but can you put a No. 12 on there
24 for me.

25 State's 61?

1 A. State 61 is Evidence Marker No. 13. There
2 were two tubs, like Rubbermaid tubs, I think we referred
3 to it as a clothes basket.

4 So the top one was full of clothing and it was
5 smaller than the other one. So it left a gap and down
6 in that gap at bottom of the tub was a fired cartridge
7 casing marked with Evidence Marker No. 13.

8 Q. All right. State's 62.

9 A. That is slightly out of focus. That's
10 Evidence Marker 14 and that was a fired cartridge casing
11 under the bed. I was holding the mattress up with my
12 left hand and taking the photo with my right, so it was
13 slightly out of focus.

14 Q. I know we can't lift up the bed in here, but
15 can you draw a No. 14 about where you found it?

16 A. I believe it was about over here.

17 Q. State's 63?

18 A. That is Evidence Marker 15, it's a fired
19 cartridge casing.

20 Q. A fired projectile?

21 A. I'm sorry. Fired projectile, it was under the
22 bed.

23 Q. Can you mark 15 on there as well for me?

24 A. Approximately, against the wall.

25 Q. And 64, 65, and 66 what do these three depict?

1 A. That is -- that is Marker 17 and that was in
2 the blanket on top of the bed and that is a SIG Sauer
3 handgun.

4 Q. Can you mark approximately where No. 17 was
5 located?

6 A. It was in the bed.

7 Q. And that's depicted in State's 64, 65, and 66?

8 A. That's correct.

9 MS. MCGINNIS: Permission to publish these
10 photos, your Honor?

11 THE COURT: Yes, ma'am.

12 Q. (By Ms. McGinnis) After you photographed some
13 of these items with evidence markers, what did you do
14 next?

15 A. Because the room was crowded, we began picking
16 up some of those evidence markers with the corresponding
17 evidence and placing them in individual envelopes and
18 documenting the time and the description of what was
19 placed in envelope, so we could clear the room a little
20 bit and we can move around more freely.

21 Q. And did you -- you put all those items into
22 envelopes and what did you do with them?

23 A. I memorialized them on an evidence sheet and
24 then turned them into the evidence room at the Lancaster
25 Police Department. Eventually, some of those were sent

1 for further testing to SLED.

2 Q. And after they were tested at SLED were they
3 returned back to you?

4 A. I picked them up personally. Yes, ma'am.

5 Q. Do you have those here with you today?

6 A. I do.

7 Q. Starting with the shell casings.

8 May I have the bag of shell casings?

9 A. Yes, ma'am.

10 (State's Exhibit 84 through 94, shell
11 casings, was marked for Identification.)

12 (State's Exhibit 95, unfired bullet, was
13 marked for Identification.)

14 (State's Exhibit 96 through 97, fired
15 projectiles, was marked for
16 Identification.)

17 (State's Exhibit 103, projectile
18 recovered at autopsy, was marked for
19 Identification.)

20 Q. (By Ms. McGinnis) These have been marked, as
21 this point, for identification only. Starting with the
22 lowest number, can you tell me what each item is and its
23 identification number?

24 A. So they say Exhibit 84, is my Item No. 1 that
25 was photographed. Is it was a fired cartridge casing

1 stamped with FC 9mm and it was on the den floor.

2 Q. And does that correspond with evidence --
3 Marker No. 1?

4 A. That's correct.

5 Q. And has that been altered or changed in any
6 way since you collected it other than being tested at
7 SLED?

8 A. No, ma'am. Just been tested.

9 Q. Okay.

10 A. Item number -- so State Exhibit 85, is my Item
11 No. 2. And that is a 9mm fired cartridge casing head
12 stamped WIN and it was in the clothes basket at the end
13 of the bed.

14 Q. And does that corresponds with Evidence Marker
15 No. 2?

16 A. That's correct.

17 State Exhibit 95 was Item No. 3, it matched by
18 evidence marker on scene. And it was an unfired bullet
19 stamped Blazer Brace 9mm.

20 State Exhibit 86 is Item No. 6 marked with
21 that same number, placard number, on scene. It was a
22 brace cartridge casing head stamped WIN and it was next
23 to the clothes basket on the floor.

24 State Exhibit 87, my Item No. 8 marked with
25 Placard No. 8 at the scene. It was a brace cartridge

1 casing, head stamped FC 9mm beside the victim.

2 State Exhibit 88, my Evidence Marker No. 9 was
3 a cartridge casing stamped FC, brace 9mm.

4 State Exhibit 89, my Item No. 11, marked with
5 evidence marker 11 at the scene, was a brace cartridge
6 casing stamped WIN.

7 State Exhibit 90, my Item No. 12 was a brace
8 cartridge casing head stamped WIN 9mm and 12 was in the
9 bedroom clothing.

10 Q. And I believe that one was marked in the
11 clothes basket at the end of the bed; is that correct?

12 A. Correct. 12 was in the top basket -- in the
13 top basket.

14 Q. Okay.

15 A. State Exhibit 91, my Item No. 13 was a brace
16 cartridge casing head stamped WIN 9mm and it was in the
17 lower portion of the basket.

18 State Item No. 92, was my Item No. 14. And it
19 was a brace cartridge casing WIN 9mm and 14 was under
20 the bed.

21 Q. Okay.

22 A. State Exhibit 93, Item No. 16, brace cartridge
23 casing stamped WIN. It was in clothing on the floor. I
24 believe we discovered that once the body was moved.

25 Q. And I don't believe we marked No. 16 on the

1 diagram up here. When you say, "it was located in
2 clothing," can you describe where the clothing was?

3 A. Yes, ma'am. The clothing was on the floor
4 directly beside the bed, about the middle portion of it.
5 I appeared to be blue jeans with a belt in it of some
6 type.

7 Q. And if you'll come step down and mark that on
8 here for me.

9 A. It was up closer to the bed.

10 Q. Okay.

11 A. State Item No. 94, my Item No. 1-9, 19, was a
12 brace cartridge casing head stamped FC 9mm and it was in
13 the sheets of the bed.

14 Q. How about No. 15?

15 A. Item No. 15 is State Exhibit 97. It is a
16 fired projectile and it was found under the bed.

17 Q. And I believe there was another projectile
18 that was returned to you after autopsy; is that correct?

19 A. That's correct. My apologize. I skipped that
20 in the numeric process. It's going to be State's
21 No. 96.

22 Q. 96?

23 A. That's correct. It is Item No. 7 and it is a
24 fired projectile. It was in the middle of the bedroom
25 floor, more on the carpet I believe.

1 Q. 96 is No. 7?

2 A. That's correct.

3 Q. And that was I'm sorry, a projectile?

4 A. That's correct.

5 Q. And Mr. White was sent for an autopsy; is that
6 correct?

7 A. That's correct.

8 Q. And to your knowledge, did they recover a
9 projectile at autopsy?

10 A. That's correct.

11 Q. Was that projectile returned to you?

12 A. Yes, it was. I have it.

13 Q. And does that have a state's evidence --
14 state's exhibit number for identification purposes?

15 A. So that fired projectile that was recovered
16 from the body of Mr. White at autopsy, is State No. 103.

17 Q. Let me have that for a moment. And all of
18 these were recovered by you at the scene?

19 A. Collected by me and documented. Yes, ma'am.

20 Q. Did you make any alterations or changes or
21 damages to any of these items?

22 A. No, ma'am.

23 Q. Are these in the same condition when you
24 recovered them?

25 A. Yes, ma'am. Other than the testing that was

1 done at SLED.

2 MS. MCGINNIS: Judge, at this point we would
3 move State's 84 through 95, 96, 97 and 103 into
4 evidence.

5 THE COURT: Any objection?

6 MR. NIELSON: No, your Honor.

7 THE COURT: There in.

8 (State's Exhibit 84 through 94, shell
9 casings, was entered into evidence.)

10 (State's Exhibit 95, unfired bullet, was
11 entered into evidence.)

12 (State's Exhibit 96 through 97, fired
13 casings, was entered into evidence.)

14 (State's Exhibit 103, Projectile
15 recovered at autopsy, was entered into
16 evidence.)

17 Q. (By Ms. McGinnis) We also went through some
18 photographs of some guns, were those recovered at the
19 scene?

20 A. That's correct.

21 Q. Do you have those here with you today?

22 A. I do.

23 MS. MCGINNIS: May I approach?

24 THE COURT: Yes, ma'am.

25 (State's Exhibit 98, Springfield XD

1 handgun, was marked for Identification.)

2 (State's Exhibit 99, SIG Sauer handgun,

3 was marked for Identification.)

4 Q. (By Ms. McGinnis) I will remove these and ask
5 that you get the first gun, the Springfield.

6 A. This is State Number 98, it is my Item No. 4.
7 It was marked at the scene with Placard Number 4. From
8 my photos. It was found at the foot of the bed.

9 Q. And tell me how that was found?

10 A. It was at the foot of the bed in a puddle of
11 blood and it had a black ski mask covering the majority
12 of it. I could see the muzzle sticking out.

13 Q. I'm going to show you what's already in
14 evidence as State's No. 55.

15 A. That's correct.

16 Q. Is that a photograph of this particular gun?

17 A. Yes, it is.

18 Q. When you recovered it, did you remove that
19 mask from on top of the gun?

20 A. Yes. I collected the mask as Item No. 5 and
21 that uncovered the gun.

22 Q. And what condition was the gun in when you
23 recovered it?

24 A. The gun was jammed.

25 Q. Without explaining why you think it was

1 jammed, can you describe what you saw that alerted you
2 to the fact that it was jammed?

3 A. The slid portion of the weapon was held back
4 with a fired cartridge casing in the ejecting port, the
5 open part where the fired cartridge would come out of,
6 it was in there.

7 Q. And did you, in fact, see that round, could
8 you see that when you were holding the gun?

9 A. That's correct.

10 Q. Now, when you take it into evidence, do you
11 put it in exactly like that?

12 A. No, ma'am. We clear the weapon and secure it
13 with some zip-ties or something to render it where it
14 couldn't be fired easily.

15 Q. Is that for safety purposes?

16 A. That's correct.

17 Q. And is that what was done with the Springfield
18 in this particular case?

19 A. That's correct.

20 Q. Other than clearing that jam, what else did
21 you do to the weapon to render it safe for storage?

22 A. Remove the magazine and removed the ammo from
23 the magazine holder.

24 Q. Other than that, did you make any changes,
25 alterations, damage or anything like that?

1 A. No.

2 Q. Is it in the same condition as when you
3 collected it?

4 A. It is sealed. So I sent it to SLED and it
5 came back to me with SLED tape on it and it's sealed and
6 I had to unseal it. So then it should be the same shape
7 as I sent it because it was just test fired as far I
8 know.

9 Q. Do you have something up there that you can
10 open that up with?

11 A. I do.

12 Q. Would you go ahead and open Number 98 for me?

13 A. Sure.

14 Q. Without pulling it all the way out, can you
15 examine it and tell if there's been any changes or
16 damage done to it?

17 A. Yes, ma'am. It's packaged really well. First
18 of all, the handgun is clear.

19 Q. Before you show it --

20 THE COURT: Sir, you can't --

21 MR. SIMS: Sorry.

22 THE COURT: Just confirm that it's safe.

23 MR. SIMS: It's clear.

24 Q. (By Ms. McGinnis) It's clear and it's in the
25 same condition?

1 A. One hundred percent. Yes, ma'am.

2 MS. MCGINNIS: Judge, at this time we'd move
3 State's 98 into evidence.

4 THE COURT: Any objection?

5 MR. NIELSON: No objection, your Honor.

6 THE COURT: All right, it's in.

7 (State's Exhibit 98, Springfield XD
8 handgun, was entered into evidence.)

9 MS. MCGINNIS: Permission to hold up and show
10 to the jury?

11 THE COURT: Yes, ma'am.

12 Q. (By Ms. McGinnis) If you can just hold it up
13 and show it to the jury. And as you were saying before,
14 it is in fact cleared, there's no rounds in it. It's
15 not fireable?

16 A. Right.

17 Q. Thank you. And the second gun that was
18 recovered at Marker No. 17, do you have that up there
19 with you as well?

20 A. Yes, ma'am.

21 Q. What evidence or what exhibit number has been
22 put on that?

23 A. This is Evidence Marker 17. It was found in
24 the bed cover, the blanket that was on top of the bed.

25 Q. And does it have a sticker on it for

1 identification purposes?

2 A. It's State 99.

3 Q. Okay. Will you open it and take a look at
4 that and tell me if it's in substantially the same
5 condition as when you recovered it? And again, without
6 holding it up to the jury.

7 A. Yes. You can see the straps that I strapped
8 it down with. It's the same gun.

9 MS. MCGINNIS: Judge, I'd move State's 99 in
10 evidence.

11 THE COURT: Any objection?

12 MR. NIELSON: Without objection.

13 THE COURT: It's in.

14 (State's Exhibit 99, SIG Sauer handgun,
15 was entered into evidence.)

16 MS. MCGINNIS: Permission to publish?

17 THE COURT: Yes, ma'am.

18 Q. (By Ms. McGinnis) If you could just hold that
19 up for the jury.

20 And that's the one that was recovered on the
21 bed?

22 A. Correct.

23 Q. After you photograph all the shell casings and
24 projectiles and all that stuff, did you continue to take
25 photographs?

1 A. I did.

2 Q. I'm going to show you what has been marked as
3 State's 67 through 71.

4 (State's Exhibit 67 through 71,
5 Photographs in Bedroom 1, was marked for
6 Identification.)

7 (State's Exhibit 100, unfired bullets
8 from Springfield, was marked for
9 Identification.)

10 (State's Exhibit 101, fired cartridge,
11 was marked for Identification.)

12 (State's Exhibit 102, Unfired cartridge
13 casings from SIG Sauer, was marked for
14 Identification.)

15 MS. MCGINNIS: May I approach the witness?

16 THE COURT: Yes, ma'am.

17 Q. (By Ms. McGinnis) What do these depict?

18 A. State's 67 is a photograph of the mattress or
19 sheets on top of the mattress on the bed.

20 Q. What is on the sheets?

21 A. It's, I think, blood.

22 Q. Okay.

23 A. State's 68 shows entire picture of the blood
24 with scale tape with a defect in the sheet.

25 Q. Again, we're talking about at hole?

1 A. Correct.

2 State's 69 shows as different angle of the
3 defect with the blood and hole.

4 State's 70 -- 70 is a cartridge casing under
5 the bed, on the floor under the bed.

6 State's 71 is a fired projectile on the floor
7 and it was under the bed.

8 Q. Do those all fairly and accurately depict the
9 scene as you photographed it that night?

10 A. They do.

11 MS. MCGINNIS: Judge, I'd move State's 67
12 through 71 into evidence.

13 THE COURT: Any objection?

14 MR. NIELSON: No objection.

15 THE COURT: All right. They're in.

16 (State's Exhibit 67 through 71,
17 photographs in Bedroom 1, was entered
18 into evidence.)

19 Q. (By Ms. McGinnis) Did you recover any other
20 evidence in the bedroom?

21 A. I mentioned that I had other -- I had removed
22 a jam from Item No. 4, which was te Springfield and I
23 have it. It's a fired cartridge casing, State Evidence
24 101.

25 Q. And that's the one that was removed from the

1 Springfield located at the end of the bed?

2 A. That's correct.

3 Q. And is it in the same condition as what you've
4 described?

5 A. Yes. I've sealed it.

6 MS. MCGINNIS: Judge, I'd move State's 101
7 into evidence.

8 MR. NIELSON: Without objection.

9 THE COURT: It's in.

10 (State's Exhibit 101, fired cartridge
11 casing, was entered into evidence.)

12 Q. (By Ms. McGinnis) Okay.

13 A. State Exhibit 100, are 11 unfired bullets from
14 the magazine from Item 4, which is the Springfield.

15 Q. Do those have a head stamp on them?

16 A. F.C.

17 Q. Are those sealed in the same packaging, the
18 same way you sealed them?

19 A. That's correct.

20 MS. MCGINNIS: Judge, I'd move State's 100
21 into evidence.

22 MR. NIELSON: Without objection.

23 THE COURT: It's in.

24 (State's Exhibit 100, unfired bullets
25 from Springfield, was entered into

1 evidence.)

2 Q. (By Ms McGinnis) Okay.

3 A. And finally, State's Item 102 and these are
4 the remaining unfired cartridge casings from Item 17
5 that was found in the bed, the SIG Sauer.

6 Q. SIG Sauer?

7 A. And they are head stamped WIN.

8 Q. And are they seal in the same packaging?

9 A. That's correct.

10 MS. MCGINNIS: Judge, I'd move 102 into
11 evidence.

12 MR. NIELSON: Without objection.

13 THE COURT: It's in.

14 (State's Exhibit 102, Unfired bullets
15 from SIG Sauer, was entered into
16 evidence.)

17 Q. (By Ms. McGinnis) And does that -- that's all
18 the firearms, the ballistics type evidence that you
19 collected that night?

20 A. That's correct.

21 Q. Did you collect some other items from the
22 house that night?

23 A. I did.

24 Q. Specifically, did you collect some clothing
25 from the living room couch?

1 A. That's correct. That was listed in just
2 one -- in one haz waste bag. There was a white shirt,
3 some camouflage, it looked like jacket that had been cut
4 by medical workers, I believe. And I collected a
5 lanyard, a black lanyard with a key on it.

6 Q. Do you have that here today?

7 A. I do.

8 Q. I'm going to ask you to put some gloves on and
9 open that up.

10 (State's Exhibit 105, clothing from couch
11 in den, was marked for Identification.)

12 MS. MCGINNIS: Judge, this evidence is a
13 little stinky, just be prepared for that.

14 THE COURT: Mr. Nielson, do you want to take a
15 look at it before he takes it out?

16 MR. NIELSON: Yes, your Honor.

17 May I approach your Honor?

18 THE COURT: Yes, sir.

19 MR. NIELSON: Thank you.

20 THE COURT: Have you had an opportunity to
21 review them?

22 MR. NIELSON: Yes, your Honor.

23 Q. (By Ms. McGinnis) Does this have a sticker on
24 it with a number for identification purposes?

25 A. That's correct. It's State Item 105.

1 Q. And you were saying, State's Item 105 actually
2 contains several different items; is that correct?

3 A. That's correct.

4 Q. I'm going to ask you go ahead and open that
5 up. Have you reviewed this before today?

6 A. I have.

7 Q. And is it in the same condition as when you
8 collected it?

9 A. Yes, ma'am.

10 Q. Other than it may be dried blood instead of
11 wet blood now?

12 A. That's correct.

13 MS. MCGINNIS: Judge, I'd move State's 105
14 into evidence?

15 THE COURT: Any objection?

16 MR. NIELSON: No, objection.

17 THE COURT: It's in.

18 (State's Exhibit 105, Clothing from couch
19 in den, was entered into evidence.)

20 MS. MCGINNIS: Permission to publish as he
21 opens it?

22 THE COURT: Yes, ma'am.

23 Q. (By Ms. McGinnis) Investigator, as you hold
24 each item up, do you have a sealed bag that you can
25 place each item in to?

1 A. Each individual one.

2 Q. I'm going to ask you to hold it up and show it
3 to the jury and place each one into a bag on its own.

4 What is this?

5 A. This is a portion of the jacket that. There's
6 a pocket here indicating this would have been the right
7 side.

8 Q. Where was this recovered from?

9 A. The couch. It was on the back of the couch.

10 Q. In the den?

11 A. In the den, that's correct.

12 MS. MCGINNIS: Do you have any objection to
13 sealing it back up?

14 MR. NIELSON: No.

15 MR. SIMS: Reseal it?

16 Q. (By Ms. McGinnis) Yes. Please, Continue.

17 A. This is the other part of the jacket.

18 Q. What was this recovered from?

19 A. In the den on the couch.

20 Q. Same place as the first half?

21 A. That's correct.

22 THE COURT: Mr. Nielson, did you want to
23 review them?

24 MR. NIELSON: No, your Honor. I have no
25 objection to him taking them out and sealing each piece

1 back up.

2 THE COURT: Thank you.

3 Q. (By Ms. McGinnis) Continue please.

4 A. This is the white shirt that was on the couch
5 in the den. This is a different color, but --

6 Q. So it appears to be perhaps a bandanna?

7 A. That's correct.

8 Q. Also recovered from the couch with the
9 clothing?

10 A. That's correct. Finally, a lanyard.

11 Q. What is on that lanyard?

12 A. A key, a silver colored key.

13 Q. I'm going to ask you to put that in a separate
14 bag and I'm going to mark that as Evidence Item 168.

15 (State's Exhibit 168, Lanyard/key, was
16 marked in evidence.)

17 MS. MCGINNIS: May I approach, your Honor?

18 THE COURT: Yes, ma'am.

19 MS. MCGINNIS: Judge, this is already in
20 without objection. I will assign that 168, the lanyard
21 with the key.

22 THE COURT: Yes, ma'am.

23 MS. MCGINNIS: And move 168 in.

24 MR. SIMS: My apologize I've got a lot of bags
25 here.

1 Q. (By Ms. McGinnis) Did you receive any other
2 clothing other than the clothing that was on the couch?

3 A. One more time?

4 Q. Did you receive other clothing into evidence
5 other than what was on the couch?

6 A. Yes, I did. I received clothing with a label
7 from the hospital that contained pants, shoes, shorts
8 and a belt?

9 Q. Who did that belong to?

10 A. That belonged to Mr. Truesdale.

11 Q. He was transported from the scene to the
12 hospital that night?

13 A. Correct. He was gone when I arrived on scene.

14 Q. At the hospital, they recovered his clothing
15 and that was transported to you?

16 A. That's correct.

17 Q. Do you have that up there with you?

18 A. I do.

19 Q. Does that have a number for ID purposes?

20 A. State's Item 106, it has the label on it from
21 CMC.

22 Q. Is that in the same condition as you received
23 it?

24 A. That's correct.

25 MS. MCGINNIS: Judge, at this time I'd move

1 State's Number 106 into evidence.

2 MR. NIELSON: Without objection.

3 THE COURT: All right. It's in.

4 (State's Exhibit 106, Clothing from
5 hospital, was entered into evidence.)

6 Q. (By Ms. McGinnis) So I'm going to take you
7 back to some photographs now. After you photographed
8 the main bedroom, did you photograph the secondary
9 bedroom?

10 A. That's correct.

11 Q. And coming from the den, describe where that
12 second bedroom is?

13 A. You would come through the entrance door to
14 the den, Bedroom 1 would be on your right. Then bedroom
15 2 would be the second door on the right.

16 (State's Exhibit 72 through 75,
17 Photographs Bedroom 2, was marked for
18 Identification.)

19 MS. MCGINNIS: May approach the witness, your
20 Honor?

21 THE COURT: Yes, ma'am.

22 Q. (By Ms. McGinnis) I'm going to hand you
23 what's been marked for identification as State's 72
24 through 75. Are those photographs you took that night?

25 A. They are.

1 Q. Starting with No. 72, can you describe what
2 those photos show?

3 A. This is State Exhibit 72. It is a photo from
4 the doorway of Bedroom 2. It is a shot of the window
5 with a children's themed blanket of some type, it says,
6 "Hello Kitty" on it, covering the window.

7 Q. Okay.

8 A. State Exhibit 73, is a closer view of the
9 window itself with the covering over it.

10 State Exhibit 74, is that covering pulled back
11 from the right over to the left showing an open window.
12 And you can see the crime scene tape behind it, ma'am.

13 Q. Okay. And you said, "showing the open
14 window"?

15 A. That's correct. State Exhibit 75, is just a
16 closer view of the window, the bottom portion of the
17 window with the sash up.

18 Q. Do those fairly and accurately depict that
19 window as you saw it that night and photographed it?

20 A. Yes, ma'am.

21 MS. MCGINNIS: Judge, I'd move 72 through 75
22 into evidence.

23 MR. NIELSON: Without objection.

24 THE COURT: They're in.

25 (State's Exhibit 72 through 75,

1 Photographs of Bedroom 2, was entered
2 into evidence.)

3 MS. MCGINNIS: Permission to publish?

4 THE COURT: Yes, ma'am.

5 Q. (By Ms. McGinnis) Investigator Sims, other
6 than removing the cover over the window, did you touch
7 that window in any way?

8 A. No, ma'am.

9 Q. Did you process it in any way?

10 A. No, ma'am.

11 Q. Did you take fingerprints?

12 A. I did not.

13 Q. Did you swab for DNA?

14 A. I did not.

15 Q. Why not?

16 A. We had discussed that, Lieutenant Small and I,
17 of what he wanted in the scene and he did not mention
18 that we needed the DNA. We knew the people that was
19 involved in the house, the only ones in the house
20 basically.

21 Q. So you were told that the people involved were
22 there in the house?

23 A. Right. There was no unknown to present DNA
24 for it.

25 Q. What is generally -- what is DNA used for?

1 A. Typically, to identify a person. Especially
2 if you have a standard, you can send recovered DNA that
3 you got from an item, along with a standard and SLED has
4 the ability to match that.

5 Q. To try to identify who left some DNA?

6 A. Correct.

7 Q. How about fingerprints, why would you take
8 fingerprints?

9 A. For the same purposes. There's a little
10 different database with that. However, the latent
11 fingerprints could be found on an item such as, a window
12 sill or gun or whatever and you can send those in for
13 identification purposes.

14 Q. And that would, again, be to match and
15 identify who left the fingerprint?

16 A. That's correct.

17 Q. Getting closer to the end Mr. Sims. I'm going
18 to show you State's 76 through 82 that have been marked
19 for identification purposes only at this point.

20 (State's Exhibit 76 through 82,
21 Photographs of exterior of house, was
22 marked for Identification.)

23 MS. MCGINNIS: May I approach the witness?

24 THE COURT: Yes, ma'am.

25 Q. (By Ms. McGinnis) These are the last set of

1 photographs.

2 Can you go through and give me the number and
3 describe what it's a photograph of?

4 A. State Exhibit 76 is the exterior of the home
5 on the east said, was where Ms. Mingo called it the
6 "front door" and that's where she parked at.

7 State Exhibit 77 would be the south-side of
8 the home. I know that because of where the meter is, I
9 can tell that was the side of Hood Street.

10 Q. The side of Hood Street?

11 A. That's correct. And this is again, the
12 exterior showing the two windows and that side of the
13 home.

14 Exhibit 78 is the west-side exterior of the
15 home showing a set of steps going to an entry door.
16 Mrs. Mingo called it the "back door."

17 Q. Okay.

18 A. Exhibit 79 is the north side of the home. It
19 shows the two bedroom windows, beginning with Bedroom
20 Number 2 on the right and moving forward. This photo
21 shows what I call a dog kennel, others would refer to it
22 as a doghouse, but it's a kennel under the window with
23 the Hello Kitty covering the next window that has the
24 window unit in it.

25 Q. Did you move that dog kennel there?

1 A. No, ma'am. This is how I found it.

2 State exhibit 80 is a closer view of just
3 Bedroom Number 2 with the Hello Kitty covering and the
4 dog kennel under that window.

5 Q. And this is an exterior photograph?

6 A. Correct, exterior of the home.

7 State Exhibit 81 is a close-up view of the dog
8 kennel. I was told by other investigators that this
9 might be an item of importance and wanted me to capture
10 it a little closer.

11 And Exhibit 82 is the window only.

12 Q. The window only?

13 A. Correct.

14 Q. What state is the window in?

15 A. The window's -- the sash is up, so it would be
16 in an open position.

17 Q. And do these all fairly and accurately depict
18 the scene as you saw it that night?

19 A. They do.

20 MS. MCGINNIS: Judge, I moved 76 through 82
21 into evidence?

22 THE COURT: Any objection?

23 MR. NIELSON: Without objection, your Honor.

24 (State's Exhibit 76 through 82,
25 Photograph of exterior of house, was

1 entered into evidence.)

2 MS. MCGINNIS: Permission to publish?

3 THE COURT: Yes, ma'am.

4 Q. (By Ms. McGinnis) Do you recall what the
5 weather was like when you went out that night?

6 A. I remember having a short sleeved shirt on.
7 It was mild. I'd say temperatures were cooler than now,
8 60s and 70s.

9 Q. And did you, in fact, go back and check what
10 the weather was at that time period in 2020?

11 A. I did. I looked for that evening, the morning
12 of the 24th the. It was showing the low that day for
13 like 68 and the high, 88 I believe.

14 MS. MCGINNIS: Beg the Court's indulgence, one
15 moment.

16 (State's Exhibit 167, Poster board
17 diagram of [REDACTED] West Hood Street, was
18 marked for Identification.)

19 Q. (By Ms. McGinnis) Investigator, I want to show
20 you what is marked as 167. Can you describe what this
21 is?

22 A. That's the overhead view of the home and [REDACTED]
23 Hood Street.

24 Q. And does this accurately reflect where [REDACTED]
25 West Hood Street is and relation to surrounding streets?

1 A. That's correct.

2 MS. MCGINNIS: Judge, at this time we'd move
3 167 into evidence.

4 THE COURT: Any objection?

5 MR. NIELSON: No objection.

6 (State's Exhibit 167, Poster board [REDACTED]
7 West Hood Street, was entered into
8 evidence.)

9 MS. MCGINNIS: Permission to publish?

10 THE COURT: Yes, ma'am.

11 Q. (By Ms. McGinnis) I'm going to ask you -- can
12 you step down for a moment.

13 This red dot is where the house is?

14 A. That's correct.

15 Q. Show me which side is designated as the front?

16 A. This is the front side here, where there's an
17 entry door. There's room for parking right here.

18 Q. Okay. And then, the backside?

19 A. The backside faces French Street. This is a
20 set of steps that goes up to an entry door and this
21 location goes into the kitchen area.

22 Q. And where's the window where the doghouse was
23 located?

24 A. There are two windows on the north side of the
25 home, the side of the home that faces the -- the other

1 side of the home there. And so Bedroom 1 would be
2 closer to the parking area and Bedroom 2 would be closer
3 to French Street area.

4 Q. And the doghouse is down under which window?

5 A. Bedroom Number 2.

6 Q. Closer to the rear of the house?

7 A. Correct.

8 Q. Thank you. When you got there, did you see a
9 vehicle at that residence?

10 A. There was.

11 Q. Where was that?

12 A. It was parked facing to the right. If you are
13 at the entry door, what we call the front door, that car
14 would be facing to the right. I believe I have a photo
15 of the car.

16 Q. It's in evidence already?

17 A. Yes, ma'am.

18 Q. Okay. Did you photograph all the entry doors
19 to the house?

20 A. From the exterior. Yes, ma'am.

21 Q. How was the back door when you found it?

22 A. It was closed.

23 Q. It was closed.

24 MS. MCGINNIS: Thank you. I don't believe I
25 have any more questions for you. Answer anything Mr.

1 Nielson has for you.

2 THE COURT: Cross-examination?

3 MR. NIELSON: Thank you, your Honor.

4

5 **CROSS-EXAMINATION**

6 **BY MR. NIELSON:**

7 Q. What's your rank?

8 A. You can call me investigator, sir.

9 Q. Investigator?

10 A. Yes, sir.

11 Q. I just want to make sure I'm calling you the
12 right thing.

13 A. I understand.

14 Q. Investigator Sims, what is blood splatter?

15 A. Blood spatter --

16 Q. You said that word a bunch of times.

17 A. Blood spatter.

18 Q. Spatter. Yes.

19 A. Blood spatter is where blood has hit the floor
20 or an object whether it's a wall or window or floor.

21 Q. And when you say, "blood spatter" that's just
22 blood on, like, the floor or window or somewhere else;
23 right?

24 A. That's correct.

25 Q. It has nothing to do with how it got there?

1 A. No, not really. No.

2 Q. It could have dropped from a persons body. It
3 could have been drugged there by somebody's shoe if they
4 stepped on something. A variety of different things
5 could get that to that spot is; right?

6 A. That's correct.

7 Q. It's just where the blood is?

8 A. Correct.

9 Q. And you have no knowledge, as far as, any of
10 the defects in this case, how those defects were made.
11 You're just photographing the defects; right?

12 A. I just document what I found. Yes, sir.

13 Q. You testified you found defects in, I believe,
14 sheets, in a pillow, in a wall. You talked about
15 different defects, but you have no idea know any of
16 those got there; correct?

17 A. Correct.

18 Q. Let's talk about keys for second. You found
19 one key. It's in evidence. I don't remember what it's
20 marked as, but it's in evidence; correct?

21 A. Correct.

22 Q. It was hanging off of a black lanyard?

23 A. That's correct.

24 Q. Did you have any knowledge that you may be
25 looking for any other keys?

1 A. No, not at the time.

2 Q. Not at the time?

3 A. It was there and I collected it.

4 Q. If you would have seen a key laying on the
5 floor, would you have just picked it up?

6 A. I was told that there may be significance, my
7 boss and I, Lieutenant Small talked about it and he said
8 basically go ahead and clean up those items off the
9 couch.

10 Q. Did you look inside the couch to see if there
11 was anything in the couch, did you search the couch?

12 A. I don't recall going through the couch for any
13 reason.

14 Q. To the best of your knowledge, did anybody
15 else search the couch?

16 A. There was a lot of officers there, I couldn't
17 speak for them.

18 Q. Okay. But to your knowledge, you don't know
19 one way of the other?

20 A. No, ma'am -- sir. I'm sorry.

21 Q. You're fine. You're fine.

22 What if you saw just a key on the floor, would
23 that have held significance to you in this case?

24 A. Probably not. Again we were directed to the
25 area where the other items were, the clothing items that

1 we knew were Mr. Truesdale's.

2 Q. So you weren't looking for a key?

3 A. No.

4 Q. Let's talk about the DNA and fingerprint. You
5 said that DNA and fingerprints are used to ID someone;
6 correct?

7 A. Correct. It can be used for that.

8 Q. Can they be used for other purposes?

9 A. Primarily for ID purposes.

10 Q. To ID did who somebody is?

11 A. Correct.

12 Q. What about where somebody is?

13 A. That they had been there.

14 Q. Where somebody had been. Sorry. That's a
15 better question. I apologize.

16 A. Yes.

17 Q. To identify where somebody had been?

18 A. Yes.

19 Q. And you and Investigator Small talked about
20 whether or not to look for fingerprints and DNA?

21 A. It was more of a conversation of, what do you
22 want me to do today? What are we looking for, what's
23 significant.

24 Q. Did you talk about that specific to the window
25 or the whole house in general?

1 A. Just the whole house in general.

2 Q. Did you ever have a conversation specifically
3 with Investigator Small about dusting the window itself
4 for DNA?

5 A. That was not a request made of me.

6 Q. What about looking for fingerprints?

7 A. That was not a request made for me.

8 Q. And if somebody in Lancaster City Police
9 Department in September of 2020, would have been asked
10 to collect those kind of items would it have been you?

11 A. Each shift has their own fingerprint kit, so
12 it could be the lieutenant on that shift or it could be
13 me.

14 Q. Are you trained in collecting fingerprints?

15 A. That's correct. Through an advanced class at
16 SLED for fingerprint collection.

17 Q. Are you trained to collect DNA?

18 A. I've been trained by the county collect DNA,
19 correct.

20 Q. Collect touch DNA, I should say.

21 A. Yes.

22 Q. But in this case, after talking to basically
23 the person in charge, Investigator Small, you did not
24 believe that you needed to look for those items?

25 A. That's correct.

1 Q. And to the best of your knowledge, nobody
2 looked for those things?

3 A. Not to my knowledge.

4 Q. You also can't testify that the items that you
5 photographed and where you photographed them, you went
6 through this chart right here. You can't testify that
7 those items were necessarily there at the time of the
8 incident; correct? Just when you took the pictures?

9 A. That's where I found them. Yes, sir.

10 Q. A shell casing could be kicked very easily, in
11 theory?

12 A. In theory.

13 Q. If there were a lot of people that wondered
14 through a bedroom, multiple police officers, a victim,
15 EMS. If all these people walk through a bedroom, it's
16 possible some of those items may have moved around
17 because of that; correct?

18 A. Correct.

19 Q. Even though you're documenting where they're
20 at, that doesn't necessarily mean that's where they
21 started. You can't testify to that; correct?

22 A. That's right.

23 MR. NIELSON: Beg the Court's indulgence.

24 THE COURT: Yes, sir.

25 MS. Nielson: No further questions, your

1 Honor.

2 THE COURT: Any redirect?

3 MS. MCGINNIS: Beg the Court's indulgence.

4 No, your Honor.

5 THE COURT: You may step down investigator,
6 thank you.

7 If those are all in evidence, you can leave
8 them up here behind the easel. You can leave all those
9 items that were submitted into evidence in here.

10 Ladies and gentleman, it's a little after
11 12:00. This is a good stopping point for us to take our
12 lunch break. If you would be back in your jury room
13 about 1:10 and we'll resume the trial in this case.

14 Again, please remember my previous
15 instruction. Do not discuss this case amongst
16 yourselves or with anyone else. Have a nice lunch.

17 (Jury exited.)

18 THE COURT: Counsel, any matters before we
19 recess for lunch?

20 MS. MCGINNIS: No, your Honor.

21 MR. NIELSON: No, your Honor.

22 THE COURT: Have a nice lunch.

23 (Whereupon, a lunch recess was taken.)

24

25

1 THE BAILIFF: All rise.

2 THE COURT: Have a seat. Anything before I
3 bring the jury out.

4 MR. NIELSON: Yes, your Honor. I wanted to
5 put on the record some of the stuff we talked about in
6 chambers this morning.

7 THE COURT: Yes, sir.

8 MR. NIELSON: I think that -- I mean, I will
9 make my 403 objections contemporaneously when they come
10 up but I think it's better to do the long explanation
11 now then have to send the jury out and back in a number
12 of times.

13 THE COURT: Yes, sir. I appreciate that.

14 MR. NIELSON: So I am objecting to -- under
15 403 -- I understand that the State has the right to
16 present their case, and I have offered to stipulate that
17 Mr. Truesdale was not allowed to carry a gun, both under
18 the crime of violence and the violent crime laws that
19 he's charged under. We were willing to stipulate to
20 those charges -- to those facts.

21 My understanding is the State is not willing
22 to accept our stipulations. And I understand based on
23 case law, that's their right. I'm not going to fight
24 them, that's their right. But it still, I believe, has
25 to go through a 403 analysis through your Honor of

1 whether or not the prejudicial value -- the probative
2 value of that is outweighed by the prejudicial effect.

3 I believe that when we're talking about a
4 domestic violence case where there is evidence in this
5 case, on the record, that these two are together
6 starting 2017, that a 2017 or beyond conviction for
7 domestic violence, it would be easy for the jury to
8 presume that she's the victim, thus making this more
9 prejudicial than probative.

10 So I would ask, your Honor, to, in essence,
11 say they have to accept the stipulations based on a 403
12 analysis, your Honor.

13 THE COURT: Thank you, Mr. Nielson.

14 The State?

15 MS. MCGINNIS: Judge, I believe the case law
16 is clear and we're not obligated to stipulate the State
17 has the burden of proving beyond a reasonable doubt that
18 Mr. Truesdale was convicted of these crimes in order to
19 prove he's guilty of the charges that are before the
20 jury.

21 I don't believe a stipulation is something we
22 have to agree to and we're not prepared to agree to. I
23 think the probative value outweighs the prejudicial
24 value and ask you to allow us to produce the certified
25 copies of the sentencing sheet.

1 As we discussed earlier, those can be reacted
2 as far as the sentence. We do not intend to get into
3 any of the underlining facts of either offense. We're
4 simply going to put up the deputy clerk of court to
5 authenticate these documents and that's it. I believe
6 there's very little prejudicial value in that particular
7 case.

8 THE COURT: As both parties are obviously
9 aware, it is an element that must be proven by the State
10 to establish their case of one of the crimes that has
11 been charged against Mr. Truesdale. And they're not
12 required to stipulate to that. So I'm not going to
13 grant your motion as far as requiring them to do so.

14 In looking at 403 analysis, it is for a
15 different type of crime. It's not for a burglary or a
16 murder, so it wouldn't have the same prejudicial impact
17 as it would for a previous burg or previous murder. So
18 I think based on that juncture, I will also deny that
19 because of the probative value does outweigh the
20 prejudicial effect and it would be admissible.

21 MR. NIELSON: Your Honor, I'd also put on the
22 record, I am objecting to testimony from -- and I don't
23 know, I'm objecting to the testimony of the probation
24 officer that they're bringing in too. Specifically, if
25 the State goes to far in what they talk to the probation

1 agent about. I actually think that the fact that he was
2 on probation is a comment on sentence and whether he's
3 on probation or supervision. I know they intend to say
4 supervision, but supervision is a sentence.

5 So we're, by allowing the probation officer to
6 even testify, we have testimony about a sentence from a
7 prior -- from a prior bad act. So I am going to object
8 to that testimony in its entirety. And specifically, I
9 will be objecting if they go too far in what that
10 probation agent talks about. Once again, I will make
11 those objections at the time.

12 THE COURT: What specifically are you going to
13 be asking the probation agent?

14 MS. MCGINNIS: Judge, the probation agent is
15 going to testify that he worked for the Department of
16 Probation Pardon and Parole in the time period of 2020.
17 That at some period during the year, including April to
18 August of 2020, that Mr. Truesdale was under his
19 supervision. That he was required to visit with Mr.
20 Truesdale monthly or by monthly. Every time he visited
21 with Mr. Truesdale it was at the address [REDACTED] Usher
22 Road. He was not informed that Mr. Truesdale lived
23 anywhere else. He was never informed that Mr. Truesdale
24 changed his address.

25 THE COURT: So -- I'm just thinking out loud

1 here to what's the best way to handle this. Obviously,
2 I think to discuss a type of sentence -- we will not
3 argue that he has a conviction for it. I think you can
4 word it as far as:

5 "As a result of this conviction, did you have
6 contact with him?"

7 MS. MCGINNIS: Yes, Judge.

8 THE COURT: And not discuss his probation or
9 parole. Just, based under contact:

10 "As a result of this conviction, what address
11 was given?"

12 And don't go into the monthly time, unless you
13 open the door, as far as, you know, for a period of
14 time -- during this specific period of time, what
15 address was given?

16 And just don't say it's probation and parole.
17 "As result of a conviction, he had contact with him."

18 MS. MCGINNIS: We want to make sure this was
19 not just one contact with him. This was multiple,
20 ongoing visits.

21 THE COURT: Correct. And you can do that,
22 just be careful on how you word it.

23 MS. MCGINNIS: So just avoid the term
24 "supervision."

25 "You had contact with him as a result of these

1 convictions?"

2 THE COURT: Correct.

3 MS. MCGINNIS: Okay.

4 THE COURT: Anything further on that?

5 MR. NIELSON: And I guess under that analysis
6 they're going to have to put the convictions in before
7 the probation officer testifies --

8 THE COURT: Correct.

9 MR. NIELSON: From what you're saying.

10 THE COURT: Right. I think that would just
11 make it easier to follow and not as prejudicial.

12 MR. NIELSON: And once again, I'm going to
13 object contemporaneously with a simple objection when
14 the probation officer takes the stand.

15 THE COURT: Yes, sir.

16 MR. NIELSON: To their testimony in there
17 entirety, but this is hashing it out here so we don't
18 have to hash it out there.

19 THE COURT: Yes, sir. And when you make your
20 contemporaneously objection, I'll rule at the same time.

21 MR. NIELSON: Thank you, your Honor.

22 MS. MCGINNIS: Judge, at the time we introduce
23 the certified convictions, we will be asking the Court
24 to take judicial notice that domestic violence in the
25 first degree is a violent crime under 16-1-60 and that

1 strong-arm or common law robbery is a crime of violence
2 under 16-11-500, I believe.

3 THE COURT: Anything on that?

4 MR. NIELSON: No, your Honor. I agree they
5 meet the standards. And for the record, we offered to
6 stipulate.

7 THE COURT: Yes, sir.

8 MS. MCGINNIS: Judge, the just -- the sentence
9 needs to be redacted off of these. So if you could just
10 give us one moment so we can keep rolling --

11 THE COURT: Sure.

12 MS. MCGINNIS: -- once we bring the juror back
13 in.

14 (Whereupon, a short recess was taken.)

15
16 THE BAILIFF: All rise.

17 THE COURT: Ready for the jury?

18 MS. MCGINNIS: Yes, your Honor.

19 THE COURT: Mr. Nielson?

20 MR. NIELSON: Yes, your Honor.

21 THE COURT: Let's have the jury, please.

22 (Jury entered.)

23 THE COURT: Welcome back, ladies and gentlemen
24 of the jury. I hope you had a nice lunch. We are ready
25 to proceed with the trial of this case.

1 You may call your next witness.

2 MS. MCGINNIS: Thanks Judge.

3 The State calls Herbert McCray.

4

5 *H-E-R-B-E-R-T M-C-C-R-A-Y, the Witness herein, having*
6 *been sworn by the Clerk of Court, was examined and*
7 *testified as follows:*

8

9 THE COURT: Your witness.

10 MS. MCGINNIS: Thank you.

11

12 **DIRECT EXAMINATION**

13 **BY MS. MCGINNIS:**

14 Q. Good afternoon, Mr. McCray.

15 A. Good afternoon.

16 Q. Can you state your full for the jury?

17 A. Herbert M. McCray, Sr.

18 Q. And what do you do for work Mr. McCray?

19 A. I'm a mortician.

20 Q. Do you have some other kind of side business?

21 A. Yes. I have several rental properties.

22 Q. Where are those properties located?

23 A. Some on Hood Street. I've got some on French
24 Street. I've got some right here on Dunlap Street.

25 Q. Are they all right here in the City of

1 Lancaster?

2 A. Yes.

3 Q. Is one that you rent out [REDACTED] West Hood Street?

4 A. Yes, ma'am.

5 (State's Exhibit 169, Lease agreement,
6 was marked for Identification.)

7 MS. MCGINNIS: May I approach the witness,
8 your Honor?

9 THE COURT: Yes, ma'am.

10 Q. (By Ms. McGinnis) I'm going to show you what's
11 been marked for identification as State's Exhibit 169.
12 Are you familiar with this document?

13 A. Yes, ma'am.

14 Q. What is that document?

15 A. It's a rental lease.

16 Q. For what address?

17 MR. NIELSON: Your Honor, I will tell you this
18 is already in evidence.

19 MS. MCGINNIS: Understood. I'll admit it in
20 our case-in-chief too.

21 THE COURT: You can proceed.

22 MS. MCGINNIS: Thank you.

23 MR. MCCRAY: It's [REDACTED] West Hood Street.

24 Q. (By Ms. McGinnis) Okay. And who is it made
25 between?

1 A. This one was made between Melissa -- Yashima
2 Mingo. Yeah, Yashima. I'm young. Yashima Mingo.

3 Q. Okay.

4 A. And McCray Enterprises.

5 Q. And I believe that's the original lease
6 that --

7 A. Yes, ma'am.

8 Q. -- your office signed with Ms. Mingo; is that
9 correct?

10 A. Yes, ma'am.

11 Q. Has it been altered or anything like that?

12 A. No, ma'am.

13 MS. MCGINNIS: Judge, at this time I'd move
14 State's 169 into evidence.

15 THE COURT: Any objection?

16 MR. NIELSON: My only objection is that it's
17 cumulative. It's already in evidence.

18 THE COURT: I'll allow it. You can put it in.

19 (State's Exhibit 169, lease agreement,
20 was entered into evidence.)

21 MS. MCGINNIS: Permission to publish?

22 THE COURT: Yes, ma'am.

23 Q. (By Ms. McGinnis) Now, Mr. McCray, before I
24 publish it, I'm going to let you hold on to it for a
25 minute. Who all is listed as living in that house?

1 A. It was supposed to be Melissa and her
2 children.

3 Q. Yashima and her children?

4 A. Yashima.

5 Q. Okay. And you keep saying, "Melissa" and
6 that's my name. But my name is not on there; is that
7 right.

8 A. Her son and her daughter.

9 Q. But my name is not on that lease; right?

10 A. No, ma'am.

11 Q. Her employer is listed as Melissa?

12 A. Her employer is DMS Ross.

13 Q. So her and her two children?

14 A. Yes, ma'am.

15 Q. Is it common for people to list all their
16 children on that lease?

17 A. Yes, ma'am.

18 Q. Is it common for people to sometimes not put
19 them all on there?

20 A. Sometimes if they're really young children,
21 they may not list them.

22 Q. But that's not uncommon --

23 A. No, ma'am.

24 Q. -- in your leasing business?

25 A. No, ma'am.

1 Q. Is there any other adults listed on that
2 lease?

3 A. No, ma'am.

4 Q. Do you still own this house on [REDACTED] West Hood
5 Street?

6 A. Yes, ma'am. I do.

7 Q. Do you have a tenant in there now?

8 A. Yes.

9 Q. Since the incident happened in September of
10 2020 at your house on Hood Street and now, have you
11 changed any of the locks at that residence?

12 A. No, we haven't.

13 Q. Not the front door?

14 A. No.

15 Q. How about the back door?

16 A. No.

17 Q. So it's in the same condition -- the locks are
18 in the same condition as in September of 2020?

19 A. Yes, ma'am.

20 MS. MCGINNIS: If you'll answer anything Mr.
21 Nielson has for you, sir.

22 THE COURT: Cross-examination?

23 MR. NIELSON: Thank you, your Honor.

24

25

CROSS-EXAMINATION

1 **BY MR. NIELSON:**

2 Q. You own a number of rental properties around
3 town; correct?

4 A. Yes.

5 Q. Including this one that we're talking about
6 here today?

7 A. Yes. Yes.

8 Q. Do people in your rental properties ever let
9 other people stay with them?

10 A. Yes.

11 Q. Do people live there that are not on the
12 rental agreements?

13 A. They sometimes do, yes.

14 MR. NIELSON: No further questions.

15 THE COURT: Any redirect?

16 MS. MCGINNIS: No, your Honor.

17 May Mr. McCray be released?

18 THE COURT: Any objection?

19 MR. NIELSON: No objection.

20 THE COURT: You're free to go, sir.

21 You may call your next witness.

22 MS. WORKMAN: Thank you, your Honor. The
23 State would call Carolyn Clark.

24

25 *C-A-R-O-L-Y-N C-L-A-R-K, the Witness herein, having been*

1 *sworn by the Clerk of Court, was examined and testified*
2 *as follows:*

3
4 THE COURT: Your witness.

5 MS. WORKMAN: Thank you, your Honor.

6
7 **DIRECT EXAMINATION**

8 **BY MS. WORKMAN:**

9 Q. Can you state your full name for the record?

10 A. My full name is Carolyn Clark.

11 Q. And where are you living?

12 A. I stay on [REDACTED] West Hood Street.

13 Q. And how long approximately have you lived
14 there?

15 A. I've been there ever since the 10th of the
16 month. I moved in after things happened -- after that
17 had happened.

18 Q. After the incident happened that we're here
19 for today?

20 A. Uh-huh.

21 Q. Okay. So you moved in afterwards?

22 A. Uh-huh.

23 Q. Have you ever changed the locks on that house?

24 A. No, ma'am.

25 Q. Do you know, did Mr. McCray or anybody else

1 change the locks on your house?

2 A. No, ma'am.

3 MS. WORKMAN: Please answer and questions Mr.
4 Nielson has for you.

5 MR. NIELSON: No questions, your Honor.

6 THE COURT: You may step down, ma'am. Thank
7 you.

8 MS. WORKMAN: Judge, may this witness be
9 excused as well?

10 THE COURT: Any objections?

11 MR. NIELSON: No objection.

12 THE COURT: You're free to go, ma'am.

13 You may call your next witness.

14 MS. MCGINNIS: The State calls Brian Small.

15

16 *B-R-I-A-N S-M-A-L-L, the Witness herein, having been*
17 *sworn by the Clerk of Court, was examined and testified*
18 *as follows:*

19

20 THE COURT: Your witness.

21 MS. MCGINNIS: Thank you, your Honor.

22

23 **DIRECT EXAMINATION**

24 **BY MS. MCGINNIS:**

25 Q. Mr. Small, state your name for the record?

1 A. Brian Small.

2 Q. Where do you work?

3 A. Lancaster Police Department.

4 Q. What's your current role?

5 A. Interim Chief.

6 Q. How long have you worked in the police
7 department?

8 A. Since May 17, 2005.

9 Q. And is that the entirety of your career in law
10 enforcement?

11 A. No, ma'am.

12 Q. Where did you work prior to that?

13 A. Lancaster County Sheriff's Office.

14 Q. How long did you work there?

15 A. Five years.

16 Q. So about 22 years in law enforcement?

17 A. Yes.

18 Q. Were you working at the police department on
19 September 24, 2020?

20 A. I was.

21 Q. In what capacity?

22 A. Detective supervisor.

23 Q. And what does that roll include?

24 A. Violent crimes, white collard crimes, sex
25 crimes, thefts, burglaries.

1 Q. And you investigate all those types of crimes?

2 A. Yes.

3 Q. And on September 24, 2020 did you have
4 occasion to investigate a crime at [REDACTED] West Hood Street?

5 A. Yes, ma'am.

6 Q. And is that in the City of Lancaster?

7 A. It is.

8 Q. In Lancaster County?

9 A. Yes, ma'am.

10 Q. How did you get called out to the scene that
11 night?

12 A. I was called by Lieutenant Brenner Hartley at
13 the time by phone.

14 Q. And Lieutenant Hartley, was he over patrol?

15 A. He was a patrol shift supervisor.

16 Q. What did Lieutenant Hartley, without saying
17 what he said, what did he indicate to you?

18 A. He called in reference to a shooting incident
19 at [REDACTED] West Hood Street.

20 Q. You then responded out, as part of your
21 detective role?

22 A. Yes.

23 Q. And did you wear body cam back in that time
24 period?

25 A. I had one, but I didn't have it with me at the

1 time.

2 Q. When you were at the scene did others there at
3 the scene have body-worn cameras?

4 A. Yes.

5 Q. And they were recording for the majority of
6 the time that everyone was on the scene?

7 A. Appeared to be. Yes, ma'am.

8 Q. When you got there what did you do?

9 A. I entered through an open door, which was on
10 the east side of the house.

11 Q. Is that going to be the front door?

12 A. Yes. It was the established front door.

13 Q. And what did you find when you arrived?

14 A. Waked in and I went into a living room, then I
15 made a right into a bedroom, where there was a
16 deceased -- a young man deceased on the floor.

17 Q. Had other officers already been in and cleared
18 the residence?

19 A. Yes.

20 Q. As a detective and investigator, what is your
21 role there that night?

22 A. Generally, just do a walkthrough of the home
23 and see what actually had happened, what may be on the
24 floor, what type of evidence we may have. And
25 naturally, when I arrived, any help that might be needed

1 to get to victims has already been done.

2 Then we go through and I look at potential
3 evidence. And at that point, I usually contact my
4 evidence or crime scene technician, rather.

5 Q. And that night, did you contact your crime
6 scene person?

7 A. I did.

8 Q. Is that Investigator Sims?

9 A. It is.

10 Q. Did he respond to the scene?

11 A. Yes, ma'am.

12 Q. Did you observe him or kind of were with him
13 when he collected evidence?

14 A. Yes, ma'am.

15 (State's Exhibit 104, Ski mask, was
16 marked for Identification.)

17 MS. MCGINNIS: May I approach the witness,
18 your Honor?

19 THE COURT: Yes, ma'am.

20 Q. (By Ms. McGinnis) Chief Small, I'm handing you
21 what's been marked for identification as State's Exhibit
22 104.

23 Are you familiar with this item?

24 A. Yes, ma'am.

25 Q. What is that?

1 A. It's labeled as a black mask.

2 Q. When you went out to the scene that night, did
3 you observe a black mask?

4 A. I observed a black item, I did -- it was
5 determined to be a mask.

6 Q. Where did you observe that?

7 A. When you walk into the first bedroom on the
8 right, it was laying on the floor in front of a tub and
9 it was on top of a firearm.

10 Q. Were you there in the room and in the house
11 when that item was collected?

12 A. Yes.

13 Q. I'm going to hand you some scissors and some
14 gloves and ask you to open it and tell me if the item is
15 in the same condition as when it was collected in your
16 presence.

17 A. You want me to come around there?

18 Q. Just open it where you're at and look at it
19 and confirm it was in the same condition before you pull
20 it up so anybody else can see it.

21 Before you let any one --

22 THE COURT: Hold it down until it's introduced
23 into evidence please.

24 THE WITNESS: Yes, ma'am.

25 MS. MCGINNIS: And Judge, at this time we'd

1 move State's 104 into evidence.

2 THE COURT: Any objection?

3 MR Nielson: No objection.

4 THE COURT: It's in.

5 (State's Exhibit 104, Ski mask, was
6 entered into evidence.)

7 MS. MCGINNIS: Permission to publish?

8 THE COURT: Yes, ma'am.

9 Q. (By Ms. McGinnis) Chief Small, if you can hold
10 that item up and kind of show the jury the front and
11 back of it.

12 MR. SMALL: Permission to stand up and hold it
13 up?

14 THE COURT: Yes, sir.

15 MR. SMALL: This is the back and this would be
16 the front.

17 Q. (By Ms. McGinnis) Thank you, Chief Small.
18 What I'm going to do is hand you a fresh bag and ask you
19 to put all the other packaging in here and then the mask
20 on top of that and seal this up for me.

21 A. You want the item in there last?

22 Q. Please.

23 After you supervised the collection of the
24 evidence in that first bedroom, which was the main crime
25 scene, did you walk around the rest of the house?

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

2 Q. Did you enter the second bedroom?

3 A. I did.

4 Q. What did you observe in there?

5 A. There was items around that appeared to be a
6 child's room.

7 Q. Okay.

8 A. There was also a blanket or a throw or a towel
9 of some sort that was hanging over window, it was a
10 cartoon type, Hello Kitty, I believe it was.

11 Q. What state was the window in?

12 A. Open.

13 Q. Opened?

14 A. Yes, ma'am. The one that was covered with
15 Hello Kitty item, it was opened.

16 Q. Did go into some other rooms in the house as
17 well?

18 A. I did. I just glanced in the bathroom and
19 walked into a kitchen.

20 Q. Was there an exit door in the kitchen?

21 A. Yes.

22 Q. How was that door when you saw it?

23 A. Closed.

24 Q. Was it secured?

25 A. Appeared to be. Yes, ma'am.

1 Q. How about around the door, did you notice any
2 items?

3 A. I noticed a stack of boxes just like in the
4 corner that was kind partially covering -- I wouldn't
5 say blocking the door, but it was in front of the door.

6 Q. The back door?

7 A. Yes, ma'am. Which would have been on the west
8 side of the home.

9 Q. Had those been disturbed to you -- to what you
10 saw, were those disturbed?

11 A. No, ma'am.

12 Q. Now as the investigating officer, is it your
13 responsibility to instruct your crime scene investigator
14 on what type of evidence he needs to be looking for and
15 to collect?

16 A. Yes.

17 Q. In this case, did you ask him to collect any
18 DNA?

19 A. I did not.

20 Q. Why was that?

21 A. The persons in the home were known. Three
22 people in the home, which was the deceased. The name of
23 the injured and also female, Ms. Mingo. And she had
24 also already given one statement to investigators that,
25 that was the father of her children that was transported

1 and that was her current boyfriend that was deceased.

2 Q. So the father of her child was Mr. Truesdale
3 Mr. Truesdale?

4 A. Yes.

5 Q. Was Mr. Truesdale there when you got there?

6 A. He was not.

7 Q. Do you know where he had gone to?

8 A. I think he had been transported to the
9 hospital. I'm not sure to which hospital, but I knew he
10 was transported the by EMS.

11 Q. So either you or officers on scene spoke with
12 Ms. Mingo that night?

13 A. Yes.

14 Q. And you received information -- tell me again,
15 what information did you receive about Mr. Truesdale?

16 A. That he was the father of her children or
17 child and that he was at the home the day of or the day
18 prior leading up to this night visiting the child, spent
19 some time in the home.

20 Q. Okay. Tell me about your decision not to
21 collect fingerprints?

22 A. With us having known individuals, known
23 suspects or known victims and known persons in the home,
24 DNA, fingerprints, they don't go away. They remain
25 until they're washed painted over, cleaned or something

1 like that. And they may fade over time, but with the
2 father of the children being the one who was treated,
3 involved in the incident being there the prior day, when
4 I say prior day, this was roughly 3:00 in the morning.
5 This was daylight of the same day leading up to this
6 night, I made the decision not to check for DNA.

7 Q. I think what you're saying, you can't tell
8 when DNA or fingerprints are deposited?

9 A. No.

10 Q. So if I touch this and leave my fingerprints
11 on it --

12 A. They don't have a timeframe.

13 Q. And If I touch this and don't leave a
14 fingerprint but I leave my DNA?

15 A. Still does not have a timeframe.

16 Q. Did you also receive information about
17 Mr. Truesdale's previously living in that house?

18 A. I believe he had stayed there before, yes.

19 Q. Did that also factor in to your decision not
20 to process for DNA or fingerprints?

21 A. That is correct. Yes, ma'am.

22 Q. After that night -- before I go there.

23 You said you had all "known individuals." Can
24 you explain what you mean by that?

25 A. The victim of course. Let me retract that,

1 please.

2 The female, the female in the home, that was
3 in the home, she lived there. She had a male person
4 that she called her current boyfriend visiting and the
5 father of her children, was in the home that night as
6 well at some point and he had also visited and has
7 stayed in the past.

8 Q. And so they were known to Ms. Mingo, but they
9 were also known to you as what roles, as part of your
10 investigation.

11 Did Ms. Mingo give you a statement as to who
12 did what that night?

13 A. Yes.

14 Q. Her statement was what regarding Mr.
15 Truesdale?

16 A. Full statement?

17 Q. Not full statement, just in general. Why did
18 she tell you Mr. Truesdale was in the house that night?

19 A. She was in the bed a sleep with her, with
20 Mr. White and they were in bed asleep, the light came
21 on. She was awaked by the light being turned on. When
22 she looked up there was a person standing at the foot of
23 the bed.

24 Q. Who did he identify that person as?

25 A. As Quinterious Truesdale, the father of her

1 children.

2 Q. Would he be considered your suspect?

3 A. Yes.

4 Q. When you take DNA, when you take fingerprints,
5 what are you trying to do with that information once you
6 take them?

7 A. Identify an unknown person.

8 Q. Potentially a suspect?

9 A. Correct.

10 Q. And in this case, did you need to identify an
11 unknown suspect?

12 A. Did not.

13 Q. Okay. After you were at the scene that night,
14 did you have an opportunity to speak with Ms. Mingo
15 again?

16 A. Yes.

17 Q. Was the statement she gave you consistent with
18 what she told you that night?

19 A. Yes, ma'am.

20 Q. And then, sometime later, about a week later,
21 did you have an opportunity to speak with Mr. Truesdale?

22 A. I did.

23 Q. Where was Mr. Truesdale when you spoke with
24 him?

25 A. He was brought to the police department.

1 Q. And he was brought there for what reason?

2 A. To be booked.

3 Q. On the charges that we're here for today?

4 A. Yes.

5 Q. And when you spoke with Mr. Truesdale, as part
6 of that booking, did you get some information from him?

7 MR. NIELSON: Objection. Burden shifting.

8 May we approach?

9 THE COURT: Yes, sir.

10 *(Whereupon, a brief discussion was held*
11 *off the record.)*

12 THE COURT: You may proceed Solicitor.

13 Q. (By Ms. McGinnis) As part of your booking
14 process, did you get some information from Mr.
15 Truesdale?

16 A. I did.

17 Q. Did you get him to give you his full name?

18 A. His full name with the correct spelling.

19 Q. How about his address?

20 A. I did.

21 Q. What address did he give you?

22 A. [REDACTED] Usher Road.

23 Q. Did you ask who he lived with at that
24 location?

25 A. I did.

1 Q. Who did he indicate?

2 A. His mother.

3 Q. And was this brief encounter for the purposes
4 of booking recording in anyway?

5 A. Yes.

6 Q. I'm going to approach.

7 (State's Exhibit 170, CD/Booking of Q.
8 Truesdale, was marked for
9 Identification.)

10 MS. MCGINNIS: May I approach?

11 THE COURT: Yes, ma'am.

12 Q. (By Ms. McGinnis) I'm going to hand you what's
13 been marked as State's Exhibit 170 for identification
14 purposes. Do you know what this is as disc of?

15 A. That's going to be our initial interview.
16 Yes.

17 Q. The initial booking?

18 A. Initial booking, yes.

19 Q. With Mr. Truesdale. Have you had a chance to
20 review the booking?

21 A. The video, yes.

22 Q. Did it fairly and accurately depict all the
23 events that you had with Mr. Truesdale that day?

24 A. Yes, ma'am.

25 MS. MCGINNIS: Judge, at this time, I'd move

1 State's 170 into evidence.

2 THE COURT: Any objection?

3 MR. NIELSON: My objection is, I don't think
4 we ever got this in discovery.

5 THE COURT: Would y'all approach for one
6 second?

7 *(Whereupon, a brief discussion was held*
8 *off the record.)*

9 MS. MCGINNIS: Your Honor, I would withdraw my
10 request to publish this item.

11 THE COURT: Yes, ma'am.

12 Q. (By Ms. McGinnis) When we were preparing for
13 trial and you were preparing for trial, did you become
14 aware that the key that you had, was going to be
15 important?

16 A. Yes.

17 Q. At the Solicitor's Office request, what did
18 you do with that key?

19 A. It was a single key on a black lanyard. It
20 was taken to [REDACTED] West Hood Street.

21 Q. I'm going to hand you what's been marked as
22 State's 168.

23 MS. MCGINNIS: Your Honor, may I approach?

24 THE COURT: Yes, ma'am.

25 Q. (By Ms. McGinnis) Is this the key you're

1 referring to?

2 A. Yes, ma'am.

3 Q. And it was taken to the residence in question
4 here, [REDACTED] West Hood Street?

5 A. Yes, ma'am. The same residence we responded
6 to for the deceased person.

7 Q. When you went to that address, what did you
8 do?

9 A. I had my crime scene, Investigator Sims, get
10 the key and check both doorknobs with the residence.

11 Q. Did you make contact with the resident?

12 A. I did.

13 Q. And who was that?

14 A. Ms. Carolyn Clark.

15 Q. And you ask her permission?

16 A. I actually called her on the phone, asked her
17 permission. She said, she'd be in just a minute. So I
18 waited until she arrived home.

19 Q. When she arrived home, what did you do?

20 A. We first went to the front door, which faces
21 east, it faces Hood Street, tried the lock there, she
22 was standing on the porch and the key did not work. So
23 myself and Investigator Sims went around to the back
24 door. Ms. Clark initially opened the back door. We
25 told her we needed it closed and locked. We don't -- we

1 checked to make sure it was locked. Then Investigator
2 Sims tried the key with that door and it did not open
3 that door.

4 Q. Did you wear a body-worn camera at this date?

5 A. I did.

6 Q. Did you record your efforts to check the key?

7 A. I did.

8 (State's Exhibit 172, CD/Body-cam B.

9 Small, was marked for Identification.)

10 MS. MCGINNIS: May I approach?

11 THE COURT: Yes, ma'am.

12 Q. (By Ms. McGinnis) I'm going to hand you what's
13 been marked as State's 172. Are you familiar with this?

14 A. Yes, ma'am.

15 Q. What is this as disc of?

16 A. It's a copy of my body-worn camera for the day
17 that we tried the key at this residence on both doors.

18 Q. And does it accurately reflect your entire
19 encounter at [REDACTED] West Hood Street?

20 A. Yes, ma'am.

21 MS. MCGINNIS: Judge, at this time we'd move
22 State's 172 into evidence.

23 MR. NIELSON: Without objection.

24 THE COURT: All right, it's in.

25 (State's Exhibit 172, CD/Body-cam B.

1 Small, was entered into evidence.

2 MS. MCGINNIS: Permission to publish?

3 THE COURT: Yes, ma'am.

4 MS. MCGINNIS: Your Honor, may we approach
5 before I publish this?

6 *(Whereupon, a brief discussion was held*
7 *off the record.)*

8 MR. NIELSON: Your Honor, the State and I have
9 agreed to fast forward until Ms. Clark gets there and
10 they actually attempt to open the door. The rest of it
11 is just cops milling around the house.

12 THE COURT: That works. Thank you.

13 Q. (By Ms. McGinnis) That part, when you're at
14 the back door and the door opens, was that the key
15 unlocking the door?

16 A. No. No, ma'am.

17 Q. What was that?

18 A. Ms. Clark.

19 Q. Ms. Clark was inside the house?

20 A. Yes, ma'am.

21 MS. MCGINNIS: Beg the Court's indulgence.

22 *(State's Exhibit 175, Driver's records*
23 *for Q. Truesdale, was marked for*
24 *Identification.)*

25 MS. MCGINNIS: May I approach the witness?

1 THE COURT: Yes, ma'am.

2 Q. (By Ms. McGinnis) Chief Small, I'm going to
3 hand you what's been marked as State's Exhibit 175 for
4 identification. Are you familiar with this document?

5 A. Yes, ma'am.

6 Q. What is this document?

7 A. It's a ten-year driving record from South
8 Carolina Department of Motor Vehicles.

9 Q. On who?

10 A. Quinterious Raquon Truesdale.

11 Q. Does it have an address on it?

12 A. It does.

13 Q. What's that address?

14 A. [REDACTED] Usher Road.

15 Q. Does it show previous addresses on that piece
16 of paper?

17 A. It does.

18 Q. What's the previous address?

19 A. [REDACTED] Pardue Street, Lancaster.

20 Q. And does it give you the date that that
21 address was changed?

22 A. Yes, ma'am.

23 Q. What's that date?

24 A. February 10, 2020.

25 Q. Thank you.

1 MS. MCGINNIS: Judge, at this time I'd move
2 this in evidence.

3 THE COURT: Any objection?

4 MR. NIELSON: No objection.

5 THE COURT: It's in.

6 (State's Exhibit 175, Driving record Q.

7 Truesdale, was entered into evidence.)

8 MS. MCGINNIS: Permission to publish?

9 THE COURT: You may.

10 MS. MCGINNIS: At this time Chief, I don't
11 have no other questions for you. Please answer any
12 questions Mr. Nielson may have.

13 THE COURT: Cross-examination?

14 MR. NIELSON: Thank you, your Honor.

15

16 **CROSS-EXAMINATION**

17 **BY MR. NIELSON:**

18 Q. Chief Small, were you the lead investigator on
19 this case?

20 A. Yes.

21 Q. So out at the scene, if decision were needed
22 to be made, the buck stops with you?

23 A. Sir?

24 Q. Out at the scene, if decisions were needed to
25 be made, the buck stop with you?

1 A. Yes, sir.

2 Q. You were in charge of Lancaster Police
3 Department that night, for that shift at least?

4 A. No, sir.

5 Q. You were not in charge of the shift?

6 A. Just of investigations. Captain Hall would
7 have been in charge of the department.

8 Q. Okay. Sorry, about that. But for that
9 investigation, the buck stops with you?

10 A. Yes, sir.

11 Q. Let's talk about fingerprint for a second.
12 You testified that the only thing fingerprints give you
13 is identification?

14 A. That's usually if you have that print already
15 stored in Columbia if it's already matched.

16 Q. Is there anything else you can tell with the
17 fingerprint?

18 A. You can tell if someone had been there.

19 Q. Can you tell how somebody touched something?
20 Is a fingerprint going to be different if they touch
21 something like this, or like this, or based on the
22 direction?

23 A. Yeah, the direction would change. Yes, sir.

24 Q. So if somebody's climbing through the window
25 you can tell if they generally touched the window in a

1 way that you climb through a window, based on
2 fingerprints, do you?

3 A. If you're able to detect the fingerprint.
4 Yes, sir.

5 Q. But you didn't even look for fingerprints?

6 A. No, sir.

7 Q. At any point during this investigation, did it
8 become -- were you made aware that Quinterious was
9 accused of crawling through the window?

10 A. Not at that very moment. No, sir.

11 Q. Were you at some point in the investigation?

12 A. Yes.

13 Q. At what point were you made aware of that?

14 A. When Ms. Mingo said she had to exit the door
15 -- she had to unlock the door to go outside to call 911.

16 Q. Was that the night or later on in the
17 investigation?

18 A. That was -- that was that night, I believe.

19 Q. So that night you knew that you had reason to
20 suspect that he came in the door some other way, the
21 house some other way?

22 A. Correct.

23 Q. But you still choose not to even look for
24 fingerprints?

25 A. No, sir.

1 Q. That decision was made by you?

2 A. Yes, sir.

3 Q. I believe you said you were lieutenant at that
4 point?

5 A. Yes, sir.

6 Q. And DNA, same thing, decision made by you?

7 A. Yes, sir.

8 Q. Now, DNA is a little different. You can't
9 tell how somebody touched something when they leave
10 touch DNA; correct?

11 A. Correct?

12 Q. So if there's DNA on there, you wouldn't be
13 able to tell whether it's a finger, a head, a foot, an
14 elbow, anything else; correct?

15 A. You wouldn't be able to see it. No, sir.

16 Q. You don't get the same directional information
17 that you would potentially with a fingerprint?

18 A. No, sir.

19 Q. Have you been at this trial the entire week?

20 A. No, sir. Not stayed in it. No, sir.

21 Q. And how many officers were out the at scene
22 that night, do you remember?

23 A. Counting myself, probably at least -- counting
24 myself, probably at least six to seven.

25 Q. And I believe we've heard from four officers

1 at the scene.

2 Was Officer Wojciech -- and I may screw up the
3 name -- there? Do you remember?

4 A. I'm sorry? Officer?

5 Q. Was Officer Wojciech --

6 A. I always have trouble with his last name, but
7 I did see him there when I was there.

8 Q. What about Officer Hartley?

9 A. Lieutenant Hartley, yes.

10 Q. What about Officer Beck?

11 A. Yes. He was outside when I arrived.

12 Q. So there were other officers around and then,
13 of course, Officer Sharperson?

14 A. Yes, sir.

15 Q. And yourself?

16 A. Yes, sir.

17 Q. Officer Sims who we heard from earlier today?

18 A. Yes, sir.

19 Q. And you said six or seven officers at the
20 scene?

21 A. That I can -- that I can remember. Yes, sir.

22 Q. Were you there when EMS was there?

23 A. No, sir.

24 Q. So you don't know how many EMS people were at
25 the scene?

1 A. I do not. No, sir.

2 Q. What about fire department? Do you know how
3 many -- were you there when the fire department was
4 there?

5 A. No, sir.

6 Q. You said boxes -- that there were boxes by the
7 back door that night?

8 A. It looked like some sort of boxes stacked in
9 the corner by the back door. Yes, sir.

10 Q. Did you take a picture of those boxes?

11 A. I did not. No, sir.

12 Q. Did you instruct Officer Sims to take any
13 pictures of the boxes?

14 A. He went through the home. I didn't directly
15 instruct him.

16 Q. Based on your walking through the scene. You
17 said you walked through the whole house; right?

18 A. Yes, sir.

19 Q. Did you think those boxes had any evidentiary
20 value that night?

21 A. They didn't directly get my attention. No,
22 sir.

23 Q. Let's talk about keys for a second. The State
24 showed you this key that's been marked as State's 168;
25 correct?

1 A. Yes, sir.

2 Q. This is the key that you took to the house to
3 try to open both the front and back door?

4 A. Yes, sir.

5 Q. Were you looking for any other keys that
6 night?

7 A. No, sir.

8 Q. If you would have seen a key on the floor or
9 on the couch that was not -- that was just laying there,
10 would it have even drawn your attention?

11 A. Probably not.

12 Q. Where was this key found? Do you know?

13 A. It was in some clothing of Mr. Truesdale's.

14 Q. And when was this key found? Do you know the
15 answer to that.

16 A. I think it was last week.

17 Q. Within the last couple of weeks?

18 A. Yes, sir.

19 Q. So the police -- is it fair to say, before
20 trial preparation -- before the State was getting ready
21 for trial in this case, nobody knew this key existed?

22 MS. MCGINNIS: Objection.

23 MR. NIELSON: Sorry. I'll withdraw.

24 Q. (By Mr. Nielson) you did not know this key
25 existed before the last couple of weeks?

1 A. No, sir.

2 Q. Because it was found whereat in the clothing?

3 A. In the -- it was -- in the -- wrapped up in
4 some clothing that was removed from Mr. Truesdale.

5 Q. And where was that clothing found, do you
6 know?

7 A. Where was it found --

8 Q. Yeah, the key --

9 A. -- or where was the key?

10 Q. No. Where was the clothing found at the
11 scene?

12 A. I think by the couch in the living room.

13 MR. NIELSON: Okay. No further questions your
14 Honor.

15 THE COURT: Any redirect?

16 MS. MCGINNIS: Beg the Court's indulgence.

17

18 **REDIRECT EXAMINATION**

19 **BY MS. MCGINNIS:**

20 Q. Chief Small, that night, did Yashima Mingo
21 indicate to you that Quinterious had a key?

22 A. She did not.

23 Q. Would you have had any reason to look for a
24 key?

25 A. If I would have known to look for one, yes.

1 Q. If you had known that he had previously had
2 one?

3 A. Yes.

4 Q. But that night, what was your belief on how
5 Quinterious entered the home?

6 A. She didn't -- I just said maybe he'd come
7 through the window. Didn't have a -- didn't have any
8 evidence that he used the door because she told us that
9 she had to use her key to exit the house, unlock the
10 door to call 911 from the outside of the home.

11 MS. MCGINNIS: I don't have anything further.

12 THE COURT: You may step down, sir. Thank
13 you. Sir, you can step down.

14 You may call your next witness.

15 MS. MCGINNIS: The State would call Jamie
16 Green.

17
18 *J-A-M-E-S G-R-E-E-N, the Witness herein, having been*
19 *sworn by the Clerk of Court, was examined and testified*
20 *as follows:*

21
22 THE COURT: Your witness.

23 MS. MCGINNIS: Thank you.

24

25 **DIRECT EXAMINATION**

1 **BY MS. MCGINNIS:**

2 Q. Mr. Green, can you state your name for the
3 record.

4 A. James Green.

5 Q. And where do you work Mr. Green?

6 A. I'm employed by the South Carolina Law
7 Enforcement Division, commonly referred to as SLED.

8 Q. How long have you worked for SLED?

9 A. Since June of 2005.

10 Q. And in what capacity do you work there now?

11 A. I'm a forensic firearms examiner in the
12 forensic services laboratory.

13 Q. Have you always worked in firearms laboratory?

14 A. While at SLED, yes, ma'am.

15 Q. Do you have previous experience in, I'm going
16 to call it "law enforcement" but in what you're doing
17 now?

18 A. No, ma'am. What I'm doing now was when I
19 started at SLED but I did have three and a half years
20 working the road in Mount Pleasant Police Department
21 prior to starting at SLED.

22 Q. What kind of training do you have to have to
23 become a forensic firearms examiner?

24 A. SLED and their accreditation board requires a
25 bachelor's degree in a science or an equivalent.

1 I have a bachelor's of arts in English with a
2 minor in biology. And I also have a master's of science
3 in criminal justice. But once I was hired at SLED, I
4 started the three to three and a half year course of
5 instruction program and with a criminal psych passion, I
6 learned to do what I do now under court qualified
7 firearms examiners.

8 Q. Do you have to have ongoing training and
9 things like that to keep your accreditation?

10 A. Yes, ma'am.

11 Q. What kind of requirements do you have fore
12 that?

13 A. Well, as budget allows, we go to training.
14 Just two weeks ago I returned from the Association of
15 Firearms and Tool Market Examiners or AFT, A-F-T-E, as a
16 worldwide organization on firearms examiners and we had
17 our annual training conference in Atlanta last week, or
18 excuse me, two weeks ago.

19 Q. And you mentioned accreditation, can you
20 explain what that means?

21 A. Yes, ma'am. The SLED lab is accredited by an
22 international body of accreditors. It means we have to
23 meet a certain criteria of testing to be able to perform
24 what we do.

25 Q. And SLED is an accredited agency?

1 A. Yes, ma'am. We're a accredited by CALEA.

2 It's an overall SLED agency. And by the laboratory
3 accreditation board for the laboratory.

4 Q. And you, as a scientist, do you have separate
5 accreditation or does it fall under that CALEA umbrella?

6 A. It falls under the lapse umbrella.

7 Q. Have you testified in court before?

8 A. Yes, ma'am.

9 Q. Have you been qualified as an expert before?

10 A. Yes, ma'am.

11 Q. How many times?

12 A. 99 times, 97 times. The state and twice
13 federal.

14 Q. And what field?

15 A. Firearms identification.

16 MS. MCGINNIS: Judge, at this time we'd offer
17 Mr. Green as an expert witness in the field of firearms
18 identification.

19 THE COURT: Any voir dire?

20 MR. NIELSON: No voir dire and no objection.

21 THE COURT: He's qualified.

22 Q. (By Ms. McGinnis) Mr. Green, were you asked to
23 test evidence in this particular case?

24 A. Yes, ma'am.

25 Q. At SLED, how do you get this request to test

1 evidence?

2 A. A submitting agency throughout the State will
3 submit evidence to the laboratory, cartridge casing,
4 bullets, firearms or anything that DNA, latent prints,
5 all that stuff is tested by the laboratory. And it will
6 come in through evidence control department, we call it
7 "log-in." And when the evidence comes in, let's just
8 say Charleston Police Department will bring in their
9 evidence and they'll have the Charleston Police Case
10 Number.

11 Even though they have their own case number,
12 it gives out a unique SLED laboratory number. And each
13 individual piece of evidence will get some item number
14 within that case. And then the assignment is created in
15 our electronic tracking system and our department is or
16 any department is notified, there is an outstanding
17 assignment or an assignment was made. And then the
18 assignments will be given to an individual examiner.

19 At that time we will make an appointment with
20 our evidence control department to go downstairs and
21 pick up the evidence. Usually you pick them up in
22 batches, ten to 15 cases at a time. Electronically
23 transfer the custody to ourselves to put in our evidence
24 storage lockers that we each individually have to a time
25 where we can work it.

1 Q. Is that what you did in this particular case?

2 A. Yes, ma'am. That's what happens in every
3 case.

4 Q. I'm going to hand you a bag that contains a
5 number of items already put into evidence in this case.

6 Do you recognize this bag?

7 A. Yes, ma'am. This bag is attached a yellow
8 SLED label for label L-21-00-T099, Line 6, Container A.
9 If an item comes in by itself it's given No. 1, but we
10 have multiple in the container. So when I got this
11 item, I knew I had multiple items because it had a
12 container number on it.

13 Q. What was submitted to you in this particular
14 container?

15 A. In this particular container would have been
16 SLED items 1, 2, and 4 through 11 and 13, which were
17 fire cartridge cases.

18 Q. Were two other items submitted to you?

19 A. Yes, ma'am.

20 MS. MCGINNIS: May I approach?

21 THE COURT: Yes, ma'am.

22 Q. (By Ms. McGinnis) I'm going to hand you what's
23 been marked as State's Exhibit 98 and 99. Do you
24 recognize those two items?

25 A. Yes, ma'am. State's 98 and 99 are the two

1 firearms or the two pistols I examined in this cas.

2 Q. Do they have SLED Item numbers assigned to
3 them?

4 A. Yes, ma'am.

5 Q. And what are those?

6 A. State's Exhibit 99 -- first of all, this is
7 unloaded. I just checked. If you see me move the
8 evidence around with my hands, when the evidence comes
9 into the laboratory, specifically the firearms
10 department, it's scribed with electric pencil with the
11 lab number -- item number and our initials. So if you
12 see me moving it the evidence around my hand, even
13 though it has the same make, model, caliber, serial
14 number. I'm looking for my marking to know this is what
15 I examined.

16 State's Exhibit 99, is a SIG Suer, Model P-365
17 semi-automatic pistol that I examined as SLED Item 12.

18 State's Exhibit 98 is a Springfield Model XD
19 pistol that I examined as SLED Item 3.

20 Q. Once you received these items and you assess
21 them, what kind of testing do you do?

22 A. When evidence is submitted to us in the
23 firearms department specifically, they're trying to find
24 out -- let's just pretend for a second I don't have
25 State's Exhibit 98 and 99, that I was only given the

1 cartridge cases.

2 Now, I know how many firearms are represented
3 in those cartridge cases. So what we do is we look
4 through a comparison microscope. There's two
5 microscopes connect by single optical bridge that let's
6 us look at two items simultaneously. Firearms are like,
7 they have, like, a fingerprint. Through manufacturing
8 process one will mark a certain way and the next one
9 made right after it will mark similarly, but not so
10 similarly that you can't tell the difference. I'm
11 familiar with these studies. I've taken part in four
12 that I know of. Where they just go to the factor and
13 get ten consecutively made, parts of a firearm that
14 mark -- ten consecutively made breech faces.

15 If you're going to get any type of carryover
16 or similarities, you figure it's going to be made by the
17 same tool, right after the other. And you can
18 differentiate between one to the next, to the next, and
19 you can tell which breech face or which barrel fired the
20 bullet in the cartridge case.

21 So what happened in this case, I was given the
22 cartridge cases. I examined them, took pictures, wrote
23 them up on my worksheets and then I looked at the
24 cartridge cases to see how many guns were involved. If
25 we have ten cartridge cases, were there ten guns

1 involved or one gun involved?

2 So we look at those microscopically, I make my
3 determination and then I shot the two pistols and
4 compared those tests specimens that I know came from
5 that gun, because I shot them myself, there's no doubt
6 about it, that gun fired those test cartridge cases,
7 nothing compared -- test cartridge casing with State's
8 Exhibits 98 and 99 to the evidence.

9 Q. The first thing you do is look at the shell
10 casing. And in this case, how many firearms did you
11 determine was used based on the shell casings alone?

12 A. Just based on the cartridge cases, there were
13 two separate firearms used.

14 Q. Were you able to group the shell casings into
15 this one when fired with the other?

16 A. Yes, ma'am.

17 Q. Can you describe to the jury, how many you
18 determined were fired by item, your SLED Item 3?

19 A. SLED Item 3 fired, SLED Items 1, 5, 6 and 13.
20 So it fired four of the cartridge casings that were
21 submitted.

22 Q. Do those have any markings to explain what
23 kind of bullets or what kind of ammunition it was?

24 A. They have head-stamp information on the head
25 of the cartridge that tells you the caliber and the

1 brand.

2 Q. When those items come in to you are they
3 packaged individually?

4 A. Yes, ma'am. They were all packaged inside
5 this main container and each one was in a separate
6 sealed envelop.

7 Q. The envelopes that they've handed in, do they
8 have information about where those items were collected
9 from?

10 A. I don't remember if it was written on the
11 envelope itself, but on the evidence submission
12 paperwork from one of the submitting agencies that
13 submitted it, it did have a location where it was said
14 to be recovered from.

15 Q. So part of what you did was, you assigned it a
16 SLED item number. You gave it some identifying, I
17 guess, characterization as to which gun it came from,
18 you assigned it to a Gun A or Gun B?

19 A. Yes, ma'am.

20 Q. And did you also note what caliber and what
21 brand the ammunition was when you checked it?

22 A. In my case file I have the head stamps, which
23 is the manufacturer, the make of the ammunition and
24 caliber. Yes, ma'am.

25 (State's Exhibit 171, Ballistics Chart,

1 was marked for Identification.)

2 Q. (By Ms. McGinnis) And I'm going to show you
3 what's been marked as State's Exhibit 171 for
4 identification purposes. Are you familiar with this
5 chart?

6 A. Yes, ma'am.

7 Q. And does this accurately reflect the
8 information contained in your report?

9 A. Other than the two projectiles. Yes, ma'am.

10 Q. There's two projectiles that weren't submitted
11 to you that are listed on here?

12 A. Yes, ma'am.

13 Q. But other wise does it reflect the evidence
14 that you reviewed?

15 A. Yes, ma'am.

16 Q. Do you think this chart would be helpful in
17 explaining your findings in this report to the jury?

18 A. Yes, ma'am.

19 MS. MCGINNIS: Judge, at this time I'd move
20 State's Exhibit 171 into evidence.

21 MR. NIELSON: Without objection, your Honor.

22 THE COURT: It's in.

23 (State's Exhibit 171, Ballistics Report,
24 was entered into evidence.)

25 MS. MCGINNIS: Permission to publish?

1 THE COURT: Yes, ma'am.

2 Q. (By Ms. McGinnis) So starting with SLED Item
3 3 -- well, let me back up. First thing you did was
4 grouped your shell casings into two groups. One was
5 filed -- all of them were fired by one gun. The other
6 group, they were all fired by separate gun?

7 A. Yes, ma'am.

8 Q. And what is your next step?

9 A. Then I take one pistol -- I like to go
10 numerically, my mind just works that way. So I took
11 SLED Item 3, which was State's Exhibit 98 and test fired
12 it. I then compared those test cartridge cases with
13 each other to make sure the firearm was marking
14 consistently. Once I was happy that it was, I then
15 compared those known test specimens that I fired from
16 State's Exhibit 98 to the groups of cartridge cases.

17 Q. In this case, did you find any matches?

18 A. Yes, ma'am.

19 Q. What item did you -- what shell casing items
20 did you match to Item 3, the pistol, the Springfield?

21 A. Everything highlighted in yellow on the
22 document you see in front of you was fired by the
23 State's Exhibit 98, Springfield pistol.

24 Q. That would be SLED Item Number 1, SLED Item
25 Number 3 -- I'm sorry, SLED Item 3 was the pistol. SLED

1 Items 1, 5, 6 and 13?

2 A. Yes, ma'am.

3 Q. And did you do the same thing with the second
4 gun, which is SLED Item No. 12?

5 A. Yes, ma'am. State's Exhibit 99, SIG Suer
6 P-365, they changed the firing pin. It has a very
7 distinctive shape of a firing pin. Having the 365 was a
8 clue that it could be that gun. So after I tested fired
9 it to make sure my test marks consistently, I compared
10 them with that other cartridge cases, with the other
11 group of cartridge cases.

12 Q. And did they match?

13 A. Yes, ma'am.

14 Q. Those were which SLED Item numbers?

15 A. SLED Items 2, 4 and 7 through 11.

16 Q. All those were all consistent with each other
17 and consistent with being fired from Item No. 12?

18 A. Yes, ma'am. They were all fired from Item No.
19 12. They're in that kind of green teal color.

20 Q. Teal in color. Okay. And if you'll look at
21 the shell casings in that evidence bag in front of you,
22 in the individual envelopes, do the envelopes have
23 notations from where each item was collected?

24 A. Yes, ma'am. They do.

25 Q. And are they also marked with the submitting

1 agency, which in this case is the Lancaster Police
2 Department, Evidence Item Number?

3 A. Yes, ma'am.

4 Q. And your item numbers don't correspond in
5 anyway to theirs?

6 A. I love it when they do, but they hardly ever
7 do.

8 Q. Kind of to summarize here, this chart reflects
9 your matching of the shell casings to one another, as
10 well as, to the two guns that were all submitted to you
11 in this case?

12 A. Yes, ma'am.

13 Q. I know let -- me ask you this. When you test
14 fire a gun, how do you make sure you collect the shell
15 casing?

16 A. In the lab we have a vertical water tank,
17 which is what we're using until we get our new lab.
18 It's a two storey water tank that goes from our second
19 floor down to the first floor. It's just three feet
20 stainless steal and has a funnel at the bottom with a
21 chain with a small funnel that fits in the in drain
22 hole. And we have a really, really technical plastic
23 bin that we lay on top. When we pull the trigger, the
24 cartridge case is ejected and fall into the bin. The
25 bullets go down into the water and they slow down and

1 they just, generally, drop into the cup. We choose
2 water because it don't add any markings to the bullets,
3 it just slows it down. So when we shoot it, especially
4 when we have cases like this, even those bullets and the
5 cartridge case mark extremely differently because
6 they're different brands. We always shoot one gun at a
7 time to make sure there's no, did this cartridge case go
8 to this gun or did this cartridge case go to this gun?
9 So I test fired State's Exhibits 98 and 99 singularly.
10 Took three cartridges, shot them. Compared them
11 side-by-side. Shot three more from the other gun and
12 set them aside.

13 Q. Because of the way you shoot these for test
14 fires, do you know ejection pattern?

15 A. No, ma'am. Ejection pattern is not a study
16 that SLED does.

17 Q. As a firearms expert, are you familiar in a
18 general term how cell casings eject from a gun?

19 A. Yes, ma'am. For State's Exhibit 98 and 99 it
20 was very general -- very, very general. Because the
21 extractor is on the right side of the pistol, the
22 ejector is on the left side of the pistol. When the
23 slide moves to the rear, the extractor is holding the
24 cartridge case, it comes out fast from the ejector, very
25 generally it's going to go back and to the right.

1 Q. And where shell casings end up, doesn't
2 necessarily correspond exactly to where they were
3 ejected from the gun. Is that your experience?

4 A. Yes, ma'am. That's one of the reasons why we
5 don't do it.

6 Q. 'Cause they're fairly lightweight; is that
7 right?

8 A. Yes, ma'am. They're fairly lightweight and
9 when you have first responders, EMS, fire, police,
10 moving through the scene things can get moved around
11 inadvertently. Your first duty is to render aid to a
12 victim. The evidence can take care of itself later. If
13 someone's shot, you want to take care of them first and
14 cartridge case inadvertently move. Also, if you're in a
15 bedroom or close to a wall, things can bounce around and
16 get moved.

17 Q. Can they also get caught up in people's
18 clothing occasionally?

19 A. Yes, ma'am. I've even had a incident where a
20 cartridge case went a hundred yards in the tire treads
21 of an EMS vehicle.

22 Q. And for a gun jams -- well, let me ask you
23 this. How were both these guns delivered to you, were
24 they loaded, where they jammed? Were they -- how were
25 they given to you?

1 A. Both pistols State's Exhibit 98 and 99 came to
2 me with no ammunition and both were unloaded.

3 Q. And is that for safety purposes, as far as,
4 transporting guns?

5 A. Yes, ma'am.

6 Q. If a gun jams what's the most common jam that
7 you see in a pistol or handgun like this?

8 A. In my experience, the most come jam you see is
9 a, what's called a stovepipe, or a failure to extract or
10 eject. Based on how the gun works, if you don't have a
11 good grip on it, when the slid moves to the rear there's
12 nothing really holding that back, so the slid can't do
13 it's entire job and it tries to go forward before it
14 extracts and ejects. So some times cartridge casing
15 gets stove-piped. If you've ever shot, you've seen it
16 before where the slide goes forward and the cartridge
17 case is sticking out straight like that.

18 Q. What's the best way to clear a jam like that?

19 A. I was always taught you hit the magazine so
20 hard that you leave an imprint on your hand to make sure
21 the magazine is fully seated and you, with a lot of
22 authority, wrack the slide and pull it back and let it
23 go on it's own. When you pull it back you will clear
24 that jam. When it goes forward, if there's another
25 cartridge in the magazine it will load it ready to be

1 fired.

2 Q. So when you do that, does it eject around or
3 cartridge casing that's causing the jam?

4 A. It should, yes, ma'am.

5 MS. MCGINNIS: Beg the Court's indulgence.

6 I don't have any further questions. Please
7 answer anything Mr. Nielson has for you.

8 THE COURT: Cross-examination?

9 MR. NIELSON: Thank you, your Honor.

10

11 **CROSS-EXAMINATION**

12 **BY MR. NIELSON:**

13 Q. You talked about ejection patterns from the
14 guns. You called that a very general direction.

15 You cannot testify as to where bullets should
16 have been out of either one of these guns in this case;
17 correct?

18 A. Correct.

19 Q. You can't say this gun ejected one way or the
20 other?

21 A. Well, any semi-automatic pistol that has an
22 ejector on the right side. Basically, any
23 semi-automatic firearm has an ejector on the right --
24 extractor on the right side, ejector on the left side,
25 should go back and to the right. It should, it's just

1 simple physics. Because again, it's getting pulled this
2 way and it's hit on this side, you would figure it would
3 go that way.

4 Q. So back and to the right?

5 A. Correct. Generally.

6 Q. But you can't say whether it hit a wall or
7 whether it hit a -- like you said, you can't --

8 A. That's one of the reason why SLED doesn't do
9 it, because there's so many variables involved. We'd
10 almost have to completely recreate the crime scene. The
11 distance between, let's say it happened right there, the
12 distance between me and this computer monitor. The
13 temperature, humidity, all those things, variables, how
14 you hold the gun, the height of the shooter. All those
15 can effect it and we just can't replicate that.

16 Q. Does the movement change it if the hands
17 moving one way or the other, can it change where the
18 bullets going to end up?

19 A. Possible. Yes, sir.

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

21 THE COURT: Yes, sir.

22 MR. NIELSON: No further questions, your
23 Honor.

24 THE COURT: Any redirect?

25 MS. MCGINNIS: No, your Honor.

1 THE COURT: You may step down, Agent Green,
2 thank you.

3 MS. MCGINNIS: May he be excused from his
4 subpoena, your Honor?

5 THE COURT: Any objection?

6 MR. NIELSON: No objection.

7 THE COURT: You're free to go, sir.

8 You may call your next witness.

9 MS. WORKMAN: Thank you, your Honor.

10 I beg the Court's indulgence. The State would
11 call Carol Williams.

12 (State's Exhibit 173, Sentence sheet, was
13 marked for Identification.)

14 (State's Exhibit 174, Sentence sheet, was
15 marked for Identification.)

16

17 *C-A-R-O-L W-I-L-L-I-A-M-S, the Witness herein, having*
18 *been sworn by the Clerk of Court, was examined and*
19 *testified as follows:*

20

21 THE COURT: Your witness.

22

23 **DIRECT EXAMINATION**

24 **BY MS. WORKMAN:**

25 Q. Ms. Williams, please state your name for the

1 record.

2 A. Carol Williams.

3 Q. And we know you're employed in the courthouse?

4 A. I am.

5 Q. What's your position?

6 A. I'm chief deputy clerk of court.

7 Q. How long have you been here?

8 A. 30 years.

9 Q. Do you maintain the records?

10 A. Yes, we do.

11 Q. And which records do you maintain?

12 A. We maintain -- we common pleas, we have family
13 court and we have general sessions filings.

14 Q. When a person is convicted of a crime, do you
15 keep the sentencing sheet in your possession?

16 A. That's correct.

17 Q. And this is kept in the ordinary course of
18 business?

19 A. That's right.

20 Q. I'm going to show you what's been marked as
21 state's --

22 MS. WORKMAN: May I approach?

23 THE COURT: Yes, ma'am.

24 Q. (By Ms. Workman) State's Exhibit 173 and 174.
25 Can you tell me what those are?

1 A. They are sentence sheets.

2 Q. Are those sentence sheets kept in the ordinary
3 course of business?

4 A. Yes.

5 Q. Who are they for?

6 A. Quinterious Raquon Truesdale.

7 MS. WORKMAN: At this time, Judge, we'd move
8 Exhibit's 173 and 174 into evidence.

9 THE COURT: Any objection?

10 MR. NIELSON: I made my 403 objection, your
11 Honor.

12 THE COURT: Yes, sir. And the same ruling
13 applies.

14 They're in.

15 (State's Exhibit 173, Sentence Sheet, was
16 entered into evidence.)

17 (State's Exhibit 174, Sentence Sheet, was
18 entered into evidence.)

19 Q. (By Ms. Workman) Tell me the Defendant's name
20 at the top.

21 A. I'm sorry?

22 Q. What was the name at the top?

23 A. Quinterious Raquon Truesdale.

24 Q. And what are the charges on that?

25 A. On the 2017 -- you want me to do Exhibit 173?

1 Q. 173, what's the charge?

2 A. Strong-armed robbery.

3 Q. And the next one, 174, what's the charge on
4 that one?

5 A. 174 is domestic violence, first-degree.

6 Q. And are those a certified true copy?

7 A. They are.

8 Q. And those are maintained in the ordinary
9 course of business; correct?

10 A. Yes, ma'am.

11 Q. Nothing has been changed or altered?

12 A. No.

13 MS. WORKMAN: Your Honor, at this time, we
14 would ask that you take judicial notice that Mr.
15 Truesdale is convicted of a crime of violence per the
16 robbery and 16-23-10 -- per 16-23-10. And possession of
17 a firearm of a person convicted of a violent offense per
18 16-160.

19 THE COURT: Yes, ma'am. The Court takes
20 judicial notice of that fact.

21 MS. WORKMAN: Thank you, your Honor.

22 And permission to publish?

23 THE COURT: Yes, ma'am.

24 MS. WORKMAN: Ms. Williams, please answer any
25 questions Mr. Nielson has for you.

1 MR. NIELSON: No questions, your Honor.

2 THE COURT: You may step down.

3 You may call your next witness.

4 MS. WORKMAN: Thank you, Your Honor.

5 The State would call Mark Chapman.

6 Your Honor, may we approach?

7 THE COURT: Yes, ma'am.

8 *(Whereupon, a brief discussion was held*
9 *off the record.)*

10

11 *M-A-R-K C-H-A-P-M-A-N, the Witness herein, having been*
12 *sworn by the Clerk of Court, was examined and testified*
13 *as follows:*

14

15 THE COURT: Your witness.

16 MS. WORKMAN: Thank you, Judge.

17

18 **DIRECT EXAMINATION**

19 **BY MS. WORKMAN:**

20 Q. Mr. Chapman, please state your name for the
21 record.

22 A. Mark Andrew Chapman.

23 Q. Where are you employed?

24 A. Employed with the Lancaster County Sheriff's
25 Office.

1 Q. And where were you employed in 2020?

2 A. South Carolina Department of Probation,
3 Parole, and Pardon Services.

4 MR. NIELSON: Your Honor, at this point, I
5 would renew my objection under 403.

6 THE COURT: Yes, sir. And the same ruling
7 applies.

8 You may proceed.

9 Q. (By Ms. McGinnis) Did you have contact with
10 Mr. Truesdale, Quinterious Truesdale?

11 A. I did.

12 Q. And what was the address that Mr. Truesdale
13 gave you during the timeframe that you had contact with
14 him?

15 A. It was on Usher Road. [REDACTED] there, on the
16 corner of Usher and James.

17 Q. That would have been during August -- excuse
18 me, April of -- around April to August of 2020?

19 A. Yes, ma'am.

20 Q. Did he ever give a change of address?

21 A. No, ma'am.

22 Q. Did you have contact with Mr. Truesdale one
23 time or more than once?

24 A. There were multiple times.

25 Q. And every time, did you go to the Usher Road

1 address?

2 A. Yes, ma'am.

3 MS. WORKMAN: Please answer any questions Mr.
4 Nielson has for you.

5 THE COURT: Cross-examination?

6 MR. NIELSON: Yes, your Honor.

7

8 **CROSS-EXAMINATION**

9 **BY MR. NIELSON:**

10 Q. Officer Chapman?

11 A. Yes, sir.

12 Q. Can you tell me how many times you visited
13 between April and September?

14 A. I can't be precise. I can guesstimate for
15 you.

16 Q. But you don't know for sure?

17 A. I do not know the exact number. No, sir.

18 Q. Did he ever come to your office to check in or
19 were at the appointments at the Usher Road address?

20 A. All appointments within the field at the time
21 because of COVID protocol.

22 Q. And were they scheduled or not scheduled?

23 A. Most were scheduled, yes.

24 Q. Most of the appointments were scheduled?

25 A. Yes.

1 Q. Can you tell me for sure he had single
2 nonscheduled appointment during those four or five
3 months?

4 A. Without looking at those documentations or
5 records, I cannot.

6 MR. NIELSON: No further questions.

7 THE COURT: Any redirect?

8 MS. WORKMAN: Nothing further from the State.

9 THE COURT: You may step down, sir. Thank
10 you.

11 You may call your next witness.

12 MS. MCGINNIS: Beg the Court's indulgence for
13 one moment.

14 Your Honor, at this time, the State rests.

15 THE COURT: Thank you.

16 Ladies and gentlemen of the jury, the State
17 has rested their case. We must take up a brief recess
18 before we continue with the trial of this case.

19 Please remember that although the State has
20 rested their case, it's still not time for you to
21 discuss this case amongst yourselves or with anyone
22 else. We'll be right back with you. If you can please
23 go back to your jury room.

24 (Jury exited.)

25 THE COURT: Any motions?

1 MR. NIELSON: Your Honor, at this time, the
2 defense would make a motion for directed verdict
3 standing on the grounds of what you've heard and what's
4 presented in the case.

5 THE COURT: Well, sir, based upon the evidence
6 that has presented at this juncture, obviously, there is
7 direct and circumstantial evidence tending to establish
8 the guilty of Mr. Truesdale on each of the elements of
9 each charge on each indictment and your motion is
10 respectfully denied.

11 MR. NIELSON: Thank you, your Honor.

12 THE COURT: For planning purposes, I
13 understand that you have a couple short witnesses and
14 then --

15 MR. NIELSON: Yes, your Honor. I intend to
16 call either four or five witnesses as part of my case.
17 The longest of which will be my client, Mr. Truesdale.
18 I don't know that we have right now, time after we take
19 a break and whatnot to do that one today. My intention
20 is, I have two witness in the gallery that I intend to
21 call today. They are both going to be extremely short,
22 so we might not go that long. And then I have, for
23 sure, my client, and one more who is at work in
24 Charlotte. I was not intending on being done quite this
25 early or I would have had him here. He will be here

1 first thing in the morning and then my client.

2 THE COURT: So just so your client's aware,
3 make sure that he understands that I'll be questioning
4 him regarding his right to testify and his knowledge and
5 captions by the Fifth Amendment, just so he's ready for
6 that before we get to the juncture.

7 MR. NIELSON: Are you going to do that today
8 right after our break or are you going to do it tomorrow
9 morning?

10 THE COURT: I planned on doing it right --
11 whether or not he intends to testify, that way he's got
12 overnight to think about it. I can do it now but --

13 MR. NIELSON: Whichever you perform, your
14 Honor. His answer will be the same.

15 THE COURT: Why don't we do it in the morning,
16 that way you can talk to him about it tonight. That way
17 if he needs any further time to think about it, he's got
18 overnight to think about it.

19 MR. NIELSON: Yes, ma'am.

20 MS. MCGINNIS: Judge, depending on how brief
21 the witnesses are, I can go another thirty or 45 minutes
22 if you want to do that rather than keeping the jury out,
23 bringing them back and then sending them home for the
24 day.

25 THE COURT: That's great.

1 MR. NIELSON: I can tell you these two
2 witnesses, I can't imagine even with cross-examination
3 are going to take more than 30 minutes. I have probably
4 less than ten questions for each of them.

5 THE COURT: Perfect. Let's bring our jury
6 back out then.

7 (Jury entered.)

8 THE COURT: Welcome back, ladies and gentlemen
9 of the jury.

10 Mr. Nielson, does the defense intend on
11 introducing any evidence?

12 MR. NIELSON: We do, your Honor.

13 THE COURT: You may call your first witness.

14 MR. NIELSON: Thank you, your Honor.

15 The Defense calls Tamika Ingram.

16

17 *T-A-M-I-K-A I-N-G-R-A-M, the Witness herein, having been*
18 *sworn by the Clerk of Court, was examined and testified*
19 *as follows:*

20

21 THE COURT: Your witness.

22 MR. NIELSON: Thank you, your Honor.

23

24 **DIRECT EXAMINATION**

25 **BY MR. NIELSON:**

1 Q. Would you state your name for the record.

2 A. Tamika Ingram.

3 Q. Ms. Ingram, where do you live?

4 A. [REDACTED] Pardue Street.

5 Q. Where did you live in September of 2020?

6 A. [REDACTED] Pardue Street.

7 Q. So you live in that same house since that
8 time?

9 A. Uh-huh.

10 Q. How long had you lived in that house in
11 September of 2020?

12 A. I think it's about 12 years.

13 Q. So you've lived there for a good long time?

14 A. Yes.

15 Q. Do you know Mr. Truesdale in this case,
16 Mr. Quinterious Truesdale?

17 A. Yes.

18 Q. How do you know him?

19 A. I'm his mother's best friend.

20 Q. You're his mother's best friend?

21 A. Uh-huh.

22 Q. Would you come to court today and lie for him?

23 A. No.

24 Q. Because you're his mother's best friend?

25 A. No, I wouldn't.

1 Q. Was there ever a time during the summer of
2 2020 where anyone brought his belongs or his other
3 things to your house?

4 A. No.

5 Q. Was there ever a time where those kind of
6 items showed up in your living room when you were not
7 home?

8 A. No.

9 Q. During the summer of 2020, did you ever store
10 any personal items for Quinterious Truesdale or for
11 Yashima Mingo?

12 A. No.

13 MR. NIELSON: No further questions, your
14 Honor.

15 THE COURT: Cross-examination?

16 MS. MCGINNIS: Thank you, Judge.

17

18 **CROSS-EXAMINATION**

19 **BY MS. MCGINNIS:**

20 Q. Ms. Ingram, how long have you known
21 Quinterious's mom?

22 A. Over about 16, 17 years.

23 Q. 16, 17 years. So you know Quinterious about
24 the same amount of time?

25 A. Yes.

1 Q. And you're his mom's best friend?

2 A. Yes.

3 Q. Do you consider Quinterious like one of your
4 own children almost?

5 A. Yes.

6 Q. You don't want to see him get in trouble, do
7 you?

8 A. No.

9 Q. Do you know the mother of his daughter?

10 A. Yes. That's my -- his child is my godchild.

11 Q. So you know Ms. Mingo?

12 A. Yes.

13 Q. What do you think about Ms. Mingo?

14 A. I mean, she all right.

15 Q. You are telling the Court and this jury that
16 Ms. Mingo never called you in the summer of 2020?

17 A. No.

18 Q. She never said, hey, I've tried to take Quin's
19 stuff over to this mom's --

20 A. No.

21 Q. -- she's not home?

22 A. No.

23 Q. She never brought it to you and gave it to you
24 in your living room?

25 A. No.

1 Q. So that story that she told was just a
2 complete fabrication?

3 A. Yes, it was.

4 Q. And are you familiar with the fact that they
5 broke up that summer, Quinterious and Yashima?

6 A. Say what now?

7 Q. Are you familiar with the fact that they broke
8 up that summer, Quinterious and Yashima?

9 A. Yes.

10 Q. So you are familiar with that?

11 A. That they broke up?

12 Q. Yes.

13 A. Yeah.

14 Q. But you're saying that Ms. Mingo never brought
15 any stuff from her house to your house?

16 A. No, ma'am.

17 Q. If she had, what would you have done with it?

18 A. Gave it to his mother.

19 Q. But you didn't do that in this particular
20 case?

21 A. No.

22 Q. And again, you've known Quinterious almost two
23 decades 16, 17 years?

24 A. Yes.

25 Q. Love him like one of your own children?

1 A. Yes.

2 Q. You don't want to see him get in any trouble?

3 A. No.

4 MS. MCGINNIS: Thank you. Nothing further.

5 THE COURT: Any redirect?

6

7

REDIRECT EXAMINATION

8 **BY MR. NIELSON:**

9 Q. Would you come in here to tell a lie to keep
10 him from getting in trouble?

11 A. No, I wouldn't tell a lie.

12 MR. NIELSON: No further questions.

13 THE COURT: You may step down, ma'am, thank
14 you.

15 You may call your next witness.

16 MR. NIELSON: The Defense calls Donna
17 Truesdale.

18

19 *D-O-N-N-A T-R-U-E-S-D-A-L-E, the Witness herein, having*
20 *been sworn by the Clerk of Court, was examined and*
21 *testified as follows:*

22

23 THE COURT: Your witness.

24

25

DIRECT EXAMINATION

1 **BY MR. NIELSON:**

2 Q. State your name for the record please.

3 A. Donna Louise Truesdale.

4 Q. Ms. Truesdale, what's your relationship to
5 Quinterious Truesdale?

6 A. He's my son.

7 Q. You're his mother?

8 A. Yes, I am.

9 Q. And you love your son?

10 A. Very much.

11 Q. Would you come in here and lie to keep him
12 from getting in trouble?

13 A. Not for nobody. No.

14 Q. Do you remember generally the summer of 2020?

15 A. Yes.

16 Q. Do you remember -- what -- do you remember
17 seeing Yashima and Quinterious together that summer?

18 A. Yes.

19 Q. Let's go to -- let's go to April of 2020.

20 A. Yes.

21 Q. At that point was Quinterious living in your
22 home with you?

23 A. Yes.

24 Q. What happened? Did he leave your home?

25 A. Yes, he did.

1 Q. What happened when he left your home?

2 A. He left and moved to Hood Street.

3 Q. Do you remember the number?

4 A. 502, on the corner as soon as you get on Hood
5 Street.

6 Q. What color is the house?

7 A. I can't recall. I used to live on Hood Street
8 but I don't know.

9 Q. You said 502. Is it possible it's [REDACTED]?

10 A. [REDACTED], yep --

11 Q. You reversed the two numbers?

12 A. 'Cause I stayed in [REDACTED]. You right.

13 Q. Was it where Yashima lived?

14 A. Yeah, on the corner.

15 Q. On the corner of Hood Street?

16 A. Uh-huh.

17 Q. How long did Quinterious live in that house?

18 A. He never brung his clothes back to my house.
19 So as long as she was there, he was there.

20 Q. After he moved out of your house in April, he
21 never brought his stuff back to your place?

22 A. No. He never did that.

23 Q. Did you tell his probation officer he wasn't
24 living with you?

25 A. No, I did not.

1 Q. Did his probation officer meet with him in
2 your home --

3 A. Yes, he did.

4 Q. -- a few times that summer?

5 A. Yes, he did.

6 Q. Did you allow that to happen?

7 A. Yes, I did.

8 Q. But you didn't tell his probation officer --

9 A. No, I did not.

10 Q. Did you see Yashima and him together at your
11 house?

12 A. Yes, I did.

13 Q. When's the last time you saw him and Yashima
14 together at your house?

15 A. Like the first week in September.

16 Q. Not July?

17 A. No, sir.

18 Q. Do you believe that within the first week of
19 September, that they were broken up?

20 A. No, sir.

21 Q. You saw them together at your house?

22 A. Yes, sir.

23 Q. Did either one of them tell you about an
24 incident where a TV was -- where something happened with
25 the TVs?

1 A. Yes, sir. I have the text messages in my
2 phone. Yashima texted me.

3 Q. When was that text message conversation?

4 A. August 24th.

5 Q. So it was August 24th, not July when those --
6 when that TV was broken?

7 A. No, it was August.

8 Q. Did Quinterious tell you about that?

9 A. I got text messages from him about the same
10 thing, August 24th.

11 Q. After Quinterious was arrested for these
12 charges, was there ever a time when he asked you to do
13 something?

14 A. He asked me to go to Hood Street to get his
15 clothes that was thrown out with her stuff.

16 Q. And did you?

17 A. No. 'Cause he should have never took it over
18 there.

19 Q. Did you drive by the house?

20 A. Yeah. I went by and I looked at it and I
21 drove right on by it.

22 Q. Was there any clothes in the yard?

23 A. Yes, it was.

24 Q. But you didn't stop?

25 A. No.

1 Q. You didn't look through the clothes?

2 A. No. But I seen the jersey that his sister
3 gave him.

4 Q. He's jersey?

5 A. He had a jersey.

6 Q. What kind of jersey was that?

7 A. It was a basketball jersey.

8 Q. Was it in the pile of clothes?

9 A. Yeah.

10 Q. And this was after he was arrested?

11 A. This was after the girl had moved her stuff
12 and her bed stuff removed.

13 MR. NIELSON: Beg the Court's Indulgence.

14 No further questions. Answer any questions
15 the Solicitor's Office has.

16 THE COURT: Cross-examination?

17

18 **CROSS-EXAMINATION**

19 **BY MS. MCGINNIS:**

20 Q. Ms. Truesdale --

21 A. Yes, ma'am.

22 Q. -- you mean to tell me that your baby, your
23 son, was in jail --

24 A. Uh-huh.

25 Q. -- and he said, mama, please go get my

1 clothes?

2 A. Uh-huh.

3 Q. And you went over there, to that house, and
4 you saw his clothes in the yard?

5 A. I didn't go to the house. I road by the
6 house.

7 Q. Okay. I'm sorry. You road by the house.

8 A. Uh-huh.

9 Q. And you saw his clothes in the yard?

10 A. Uh-huh.

11 Q. Specifically, a basketball jersey that his
12 sister had given to him?

13 A. Uh-huh.

14 Q. And you say, you know, I'm not going to pick
15 this stuff up. I'm not going to pick up my baby's
16 stuff?

17 A. Uh-huh.

18 Q. He called me and specifically said, mama,
19 please go do this for me, and you said, I see his stuff
20 over here, but I'm not going to pick it up for him?

21 A. I sure did.

22 Q. Okay. All right. How many children do you
23 have, Ms. Truesdale?

24 A. Two; a daughter and a son.

25 Q. A daughter and a son. Is Quinterious your

1 oldest or your youngest?

2 A. My youngest.

3 Q. He's your baby boy?

4 A. His my youngest.

5 Q. You love him?

6 A. Yeah.

7 Q. More than probably anything in this whole
8 world; right?

9 A. No, God first.

10 Q. Okay. God first. Then your children?

11 A. Yes.

12 Q. Do you think Quinterious did anything wrong in
13 this case?

14 A. I think he did a lot of wrong.

15 Q. Okay. But you said he did live in that house
16 on Hood Street?

17 A. Yeah.

18 Q. So one of the wrong things he did wasn't going
19 in that house?

20 A. No. 'Cause he did it all the time.

21 Q. He did it all the time. Did he often wear a
22 ski mask?

23 A. Every day. I warned him about wearing that
24 ski mask. He wore it up on his forehead all the time.
25 And I said, everybody wearing the mask that come up for

1 COVID, don't wear that. He -- I got plenty of pictures.
2 He wore it all the time.

3 Q. How often did he wear it pulled down over his
4 face?

5 A. I never seen it pulled down over his face.

6 Q. You never seen it pulled down?

7 A. Never.

8 Q. Okay. But you saw him wear it like a hat?

9 A. All the time.

10 Q. Okay. But you wouldn't lie for your son?

11 A. No.

12 Q. You don't want to see him get in trouble?

13 A. No.

14 Q. But you wouldn't come in here and lie?

15 A. For nobody.

16 Q. And now you've said he didn't live with you in
17 2020 after he moved out?

18 A. No. He didn't.

19 Q. Do know where he lived?

20 A. I assume, but no. Because I thought he was
21 living on Hood Street, but from testimonies I'm seeing,
22 he wasn't. But you don't know everything your children
23 do. All I know is he left my house and moved to Hood
24 Street. He never moved back in with me.

25 Q. Did you ever take him and drop him off at Hood

1 Street to spend the night?

2 A. Plenty of times. 'Cause he would ride to work
3 with me. When he get off work, I would take him home
4 because I didn't feel like leaving my house to go to
5 Hood Street, when I go Riverside and go 77.

6 Q. So you take him to Hood Street?

7 A. When we get off work, yeah, he would go to
8 Hood Street.

9 Q. What time period was that?

10 A. The dates or the time of the day.

11 Q. The dates?

12 A. This was August.

13 Q. Okay.

14 A. September.

15 Q. Okay. So in August and September, Quinterious
16 went to work with you and when you came home from work
17 you would drop him off everyday at Hood Street?

18 A. Not everyday, because some days I would drive;
19 some days Yashima would take them and pick them up too.

20 Q. So you're telling the Court that Yashima would
21 come get Quinterious and bring him back to the house at
22 ■ West Hood Street?

23 A. Yeah.

24 Q. You heard testimony that Yashima had another
25 man in that house?

1 A. That's nothing new.

2 Q. That's nothing new?

3 A. No.

4 Q. Quinterious and Yashima live together at [REDACTED]

5 West Hood Street --

6 A. Uh-huh.

7 Q. -- and she would bring other man back to the
8 house --

9 A. Uh-huh.

10 Q. -- on a regular basis?

11 A. Uh-huh.

12 Q. And your son was okay with that?

13 A. Uh-huh. Yeah. He was doing -- that's the way
14 they do now. All them play and think it's a big old
15 game, but it's not. At the end of the day somebody ends
16 up getting hurt. He was doing what he was doing. She
17 was doing what she was doing. Everybody else -- I can't
18 judge them, but that's what they was doing. Yes, ma'am.

19 Q. That's what they were doing. They were both
20 having separate relationships, but they were still
21 together?

22 A. They were still seeing each other, being with
23 each other, 'cause I knew no different.

24 Q. And they were doing that at the house at [REDACTED]
25 West Hood Street?

1 A. Yes.

2 Q. And that's where your son lived?

3 A. Yeah, and Pardue as well.

4 Q. He lived at Pardue as well?

5 A. With Yashima, yes, before they went to that
6 house. Carolina Court.

7 Q. But at this particular time --

8 A. Yes.

9 Q. -- we're talking about 2020 --

10 A. Yes.

11 Q. -- the only place you knew he lived was [REDACTED]
12 West Hood Street?

13 A. Yes.

14 Q. Didn't stay at your house?

15 A. Sometimes he had to because I wasn't going
16 across town to pick him up to take him to Charlotte. So
17 yeah, he had no choice.

18 Q. But did he have his stuff there?

19 A. No.

20 Q. Did Yashima ever bring his stuff back to you?

21 A. Never.

22 Q. Did Tamika ever give you any of his stuff?

23 A. No.

24 Q. When Yashima said they broke up because he
25 broke her TVs, and then she said, I'm getting all his

1 stuff out and she gave it back, Yashima's lying?

2 A. No. I recall her texting me about the TVs
3 being broken. But as far as bring clothes to my house,
4 that never happened and she knows my schedule. I've
5 been working the same job since 2013. I go to bed at 8
6 o'clock, I'm up every morning at 4 o'clock. So
7 everybody that know me, know what time I'm at home and
8 what time I'm in bed.

9 Q. So she never brought his stuff back to you?

10 A. No.

11 Q. Did you see some of the pictures that have
12 been shown in this case?

13 A. Yes.

14 Q. Did you see any of Quinterious's stuff in
15 those pictures?

16 A. No, I didn't.

17 Q. But again, after he was arrested for these
18 crimes, he called you and said, mama, please go get my
19 stuff and you drove by the house and you saw his stuff
20 thrown out in the yard and you didn't pick it up?

21 A. When he asked me to do that, I told him no.
22 The stuff ws not -- the day he asked me that on the
23 phone, the stuff was not outside then. It was like four
24 or five days later before that the stuff was even put
25 outside.

1 Q. When was this?

2 A. This was in the last -- about the middle of
3 October.

4 Q. Middle of October 2020?

5 A. Uh-huh. Maybe the second week of October.

6 Q. But you wouldn't lie for your son?

7 A. Nobody.

8 Q. You wouldn't lie to keep your baby boy out of
9 trouble?

10 A. No, ma'am.

11 MS. MCGINNIS: Nothing further, Judge.

12 THE COURT: Any redirect?

13

14 **REDIRECT EXAMINATION**

15 **BY MR. NIELSON:**

16 Q. You say he stayed nights at your house but
17 that doesn't mean he was living with you; right?

18 A. No. Because he didn't bring clothes. He just
19 came prepared to go to work the next morning.

20 Q. Where did he work?

21 A. He worked with Larry Johnson doing
22 construction in Charlotte with Rodney Cloud.

23 Q. Who is Rodney Cloud?

24 A. My ex-boyfriend.

25 Q. So he was working with your ex-boyfriend?

1 A. Uh-huh.

2 Q. Was your boyfriend living with you at the
3 time?

4 A. Yes, he was.

5 Q. He was staying and getting a ride to work with
6 you and Rodney?

7 A. And with Yashima too -- also.

8 MR. NIELSON: No further questions.

9 THE COURT: You may step down, ma'am. Thank
10 you.

11 You may call your next witness.

12 MR. NIELSON: Your Honor, at this point it's a
13 good time for a break. I have, I believe two, possibly
14 three witnesses left. One would be pretty lengthy and
15 the other was not prepared to be here until tomorrow
16 morning.

17 THE COURT: Ladies and gentlemen of the jury,
18 I know we've had a pretty long day. It's a good time
19 for us to take our afternoon break and it looks like
20 with the scheduling of witnesses, we'll have to start in
21 the morning.

22 So again, if you would be back in your jury
23 room to begin the trial 9 o'clock. Be there a couple
24 minutes early, I certainly would appreciate that.

25 Please remember not to discuss this case with

1 anyone or allow anyone to discuss the case with you or
2 do any independent research on the case. Have a nice
3 evening.

4 (Jury exited.)

5 THE COURT: Anything further before we recess?

6 MS. MCGINNIS: Not from the State.

7 MR. NIELSON: Not from defense, your Honor.

8 THE COURT: Alan is working on the proposed
9 jury instructions. He'll email to y'all tonight. That
10 way, if you don't mind looking before tomorrow, that way
11 we can have a charge conference in the morning.

12 MS. MCGINNIS: Yes, your Honor. We'll be
13 prepared.

14 THE COURT: Thank you.

15 (Whereupon, Court was adjourned for the
16 evening.)

17 **** State vs Quinterious Truesdale ****
18 **** Jury trial continued, Day 3 ****

19 THE BAILIFF: All rise.

20 THE COURT: Good morning, everyone. Please
21 have a seat.

22 Mr. Nielson, has your client had an
23 opportunity to prepare for my questioning him regarding
24 his right to testify?

25 MR. NIELSON: Yes, your Honor.

1 THE COURT: Mr. Truesdale, will you please
2 stand.

3
4 *Q-U-I-N-T-E-R-I-O-U-S T-R-U-E-S-D-A-L-E, the Witness*
5 *herein, having been sworn by the Clerk of Court, was*
6 *examined and testified as follows:*

7
8 THE COURT: Mr. Truesdale, at this time I'm
9 going to explain to you certain of your rights. If you
10 do not understand anything that I say, please let me
11 know. If you want me to explain anything in further
12 detail, please let me know.

13 Do you understand?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: We've now reached a stage of the
16 trial where you may present your defense. You have the
17 right to claim the protections given to you by the Fifth
18 Amendment of the Constitution of the United States.
19 This amendment states in part, "That no person shall be
20 compelled in any criminal case to be a witness against
21 himself."

22 This means that you cannot be required to
23 testify in this case. You have the right to testify on
24 your own behalf. However, no one can make you testify.
25 This is a personal right and no one can waive this right

1 accept for you. If you decide to testify, you will be
2 subject to the same rules that governs other witnesses
3 and you may be examined and cross examined on any
4 relative issue in this case.

5 In addition, if you have a convictions
6 involving dishonesty or for false statement or for
7 crimes punishable by imprisonment for more than one year
8 and I determine that the probative value of this
9 testimony admit outweighs a prejudicial effect to you,
10 the solicitor will be able to introduce records to
11 attack your credibility. If you decide to testify, this
12 decision on your part must be made freely, voluntarily
13 and intelligently, with knowledge of the protections
14 given to you and the consequences of your decision on
15 whether or not to testify. If you decide not to
16 testify, I will instruct the jury that they cannot give
17 the fact that you did not testify any consideration
18 whatsoever and that they're asked to be absolutely no
19 prejudice to you because you did not testify. This
20 decision is left entirely up to you. You can talk to
21 your attorney, your family and friends. However,
22 ultimately, the decision is completely up to you.

23 Have you discussed this matter with your
24 attorney?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Do you need more time to talk to
2 your attorney?

3 THE DEFENDANT: No, ma'am.

4 THE COURT: Do you wish to testify?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: And you understand that the
7 protections that are given to you, you understand that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And you wish to testify?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: All right. Sir, you may have a
12 seat.

13 Anything further before we bring the jury out,
14 except for the witness issue?

15 MS. MCGINNIS: No, your Honor, nothing else.

16 THE COURT: Mr. Nielson, I understand one of
17 your witnesses has a bench warrant; is that correct?

18 MR. NIELSON: Yes, your Honor. He's in the
19 courtroom. Mr. Drakeford is sitting in the second row
20 in the black T-shirt, here, behind me.

21 THE COURT: Mr. Drakeford, I understand we
22 have a bench warrant for you. We're going to have to
23 address that matter later. I've asked law enforcement
24 not to take you into custody at this time, but you must
25 remain in the courthouse until we address your matter

1 sometime today. Okay? So don't leave the courthouse
2 after you testify.

3 MR. DRAKEFORD: All right.

4 THE COURT: We'll take care of your issue
5 sometime today.

6 MR. DRAKEFORD: All right.

7 THE COURT: Thank you, sir.

8 MR. NIELSON: Also, your Honor, me and the
9 solicitor just discussed this, both want to put this on
10 the record. I don't believe -- my client's record has
11 two things that are already in. I don't think they can
12 use for impeachment purposes, I think the solicitor
13 agrees. I think they can be talked about a little bit
14 because they're already in, but just not to accuse him
15 of lying or anything like that because of his record.

16 MS. MCGINNIS: That is correct.

17 THE COURT: Y'all agree to what's admissible
18 on his record, ma'am?

19 MS. MCGINNIS: His only convictions are the
20 two robberies and the domestic violence. Those have
21 already come out, but I don't believe either of them
22 have any dishonesty that I can impeach his credibility
23 with. So, no, we don't intend to do that.

24 THE COURT: Sound good.

25 MR. NIELSON: Then nothing else, your Honor.

1 THE COURT: Let's have our jury, please.

2 (Jury entered.)

3 THE COURT: Good morning, ladies and gentlemen
4 of the jury. Welcome back. We're now going to proceed
5 with the trial of this case.

6 You may call your next witness.

7 MR. NIELSON: Thank you, your Honor.

8 Defense calls Rodney Cloud.

9

10 *R-O-D-N-E-Y C-L-O-U-D, the Witness herein, having been*
11 *sworn by the Clerk of Court, was examined and testified*
12 *as follows:*

13

14 THE COURT: Your witness.

15 MR. NIELSON: Thank you, your Honor.

16

17 **DIRECT EXAMINATION**

18 **BY MR. NIELSON:**

19 Q. Will you state your name for the record.

20 A. Rodney Cloud.

21 Q. Rodney Cloud. Mr. Cloud, where do you live
22 at?

23 A. [REDACTED] Chesterfield Avenue.

24 Q. During the year 2020, summer of 2020 where
25 were you living?

1 A. I was staying at [REDACTED] Usher Road.

2 Q. Usher Road?

3 A. Yes.

4 Q. Who were you living with?

5 A. Donna Truesdale.

6 Q. Donna Truesdale. Do you know my client,
7 Quinterious Truesdale?

8 A. Yeah, he used to work with me.

9 Q. He used to work with you. What's his
10 relationship to Donna Truesdale?

11 A. That's her son.

12 Q. That's her son. You still with Ms. Truesdale
13 today?

14 A. No, ma'am. No, sir.

15 Q. During the summer of 2020 you were living with
16 Ms. Truesdale?

17 A. Yes, sir.

18 Q. Would you consider yourself her boyfriend, is
19 it fair to say --

20 A. Yes, sir.

21 Q. -- you were her boyfriend at the time?

22 A. Yes, sir.

23 Q. You said that you used to pick him up from
24 work. Tell me more about that. Where did y'all work?

25 A. We worked in Charlotte.

1 Q. For who?

2 A. Larry Johnson.

3 Q. Larry Johnson. What does Larry Johnson do?

4 A. Build houses.

5 Q. Construction work?

6 A. Construction.

7 Q. Builds his own houses to sell?

8 A. Yes. He had a contract.

9 Q. You used -- did you use to take Quinterious to
10 work?

11 A. Yeah. Quin used to work with me.

12 Q. Did he have a driver's license?

13 A. No, sir.

14 Q. So he couldn't drive up there by himself?

15 A. No.

16 Q. And he used to work with you?

17 A. Yes, sir.

18 Q. When yo had to pick him up for work, where did
19 you pick him up from?

20 A. Hood Street.

21 Q. Hood Street?

22 A. Yeah.

23 Q. Do you remember the number?

24 A. I don't remember the number.

25 Q. Do you remember where the house was?

1 A. Yeah, I remember where the house was, by the
2 high school, Lancaster High School.

3 Q. Was it in the middle of the street? Was it on
4 the corner of the street? Where was the house on Hood
5 Street?

6 A. On the corner.

7 Q. It was right on the corner?

8 A. Yeah. Yep.

9 Q. And you used to pick him up from that house?

10 A. Yes, sir.

11 Q. All summer long?

12 A. Yes, sir.

13 Q. Was there occasional nights where he would
14 stay with y'all?

15 A. No. He used to come over there sometime, but
16 he didn't stay over.

17 Q. But did he spend occasional nights at your
18 house as well?

19 A. No, sir.

20 Q. Never spent the night at his mom's house, that
21 whole summer?

22 A. No.

23 Q. Did he have any stuff at his mom's house?

24 A. No, sir.

25 Q. No belonging?

1 A. No, sir.

2 Q. No clothes, nothing like that?

3 A. No, sir.

4 Q. So your testimony is, when you picked him up
5 that summer, all the way up until September of 2020 --

6 A. Yes, sir.

7 Q. When you had to pick him up, you picked him up
8 from hood street?

9 A. Yes, sir.

10 Q. And do you know who he was living with?

11 A. Shima.

12 Q. Shima?

13 A. I don't know her last name.

14 Q. That's fine, but you knew her as Shima?

15 A. I know Shima.

16 Q. Do you know what their relationship was?

17 A. That was her boyfriend.

18 MR. NIELSON: Beg the Court's indulgence.

19 No further questions, your Honor.

20 Mr. Cloud, answer any questions that

21 Solicitor McGinnis has.

22 THE COURT: Cross-examination?

23 MS. MCGINNIS: Thank you, judge.

24

25

CROSS-EXAMINATION

1 **BY MS. McGINNIS:**

2 Q. Mr. Cloud, how often did you pick Quinterious
3 up for work?

4 A. I was picking him up everyday.

5 Q. Every single day?

6 A. Yeah.

7 Q. So every single day, the summer of 2020, you
8 left Usher Road and went over to Hood Street and picked
9 up Quinterious Truesdale?

10 A. Yes, ma'am.

11 Q. He was never staying anywhere else?

12 A. No.

13 Q. He never spent one single night at Usher Road?

14 A. No.

15 Q. This job for Larry Johnson, did y'all get a
16 paycheck?

17 A. We got paid cash.

18 Q. Got paid cash. So no receipts?

19 A. No receipts.

20 Q. Was this a Monday through Friday kind of job?

21 A. Sometime we work on Saturday's too.

22 Q. Okay. So Monday through Friday, sometimes
23 Saturday?

24 A. Yeah.

25 Q. But it was everyday --

- 1 A. All week.
- 2 Q. -- everyday, all week?
- 3 A. I've been working with him for 25 years.
- 4 Q. You've been with him for 25 years?
- 5 A. Yes.
- 6 Q. How long did Quinterious work there?
- 7 A. Worked there about a year.
- 8 Q. About a year?
- 9 A. Uh-huh.
- 10 Q. Were you going to go pick him up on September
- 11 24th at Hood Street?
- 12 A. Ma'am?
- 13 Q. Were you --
- 14 A. Yes. Yes, I was going to pick him up.
- 15 Q. So you were planning on going to [REDACTED] West Hood
- 16 Street, the house on the corner?
- 17 A. Yes, ma'am.
- 18 Q. Where he stayed with Yashima?
- 19 A. Yes, ma'am.
- 20 Q. On September 24th?
- 21 A. Yes, ma'am.
- 22 Q. To pick him up for work and take him to work?
- 23 A. Yes, ma'am.
- 24 Q. Because he lived at [REDACTED] West Hood Street?
- 25 A. Yes.

1 Q. And you've never ever picked him up anywhere
2 else?

3 A. No.

4 Q. And you never ever saw him stay at [REDACTED] Usher
5 Road?

6 A. No.

7 Q. Not once?

8 A. No.

9 MS. MCGINNIS: Thank you, Mr. Cloud.

10 THE COURT: Any redirect?

11 MR. NIELSON: No, your Honor.

12 THE COURT: You may step down, sir. Thank
13 you.

14 You may call your next witness.

15 MR. NIELSON: Thank you, your Honor. The
16 defense calls Marcus Drakeford.

17

18 *M-A-R-C-U-S D-R-A-K-E-F-O-R-D, the Witness herein,*
19 *having been sworn by the Clerk of Court, was examined*
20 *and testified as follows:*

21

22 THE COURT: Your witness.

23 MR. NIELSON: Thank you, you Honor.

24

25

DIRECT EXAMINATION

1 **BY MR. NIELSON:**

2 Q. Would you state your name for the record
3 please.

4 A. Marcus Drakeford.

5 Q. Mr. Drakeford, do you know Quinterious
6 Truesdale?

7 A. Yeah.

8 Q. How do you know Mr. Truesdale?

9 A. He's my best friend.

10 Q. He's your best friend?

11 A. He's my best friends, like my little brother.

12 Q. How long have you all been friends for?

13 A. Over ten years.

14 Q. Over ten years?

15 A. Uh-huh.

16 Q. He was your -- y'all were friends back in the
17 summer of 2020?

18 A. Oh, yeah.

19 Q. Where was Quinterious living during the summer
20 of 2020?

21 A. On West Hood Street.

22 Q. Do you remember the number?

23 A. I don't remember the number, but I know the
24 house.

25 Q. Where was the house at?

1 A. Right there on the corner.

2 Q. What was in the area next to the house?

3 A. Abandon houses.

4 Q. A bunch of --

5 A. A bunch of other houses down on the road.

6 Q. Okay. So it was a row of abandon houses?

7 A. Yeah.

8 Q. But they were staying in that one house?

9 A. Yeah.

10 Q. And you said the house was on the corner?

11 A. Yeah. More on the corner. Yeah.

12 Q. How often did you go visit Quinterious in that
13 house during that summer?

14 A. Everyday I got off work.

15 Q. Basically everyday?

16 A. Uh-huh.

17 Q. Who else lived in that house with him?

18 A. Him, his baby ma'am and the rest of the kids.

19 Q. And they were all staying there as far as you
20 know?

21 A. Yeah.

22 Q. When Quinterious was at the house, did he --
23 did he walk in and out of the house? Did he knock on
24 the door when he came? Like what did he do?

25 A. No, he didn't have too.

1 Q. "He didn't have too" what?

2 A. Knock on the door.

3 Q. Did he have a key that he used to get in the
4 house?

5 A. Yeah.

6 Q. You saw that happen?

7 A. Yeah.

8 Q. During that summer?

9 A. Yeah.

10 Q. And when was the last time you saw Mr.
11 Truesdale at that house?

12 A. A couple days, I dropped him off before the
13 incident happened.

14 Q. Do you remember the exact date?

15 A. No, I don't. It was on a Sunday, I think.

16 Q. It was on a Sunday?

17 A. Yeah, I think when I dropped him off.

18 Q. And you dropped him off there thinking you
19 were dropping him off at his home or somewhere else?

20 A. No, I'm dropping him off at the house.

21 Q. Did you see his property in that house?

22 A. Yeah, his clothes. He stayed there.

23 Q. He stay there?

24 A. Yeah.

25 Q. As far as you knew?

1 A. Yeah.

2 Q. Did you know him to stay anywhere else that
3 summer?

4 A. No, unless he came with me to Columbia or
5 something but that's it.

6 Q. Occasionally, he would spend the night with
7 you in Columbia?

8 A. No, not occasionally. Like, whenever we miss
9 each other, I'm like, "Bro, come out here, spend the
10 weekend with me." And we'd go out and have fun, but I'd
11 drop him back off at the house on West Hood Street.

12 Q. Did he drive?

13 A. No, I did.

14 Q. Did you have to both come get him and bring
15 him back when you'd come out?

16 A. Yeah, yeah.

17 Q. Is that why you were dropping him off back at
18 the house a couple days before this happened?

19 A. Uh-huh.

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

21 No further questions. Answer anything
22 Solicitor McGinnis has for you.

23 THE COURT: Cross-examination?

24 MS. MCGINNIS: Thank you, Judge.

25

CROSS-EXAMINATION

BY MS. MCGINNIS:

Q. Mr. Drakeford, when you would drop Quinterious off, how would he get in the house?

A. He'd walk through the front door.

Q. "Walk through the front door." With a key?

A. Uh-huh. The door be unlocked because he would talk to his baby momma.

Q. Sometimes he would talk to his baby momma and she would unlock the door for him?

A. She talked to him the day I dropped him off. She'd tell him just come home. We'd bring him home so he can get the kids and stuff, and the door was actually unlocked, he didn't even have to knock.

Q. So when you saw him use his key, it was at the front door?

A. Uh-huh.

Q. Where did you work back then?

A. Bojangles.

Q. Bojangles?

A. Uh-huh. And I was doing work for People Ready too?

Q. Did you have like set hours at Bojangles, did you work Monday through Friday or did it just vary?

A. Sometimes I'd work weekends. Sometimes I'd

1 work weekdays.

2 Q. Sometimes like, breakfast. Sometimes later in
3 the day?

4 A. Yeah. Breakfast. I'd open up. Yes ma'am.

5 Q. Okay. And then after that you'd go hang out
6 with Quinterious at his house?

7 A. Uh-huh. I used to get off at like 2 o'clock.
8 And I'd get there around like, 2:30, 3:00, something
9 like that 'cause I worked in Indian Land.

10 Q. Okay. So 2:30, 3:00 you'd go to the house on
11 West Hood Street?

12 A. Uh-huh.

13 Q. And Quinterious would be there?

14 A. Yeah. With the kids.

15 Q. He'd be there with the kids?

16 A. Uh-huh.

17 Q. I thought Mr. Cloud just said, Quinterious
18 went to work with him?

19 A. Yeah. Well, at this time he weren't working
20 with the dude yet. Matter fact, yeah, he wasn't working
21 with. Well, he was working with him, but that day, I
22 don't know if bro went to work or not. When I called
23 him, he was at the house.

24 Q. So just one time you went over to see
25 Quinterious at his house?

1 A. No. I used to see him all the time.

2 Q. So all the time he didn't work with Mr. Cloud?

3 A. You say what now.

4 Q. All the times that you saw him he wasn't going
5 to work with Mr. Cloud?

6 A. I mean, yeah, he was going to work. That's
7 when I was staying in Columbia.

8 Q. But he was back by 2 o'clock to meet you at --

9 A. No, he used to be back around like 6:00. When
10 he was working, he used to be back around like 6 or 7:00
11 in the afternoon, when he was working with Mr. Cloud.

12 Q. But you just told me that you'd go over after
13 you finished your breakfast shift at Bojangles --

14 A. Yeah. I used to get off at like 2:30. That's
15 when, like, on weekends, like, Friday, Saturday, and
16 stuff like that, when we'd chill on the weekends and I'd
17 come over there. I also used to come over there too
18 during the day and he'd be over there sometimes. I
19 think that's when he stopped working with -- I don't
20 know if he got fired or whatever, but that's when I
21 would go over there and chill with him too.

22 Q. But this was in the summer of the 2020 time
23 period?

24 A. Uh-huh.

25 MS. MCGINNIS: Beg the Court's indulgence.

1 Q. (By Ms. McGinnis) So a couple days before the
2 incident happened, like maybe Sunday, you dropped him
3 off?

4 A. Uh-huh.

5 Q. And he went on in through the front door?

6 A. Yeah.

7 Q. Did he use his key that time to get in the
8 front door?

9 A. That I don't know, I wasn't look. I know he
10 went straight in the house. He ain't knock or nothing.

11 Q. Okay.

12 A. And I backed out and I left.

13 MS. MCGINNIS: Thank you, Mr. Drakeford.

14 MR. DRAKEFORD: You're welcome.

15 THE COURT: Any redirect?

16 MR. NIELSON: Yes, your Honor.

17

18 **REDIRECT EXAMINATION**

19 **BY MR. NIELSON:**

20 Q. Do you remember the specifics of what his work
21 schedule was?

22 A. No, I don't, 'cause I work and have my son too
23 so. I used to go over there with my son too.

24 Q. Were you in the house at random times?

25 A. Yeah, a lot, like, no matter what time I come.

1 I come at nighttime, during the day and afternoon,
2 didn't matter. He was my friend.

3 Q. And he was there sometimes --

4 A. Sometimes he was there, sometimes he wasn't.
5 You know what I mean. It was like I could just come
6 knock on the door, if he's there -- listen. They only
7 have one car and if the car gone sometimes he'd be in
8 the house and she'd be gone. So I'd knock at the door
9 and he in there with the kids.

10 Q. Did he drive?

11 A. No.

12 Q. So if the car was gone, Yashima was gone?

13 A. Yeah. And I used to knock on the door and see
14 if he was in there.

15 Q. And sometimes he was, sometimes he wasn't?

16 A. Yeah.

17 Q. Okay. But you don't remember the exact
18 specifics of when he was there and when he wasn't except
19 for that last time?

20 A. No, not two years ago. No.

21 Q. What make as difference about that last time
22 that you remember?

23 A. Because when I was dropping him off, we'd just
24 come from my house in Columbia. So I'm like, "Alright,
25 Bro, I'm going to drop you off and I'm going to go back

1 home 'cause I got to work in the morning." So that's
2 what happened. I dropped him off and I went home.

3 Q. Was that the last time you saw him?

4 A. Uh-huh, that was the last time I saw him.

5 Q. Before this happen?

6 A. Uh-huh.

7 Q. So did it make an impression on you?

8 A. Yeah. All this right here, it's crazy. Yeah.
9 I just dropped him off over there and then this incident
10 happened so --

11 MR. Nielson: Thank you. No further
12 questions.

13 THE COURT: You may step down, sir. Thank
14 you.

15 You may call your next witness.

16 MR. NIELSON: Your Honor, the State -- the
17 State. The defense would call Quinterious Truesdale.

18
19 *Q-U-I-N-T-E-R-I-O-U-S T-R-U-E-S-D-A-L-E, the Witness*
20 *herein, having been sworn by the Clerk of Court, was*
21 *examined and testified as follows:*

22

23 THE COURT: Your witness.

24 MR. NIELSON: Thank you, your Honor.

25

DIRECT EXAMINATION**BY MR. NIELSON:**

Q. Please state your name for the record.

A. Quinterious Truesdale.

Q. Mr. Truesdale, how old are you?

A. 26 years old.

Q. 26 years old?

A. Yes, sir.

Q. During the summer -- during 2020, where were you living at?

A. I was living on West Hood Street.

Q. When did you move into West Hood Street?

A. Like towards the end of April, May like.

Q. Did you move in at the same time Yashima moved in?

A. Like right after -- like right after, I had moved -- exactly when she moved him, I moved in like right after.

Q. By "right after," you mean like a month later, a week later, a few days late? What are you saying?

A. Like a week or so later.

Q. A week or so later?

A. Yeah.

MR. NIELSON: Your Honor, may I approach the witness?

1 THE COURT: Yes, sir.

2 Q. (By Mr. Nielson) I'm going to show you what's
3 been marked at Defense Exhibit 1.

4 Do you know what that is?

5 A. A lease.

6 Q. It's a lease. Is your name anywhere on that
7 lease?

8 A. No, sir.

9 Q. You were living in the house, your name wasn't
10 on the lease?

11 A. No, sir.

12 Q. What's that?

13 A. No, sir.

14 Q. You weren't living in that house?

15 A. Oh, yeah. I was living in the house, but my
16 name wasn't on the lease.

17 Q. How were you living in a house when your name
18 wasn't on the lease?

19 A. Well -- you saying, like, why?

20 Q. No. Like, how's that possible? Can you live
21 in a house if your name is not on the lease?

22 A. Yeah.

23 Q. You've been here the whole time this week,
24 haven't you?

25 A. Yes, sir.

1 Q. Heard a lot of talk about a lease; right?

2 A. Uh-huh.

3 Q. But you were living in that house regardless
4 of whether or not your name was on the lease?

5 A. Yes, sir.

6 Q. So you moved in April. From April of 2020
7 until this incident happened on September 24, 2020 --

8 A. Yes, sir.

9 Q. -- where did you live?

10 A. On Hood Street. Well, you saying April up to
11 then?

12 Q. From the time you moved in in late April of
13 2020, until September 24, 2020, where did you live?

14 A. Hood Street.

15 Q. [REDACTED] West Hood Street?

16 A. Yes, sir.

17 Q. Who lived in that house?

18 A. Yashima, I and the kids.

19 Q. Yashima, you and the kids?

20 A. Uh-huh.

21 Q. And how long have you been in a relationship
22 with Ms. Mingo?

23 A. Since like 2015, '14.

24 Q. For quite a while?

25 A. Yeah.

1 Q. Before this incident?

2 A. Yes, sir.

3 Q. Was there some time periods when you weren't
4 together during that time?

5 A. Yes, sir.

6 Q. But during the summer of 2020, you were living
7 there the entire time?

8 A. Yes, sir.

9 Q. You've heard testimony during this trial that
10 she moved out to Carolina Court for a few weeks, did
11 that happen?

12 A. For like a month and some change.

13 Q. For about a month?

14 A. Yeah.

15 Q. So there was a time during that summer where
16 you were still living in the house during that month?

17 A. Yes, sir.

18 MS. MCGINNIS: Judge, I'm sorry. Can you just
19 ask him to speak in the microphone a little bit? I'm
20 sorry.

21 THE COURT: You certainly need to speak up.

22 Q. (By Mr. Nielson) Just make sure you sit
23 closer or speak a little louder; okay?

24 A. Okay.

25 Q. During that month you were living in the

1 house?

2 A. Yes, sir.

3 Q. But her and the kids were not?

4 A. No, sir.

5 Q. Were you on supervision through probation and
6 parole at that time?

7 A. Yes, sir.

8 Q. You heard testimony yesterday from Agent
9 Chapman that he was your probation officer; right?

10 A. Yes, sir.

11 Q. Did you tell him about that address?

12 A. No, sir.

13 Q. Why did you not tell him about that address?

14 A. Because lawfully I wasn't supposed to be
15 around Yashima due to my previous charge.

16 Q. Was that the charge that's already in front of
17 the jury today?

18 A. Yes, sir.

19 Q. What were you charged with?

20 A. A CDV.

21 Q. A CDV? What does a "CDV" mean?

22 A. Criminal domestic violence.

23 Q. And so you've been charged with that. Were
24 you on supervision for that?

25 A. Yes, sir.

1 Q. And because of that you weren't supposed to be
2 around Yashima?

3 A. Yes, sir.

4 Q. Did --

5 MR. NIELSON: Beg the Court's indulgence. May
6 I approach the witness, your Honor?

7 THE COURT: Yes, sir.

8 Q. (By Mr. Nielson) Mr. Truesdale, I'm showing
9 you what has been marked as State's Exhibit 174. I'm
10 going to direct you to the bottom right there, that
11 handwritten note. I'm showing you this has already been
12 put into evidence.

13 What does that handwritten note say? Can you
14 read it?

15 A. It says, "victim" -- I can't really read it.
16 Right here?

17 Q. Yeah.

18 A. I don't know. "Victim not" something.

19 MR. NIELSON: Your Honor, I'd like the Court
20 to take judicial notice that on the sentencing sheet, it
21 says, "victim not requesting an RO," meaning, a
22 restraining order.

23 Q. (By Mr. Nielson) Does that look like what it
24 says?

25 A. Yes, sir.

1 Q. Did Yashima want to be with you still after
2 that domestic violence?

3 A. Yes, sir.

4 Q. Were you forcing her to be with you?

5 A. No, sir.

6 Q. But according to probation you weren't
7 supposed to be there; right?

8 A. Yes, sir.

9 Q. You're standing here today admitting that
10 that's why you didn't tell probation that that's where
11 you were staying; right?

12 A. Yes, sir.

13 Q. Where did you meet with probation at when
14 probation wanted to meet with you?

15 A. [REDACTED] Usher Road.

16 Q. Was there ever a time where -- did they always
17 call you and -- how did you meet with probation when
18 they wanted to meet with you, what would happen?

19 A. He would call -- Agent Chapman at the time,
20 would call me and let me know ahead of time, like a few
21 days before or something. He be like he's coming at a
22 certain time, be at the residence.

23 Q. Did you have a phone at that time?

24 A. Yes, sir.

25 Q. And he reached you on your cell phone?

1 A. Yes, sir.

2 Q. So then you would meet with him at Usher Road?

3 A. Yes, sir.

4 Q. You ever miss any of those appointments?

5 A. No, sir.

6 Q. Did you -- 'cause you wanted him to think you
7 were living on Usher Road; didn't you?

8 A. Yes, sir.

9 Q. Was Yashima living on Usher Road?

10 A. No, sir.

11 Q. You didn't want your supervision to be -- get
12 in trouble because of your supervision; right?

13 A. Yes, sir.

14 Q. Okay. Any other reason you put your address
15 with probation as Usher Road?

16 A. No, sir.

17 Q. Let's talk about your work during that summer.
18 Where were you working at?

19 A. I was doing construction with Rodney Cloud,
20 working for Larry Johnson in Charlotte.

21 Q. In Charlotte?

22 A. Yes, sir.

23 Q. How were you paid for that work?

24 A. Cash.

25 Q. How often did you work for Mr. Johnson and

1 Mr. Cloud?

2 A. Like every week.

3 Q. Every week?

4 A. Yeah, every week.

5 Q. What time did you go to work?

6 A. We leave out like -- I'd be up -- we get up
7 early, like. Probably like, about late 4:00 or 5:00 and
8 we leave out, around, like, right after.

9 Q. Right after?

10 A. We'd used to have to be at work at like 7:00.
11 My momma worked somewhere else. So if I went to work
12 from my momma's house -- like, if I stayed at my mother
13 house, going to work with her, I'd have to, basically,
14 get up early and we'd go. Like, she had dropped us off
15 at work and she had to go to her job.

16 Q. Did she also work in Charlotte?

17 A. Yes, sir.

18 Q. You heard Mr. Cloud testify just a few minutes
19 ago that you never stayed at your momma's house that
20 summer; is that true?

21 A. No, sir.

22 Q. Did you occasionally stay there?

23 A. Yes, sir.

24 Q. Why did you stay there occasionally?

25 A. To go to work.

1 Q. To go to work?

2 A. Uh-huh.

3 Q. Was your belongings ever on Usher Road that
4 summer?

5 A. Majority of my belongs was at Yashima's house.

6 Q. Always, that whole summer?

7 A. Yeah.

8 Q. But sometimes you'd sleep on Usher Road?

9 A. Yeah, to go to work.

10 Q. Let's jump forward to -- you were living in
11 the house; right, on Hood Street?

12 A. Yeah, on Hood Street.

13 (Defendant's Exhibit 3, Power Bill, was
14 marked for Identification.)

15 MR. NIELSON: Your Honor, I'm going to show
16 Mr. Truesdale what has been marked for Defense Exhibit 3
17 for identification purposes only at this moment.

18 THE COURT: Yes, sir.

19 Q. (By Mr. Nielson) Mr. Truesdale, do you
20 recognize that paperwork?

21 A. Yes, sir.

22 Q. What is -- what is that paperwork?

23 A. My bill.

24 Q. Which bill?

25 A. Power bill.

1 Q. Your power bill?

2 A. Yes, sir.

3 Q. Whose name is at the top of that paperwork?

4 A. Mine.

5 Q. Your name?

6 A. Yes, sir.

7 MR. NIELSON: Your Honor, I would ask to move
8 Defense Exhibit 3 into evidence.

9 THE COURT: Any objection?

10 MS. MCGINNIS: No objection.

11 THE COURT: It's in.

12 (Defendant's Exhibit 3, Power Bill, was
13 entered into evidence.)

14 Q. (By Mr. Nielson) So the power bill is in your
15 name?

16 A. Yes, sir.

17 MR. NIELSON: Your Honor, may I publish this
18 to the jury?

19 THE COURT: Yes, sir.

20 Q. (By Mr. Nielson) Can you point to where your
21 name is on this paper on that screen in front of you?

22 A. (Indicating.)

23 Q. Right there at the top. Right there in the
24 middle?

25 A. Yes, sir.

1 Q. All over the paperwork. What address is
2 listed at the top of this paperwork?

3 A. [REDACTED] West Hood Street.

4 Q. [REDACTED] West Hood Street. And that's where you
5 were staying with Yashima, was at that address?

6 A. Yes, sir.

7 Q. Did you put the power bill in your name
8 because of some bills she hasn't paid or because you
9 were living there?

10 A. Because I was living there and because she had
11 bills that was piled up in her name and she ain't going
12 to pay, so we agreed to put it in my name.

13 Q. So it was a joint decision?

14 A. Yeah.

15 Q. And you knew about the bills that she hadn't
16 paid?

17 A. Yes, sir.

18 Q. But it was also because you were living there?

19 A. Yes, sir.

20 Q. And so it was for both of those reasons?

21 A. Yes, sir.

22 Q. Let's go to September 23rd. On September 23rd
23 what did -- did you go anywhere in the afternoon that
24 day?

25 A. I was in -- I was on Pardue Street apartment.

1 Q. During the day, that day, was there a time you
2 went home?

3 A. Yeah, I went home on Hood Street but --

4 Q. Why did you go home that day?

5 A. I was contacted by Mingo, but I have -- my
6 phone was off at the time. So we got in contact with
7 each other through Facebook Messenger. And she ain't
8 hit me up. She ain't call me or anything, but she
9 messaged my cousin and told her to get in contact with
10 me.

11 Q. Why did she want to get in contact with you?

12 A. So I can come see my daughter and the girls.

13 Q. Why did you need to go see your daughter and
14 the girls if y'all were living there?

15 A. Because she was taking them to Fort Mill to
16 her mother's house. She said she was working third
17 shift and she wanted -- the kids wanted to see me before
18 they went up there.

19 Q. Did you know where she was working?

20 A. No.

21 Q. You were living with her and didn't know where
22 she was working?

23 A. Yeah.

24 Q. And okay. You know how long she was working
25 at that job before then?

1 A. I actually think she probably recently had
2 just started working there. Because around that time,
3 like, I used to be on Pardue Street. I was still living
4 there, but I used to be on Pardue Street as well. Some
5 nights I might stay on Pardue Street. Some nights she
6 might be over at Carolina Court, but we both still live
7 in that house together though.

8 Q. You were both still living in the house?

9 A. Yeah.

10 Q. Did you know she was seeing other people?

11 A. Yeah. Yes, sir.

12 Q. To the best of your knowledge, did she know
13 you were seeing other people as well?

14 A. Yes, sir.

15 Q. But your address was still [REDACTED] Hood Street
16 even if you occasionally stayed somewhere else?

17 A. Yes, sir.

18 Q. I'm going to show you what has been marked as
19 State's Exhibit 2.

20 A. Yes, sir.

21 Q. Do you recognize this picture?

22 A. Yes, sir.

23 Q. Who is this --

24 MR. NIELSON: Sorry, this is Defense Exhibit 2
25 to correct that for the record.

1 Q. (By Mr. Nielson) This is you?

2 A. Yes, sir.

3 Q. Who else is in this picture?

4 A. My daughter.

5 Q. What are you wearing on your head in this
6 picture?

7 A. It's a ski mask that I wear, like, I had
8 folded it up. I had it folded up like -- as you can
9 see, I had it folded up like -- like, it wasn't like
10 folded, but it was like folded in the front.

11 Q. Did that mask have holes in it?

12 A. Yeah.

13 Q. Is it the same mask that we've been talking
14 about during this trial?

15 A. It's similar. I had two, I had a green one
16 and a black one.

17 Q. You had a green and a black one?

18 A. Uh-huh.

19 Q. This is the green one isn't it?

20 A. Yes, sir.

21 Q. You can see that it's a little bit green, it's
22 not straight black; right?

23 A. Yeah.

24 MS. MCGINNIS: Objection, your Honor. He's
25 leading.

1 THE COURT: Sustained.

2 Q. (By Mr. Nielson) Can you tell me what kind of
3 shirt you're wearing in this picture?

4 A. A Michael Kors shirt.

5 Q. A what?

6 A. A Michael Kors shirt.

7 Q. What kind of sleeves does it have?

8 A. Short sleeves.

9 Q. You're wearing a short sleeve shirt and a ski
10 cap?

11 A. Yes, sir.

12 Q. Do you do that often?

13 A. Yes, sir.

14 Q. So you wear a short sleeve t-shirt and ski
15 cap?

16 A. Yes, sir.

17 Q. Even when it's warm?

18 A. Yes, sir. I wear a jacket when it's warm too.

19 Q. Let's go to the morning of September 24th.

20 A. Uh-huh.

21 Q. Why did you go to the house that morning?

22 A. You said --

23 Q. Going to the morning of September 24th?

24 A. 24th?

25 Q. Yes.

1 A. Well, I was -- I was -- I had left Pardue
2 Street and went to City Avenue with my friend Nykethious
3 Cunningham. And I had left from there with him to go to
4 Hood Street to go get some clothes, but when I got there
5 the incident happened in the process of me going to get
6 clothes and before I can do what I was -- like, before I
7 could make any other plans, like, the incident happened.

8 Q. Did you expect her to be there that night?

9 A. No, sir.

10 Q. Tell me about that. Why not?

11 A. Because prior -- the day before on the 23rd,
12 when she called me over, we had a discussion. She told
13 me she was working third shift and that -- she told me
14 she was working third shift. We had a -- we had a
15 discussion, she said she was working third shift. I
16 can't really remember everything. But I know she was
17 telling me she was working third shift. I think she was
18 working late. She ain't tell me she was working in
19 town. She told me she was working out of town. So she
20 was taking the kids up there to her mother's house and
21 then she was going to the job, but I ain't know she was
22 working in town.

23 Q. Were you expecting anybody to be in the house
24 that night?

25 A. No, sir.

1 Q. How did you get in the house that night?

2 A. I had a backdoor key.

3 Q. You went through the back door with your key?

4 A. Yes, sir.

5 Q. We've heard a lot of discussions in this trial
6 about a key that --

7 MR. NIELSON: -- I Beg the Court's
8 indulgence --

9 Q. (By Mr. Nielson) -- that is on a black
10 lanyard. Do you need to see it? Do you need to see the
11 key?

12 A. No, sir.

13 Q. Was that the key that opened the door at [REDACTED]
14 Hood Street?

15 A. No, sir.

16 Q. What door would that key open?

17 A. The back door to my mother's house.

18 Q. The back door to your mother's house?

19 A. Yes, sir.

20 Q. Did you have another key on you that night?

21 A. Yes, sir.

22 Q. Was it on a key ring or not?

23 A. Not on that key ring. It was like -- that was
24 a key, like, connected to, like, a necklace. I had a
25 key ring, like, just a ring with a key on it that belong

1 to the house on [REDACTED] West Hoot Street.

2 Q. Just one single key on that key ring?

3 A. Yes, sir.

4 Q. And that was the key you used to get in the
5 backdoor?

6 A. Yes, sir.

7 Q. So you go to the backdoor. Tell me about the
8 boxes that were in front of the backdoor when you walked
9 in the backdoor?

10 A. They were like -- I can't really remember
11 but -- like, usually when I come in the backdoor, it be
12 like some boxes on your right when you come in the door.
13 If -- like usually when there's boxes right there, they
14 be like near the -- like there's a window when you come
15 in the door. There's two windows in the kitchen, one
16 when you first come in the backdoor.

17 So when you come in the door, there be like
18 boxes right up under the window, not like in front of
19 the door. Then you got the trash can behind the door
20 facing the wall. And then you got the kitchen table.
21 And then you got across from the kitchen table like the
22 sink and another window. That window be like half way
23 opened so the light from the -- the light from the road
24 shines in -- excuse me. The light from the road shines
25 in on the -- inside the house.

1 So you basically can see the kitchen a little
2 bit and like the hallway a little bit up until you get
3 like towards the dark part of the house.

4 Q. So is it pitch black in there?

5 A. Not pitch black but you still would -- it was
6 dark but you can see. Like a person that stays in the
7 house and knows how to get around that house, you can
8 see your way through the house.

9 Q. Okay. So when you walked in, what's the first
10 light you turned on in the house?

11 A. Probably like the bathroom light.

12 Q. Okay.

13 A. Yes, sir.

14 Q. And then where did you go to?

15 A. The room. The bedroom.

16 Q. The bedroom?

17 A. Yes, sir.

18 Q. Which room?

19 A. The master bedroom. The room me and Mingo
20 shared.

21 Q. The room that you and Ms. Mingo shared?

22 A. Yes, sir.

23 Q. What happened when you got in that bedroom?

24 A. Well, when I went in the bedroom I -- I turned
25 on the room light which would be on my left. If I came

1 in the room, it was on the left.

2 Q. Okay. What did you see when you turned on the
3 light?

4 A. Mingo -- it's like Mingo was waking up and she
5 had leaned up in the bed. She was asking me like,
6 what -- what I -- what I had going on, like, what I was
7 doing in there. And I was letting her know that I was
8 coming to get some clothes and that's what --

9 Q. And what did you do from there?

10 A. I proceeded to go towards the closet.

11 Q. Let's take a step back. Did you see anybody
12 else in the bed?

13 A. I seen a figure in the bed but like it was,
14 like, the figure was covered up and all you could see
15 was hair, like, black and blonde hair. I was like -- at
16 the time I thought it was her oldest daughter, because
17 she always have -- like, have like big, flat braids and
18 stuff like that in her hair. So I really ain't pay no
19 attention to her to be honest.

20 Q. Okay. So you said you then moved to the
21 closet?

22 A. Yes, sir.

23 Q. As you got to the closet what happened?

24 A. Well, my back was facing towards Mingo and I
25 didn't really get to make it into the closet. But I

1 don't know, Mingo, like -- I don't remember what she was
2 saying but she was still like -- like we was arguing or
3 whatever so I kind of figured like it was becoming an
4 argument because of the time I was coming in the house
5 or whatever.

6 But I didn't know she was going to be there.
7 Plus, like, I ain't the type to like, argue 'cause like,
8 due to the CDV charge, I ain't -- I wasn't trying to get
9 back in no more trouble so I was just trying to get my
10 clothes and just leave. You know what I'm saying?

11 Q. Yeah. So what happened as you were trying to
12 get to the closet?

13 A. Shots were fired.

14 Q. You fired those first shots?

15 A. No, sir.

16 Q. Were you hit by those first shots?

17 A. Yes, sir.

18 Q. Where were you hit at?

19 A. If I remember, I think it was my backside.

20 Q. How many shots did you take in your backside?

21 A. I can't really remember. But afterwards, it
22 was like three shots in the back and like when I was
23 trying to leave -- when I was trying to retreat to leave
24 out, like, once in the right buttock.

25 Q. Were you shot anywhere else?

1 A. Yeah.

2 Q. We'll get to that in just a minute. When you
3 were shot in the backside, what did you do at that
4 point?

5 A. I tried to retreat.

6 Q. Did you do anything else?

7 A. Yeah. I returned shots, but I don't know
8 exactly when. It was like the heat of the moment. Like
9 I ain't never really been in that position before.

10 Q. But you did return fire?

11 A. Yes, sir.

12 Q. What gun did you have?

13 A. A 9mm.

14 Q. Do you remember the brand?

15 A. I think it was like XD.

16 Q. Was it a Springfield or a SIG, do you
17 remember?

18 A. Springfield.

19 Q. The Springfield was your gun?

20 A. Yes, sir.

21 MR. NIELSON: Permission to approach the
22 witness, your Honor?

23 THE COURT: Yes, sir.

24 Q. (By Mr. Nielson) I'm going to show you what's
25 been marked as State's Exhibit 56.

1 Is that the gun?

2 A. Yes, sir.

3 Q. Is it covered by your ski cap?

4 A. Yes, sir.

5 Q. This is the gun -- this is the gun that you're
6 saying that you pulled and fired?

7 A. Yes, sir.

8 Q. You said a couple of minutes ago that you were
9 trying to retreat?

10 A. Yes, sir.

11 Q. How many exits were in that room?

12 A. Only one.

13 Q. One exit?

14 A. Yes, sir.

15 Q. There were no other doors that went to a patio
16 or anything else in that bedroom?

17 A. No, sir.

18 Q. To get back out of the room, where did you
19 have to go?

20 A. Back -- like back towards like the way I came
21 in. Like, you had to go back past the end of the bed,
22 like there's a space in between the bed and the door.

23 Q. As you went past the end of the bed, were you
24 shot anywhere else besides your backside?

25 A. Yeah. I was shot in my face.

1 Q. Anywhere else?

2 A. My hand. In my hand.

3 Q. In your hand?

4 A. Yes, sir.

5 Q. When you were shot in the hand, what did it
6 force you to do?

7 A. I dropped -- I dropped the weapon and I
8 fell -- I fell with the weapon. Like I fell as -- like,
9 the weapon fell, I fell too.

10 Q. You were shot in the face?

11 A. Yes, sir.

12 Q. Why did you take your ski mask off?

13 A. Sir?

14 Q. Why did you take your ski mask off?

15 A. I had -- I had -- the mask was actually
16 already folded. Like, when I had came in the room, the
17 mask was like already, like, folded.

18 Q. But it ended up on top of the gun, why did you
19 take it off?

20 A. I don't remember taking the mask off.

21 Q. You don't remember doing that?

22 A. No.

23 Q. But you fell right there, right in this spot?

24 A. Yes, sir.

25 Q. Gun, mask and your blood all over in that

1 spot?

2 A. Yes, sir.

3 Q. Then what did you do?

4 A. Well, I was unconscious. I was -- like for a
5 second, I was like unconscious.

6 Q. Do know how long you were unconscious for?

7 A. No, I don't know. Like I don't really know.
8 But I know, like, when I hit the floor, I was like --
9 like I don't know whether the floor -- like how hard I
10 hit the floor when I passed -- went unconscious or
11 whether it was 'cause of the bullets or whatever. I
12 know when I got back -- when I came back to like reality
13 I -- I was telling Mingo to call 911 and I was trying --
14 I had stumbled my way -- I had got enough energy to get
15 myself up and I stumbled my way into the kitchen.

16 Q. Why the kitchen?

17 A. My body was feeling like drained of energy.
18 Like I felt like I was about to go. Like I just felt
19 like I ain't have no more -- I ain't have no more in me.

20 Q. So what did you do in the kitchen?

21 A. I -- well, I leaned over the sink. Like the
22 sink had piled up with dishes but like I leaned over the
23 sink and tilted my head and like was just was drinking
24 water, like, constantly drinking water out of the faucet
25 like drinking water, drinking water.

1 Q. Where did you go from there?

2 A. When I felt like I had enough energy, I
3 stumbled my way to the living room and flopped down on
4 the couch.

5 Q. Had you heard somewhere that if you got shot,
6 you needed to drink water?

7 A. No, sir.

8 Q. That was just your instinct at the time?

9 A. Yeah. 'Cause I felt like I was drained. Like
10 I felt like I don't have no feeling other than, like --
11 I ain't going to lie, like I took -- I took -- I take
12 drugs to like -- at night, I take ecstasy before -- like
13 when I been on ecstasy before, like, you'll get drained
14 and you need water. You know, like, you dry. Like,
15 your insides are like -- feel like it dry.

16 So that's how I was feeling. So I was like,
17 if I drink water, this might help, you know what I'm
18 saying? That's the first thing I went to do, like, go
19 get water and then just flopped down on the couch.

20 Q. You stumbled to the couch and flopped down?

21 A. Yes, sir.

22 Q. What did you ask Ms. Mingo to do, you said it
23 a second ago but what did you ask Ms. Mingo to do?

24 A. I told her to call 911.

25 Q. Did you want the cops called?

1 A. The cops and the ambulance called too.

2 Q. You had no issue with everybody coming?

3 A. No. I ain't have no issue with nobody.

4 Q. Did you want your life to be saved?

5 A. Yes, sir.

6 Q. Did you also want there to be an investigation
7 because there was a shooting?

8 A. Yes, sir.

9 Q. Eventually did help come?

10 A. Yes, sir.

11 Q. I mean, you're here.

12 A. Yes, sir.

13 Q. You got help by EMS?

14 A. Yes, sir.

15 Q. Then eventually a warrant was served and you
16 were arrested; correct?

17 A. Yes, sir.

18 Q. Mr. Truesdale, did you have any reason to what
19 to kill Mr. White?

20 A. No, sir.

21 Q. Problems with him, grudges, anything at all?

22 A. I never even knew Mr. White.

23 Q. Never met him?

24 A. Never met him.

25 Q. Why did you shoot that night?

1 A. Really just to -- like I had to defend myself.
2 Like I was really trying to, like, leave. Like, I was
3 getting shot at so I really did try to leave. But it
4 had got to a point where I had to try and like defend
5 myself.

6 Q. You didn't fire first?

7 A. No, sir.

8 Q. You sat through this whole trial. There's a
9 story about you coming to the end of the bed, pointing
10 your gun at Ms. Mingo, pointing your gun at him,
11 shooting shots down. Any of that true?

12 A. No, sir.

13 MS. MCGINNIS: Objection, your Honor. He's
14 leading.

15 THE COURT: Sustained. Don't lead the
16 witness.

17 MR. NIELSON: Beg the Court's indulgence, just
18 a moment.

19 Q. (By Mr. Nielson) As you previously testified,
20 that was your home; right?

21 A. Yes, sir.

22 Q. Where your stuff was?

23 A. Yes, sir.

24 Q. I'm going to show you what's been marked as
25 State's Exhibit 49.

1 This gray right here, what is that? Do you
2 recognize it?

3 MR. NIELSON: Your Honor, may I withdraw the
4 question, and ask a less leading question then that?

5 THE COURT: Yes, sir.

6 Q. (By Mr. Nielson) Do you recognize anything in
7 this picture?

8 A. Yes, sir.

9 Q. Anything that is yours?

10 A. Like on a different picture like at the
11 bottom -- on the floor, you can see like I got
12 basketball -- I got some basketball shorts on the floor.

13 Q. What about in this picture?

14 A. That Nike box at the top of the closet was the
15 box that belonged to the shoes that I was wearing at
16 that time.

17 THE COURT: Counsel, what exhibit was that?

18 MR. NIELSON: Sorry. That was Exhibit 148.
19 Sorry, your Honor.

20 Q. (By Mr. Nielson) Now, I'm going to show you
21 what's Exhibit 149.

22 Is that the same shoebox?

23 A. Yes, sir.

24 Q. And are those just some examples of some
25 things you had in the house?

1 A. Yes, sir.

2 Q. Did you have other clothes and other property
3 in there as well?

4 A. Yes, sir.

5 Q. 'Cause that was your house?

6 A. Yes, sir.

7 Q. And lastly, you had nothing against Mr. White,
8 no reason to shoot him, nothing like that?

9 A. No, sir.

10 MR. NIELSON: Answer any questions
11 Ms. McGinnis has.

12 THE COURT: Cross-examination?

13 MS. MCGINNIS: Thank you, Judge.

14

15 **CROSS-EXAMINATION**

16 **BY MS. MCGINNIS:**

17 Q. You stated that you had some basketball shorts
18 at the house?

19 A. Yes, sir. I mean, yes, ma'am.

20 Q. They were beside the bed?

21 A. No, ma'am. It was -- they are not in that
22 picture but a picture I had seen previously through my
23 attorney. It was like some silver or gray basketball
24 shorts at the bottom of -- like not at the bottom of
25 that basket but like on the outside of the basket.

1 Q. On the outside of the basket?

2 A. On the bottom, like on the floor.

3 Q. That blue basket where some of the shell
4 casings were found?

5 A. No, ma'am. The basket that's inside the
6 closet.

7 Q. The one that your attorney just showed you?

8 A. Yes, ma'am.

9 Q. This photo right here. Can you point me
10 out -- here, I'll move it up so you can see the bottom
11 of the photo.

12 Can you point me out your silver basketball
13 shorts?

14 A. You can't see it in the picture because it's
15 on the -- you can't see the floor in this picture. Like
16 at the bottom, you can't see the bottom of this basket
17 in this picture.

18 Q. So they're not in this picture?

19 A. Not in this picture.

20 Q. Mr. Truesdale, you said a couple of times that
21 you couldn't quite remember what happened; is that
22 right?

23 A. Yes, ma'am.

24 Q. And after you got shot you went to the
25 hospital --

1 A. Yes, ma'am.

2 Q. -- up in Charlotte?

3 A. Yes, ma'am.

4 Q. They treated you there for a little while?

5 A. Yes, ma'am.

6 Q. Do you remember on September 25th when the
7 doctors asked you what happened, you said, I can't
8 recall the details regarding my gunshot wounds?

9 A. I don't really remember.

10 Q. Well, your reports -- your medical records say
11 that you were alert, you were oriented but you don't
12 remember telling them you didn't know what happened to
13 you?

14 A. Yeah. I don't really remember talking to
15 them.

16 Q. You don't remember talking to any doctors?

17 A. Not of that sort. No, ma'am.

18 Q. Okay. Do you remember talking to them a day
19 or so later? Again, you were alert and oriented. You
20 couldn't recall specific events but you believed you
21 were with friends at the time of your injury?

22 A. No, ma'am. I don't remember.

23 Q. You don't remember or you didn't say that?

24 A. I don't remember saying that.

25 Q. Would you dispute that it's in your medical?

1 A. Ma'am?

2 Q. Would you dispute that that statement is in
3 your medical records?

4 A. Can you explain like what you're saying? I
5 don't understand what you're saying.

6 Q. If your medical records say that, do you think
7 that's wrong?

8 A. I don't know.

9 Q. You just don't remember?

10 A. Yeah. I just don't remember.

11 Q. Okay. After you left the hospital, you went
12 and came down to Lancaster and you must met with Brian
13 Small when you got charged with these charges; right?

14 A. Yes, ma'am.

15 Q. 'Cause you were charged and you were arrested,
16 you had to go through a booking process?

17 A. Yes, ma'am.

18 Q. As part of that, do you remember Chief Brian
19 Small asking you to spell your name so he could get it
20 right?

21 A. At like -- like when I had a conversation
22 with Brian Small, like, it was, like, short and brief.
23 Like we ain't really, like, communicate really that
24 much.

25 Q. Right. He asked you your name, where you

1 lived?

2 A. I think so, yeah.

3 Q. And you told him [REDACTED] Usher Road?

4 A. Yes, ma'am.

5 Q. And he said, "Who do you live there with?"

6 A. Yes, ma'am.

7 Q. And you said, "My mom"?

8 A. Yes, ma'am.

9 Q. Did anyone tell you to say [REDACTED] Usher Road?

10 A. No, ma'am.

11 Q. Why did you tell them that address if you live
12 at [REDACTED] West Hood Street? [REDACTED] West Hood Street is your
13 home; right? That's where you keep all your stuff?
14 That's where you stay every single night?

15 A. I don't know.

16 Q. Why didn't you tell him, "I live at [REDACTED] West
17 Hood Street, Mr. Small"?

18 A. Because at the time, due to the incident and
19 stuff like that, I had already made up my mind, like
20 that's where I was going back too, my mom's house. I
21 wasn't going back to the [REDACTED] West Hood Street, not due
22 to the incident.

23 Q. Even though that was your house. You had
24 every right to be there. You had all your stuff there.
25 You were just coming to pick some clothes up that night

1 and someone shot you in your own house, in your own
2 bedroom?

3 A. Yes, ma'am.

4 Q. You say, I'm not going back there. I'm just
5 going to tell the police I don't live there anymore.
6 You're going to tell the police you live at [REDACTED] Usher
7 Road?

8 A. Yes, ma'am.

9 Q. Okay. Now, I had a couple witnesses earlier
10 talk about your work doing construction and they were a
11 little bit unclear.

12 I think your mom testified yesterday that you
13 sometimes stayed at the house; right? You sometimes
14 stayed with her at [REDACTED] Usher Road?

15 A. Yes, ma'am.

16 Q. And in fact, you said this morning that you
17 stay there from time to time when you were going to
18 work?

19 A. Yes, ma'am.

20 Q. But Mr. Rodney Cloud, your ride to work, your
21 coworker, he said, uh-uh, he never stayed there.

22 Did you hear him say that?

23 A. Yes, ma'am.

24 Q. You heard him say you never stayed at [REDACTED]
25 Usher Road?

1 A. Yes, ma'am.

2 Q. Not one single night?

3 A. Yes, ma'am.

4 Q. You heard him say that?

5 A. Yes, ma'am.

6 Q. He said, "I pick Quinterious up everyday from

7 [REDACTED] West Hood Street and I took him to work with me

8 Monday through Friday, sometimes Saturday."

9 A. Yes, ma'am.

10 Q. That's what he told the Court?

11 A. Yes, ma'am.

12 Q. You told the Court, sometimes I stay at

13 Pardue, sometimes I stayed over there, sometimes I stay
14 with my mom.

15 Your mom said, yeah, he sometimes stayed with
16 me; he sometimes stayed at other places.

17 But Mr. Rodney said, uh-uh, he always stayed
18 at Usher Road?

19 A. Yes, ma'am.

20 Q. Which one of y'all's telling the truth?

21 A. Obviously me and my mom 'cause I was staying
22 there, like, when I had to go to work. But, like, I
23 wasn't like living there. I was living on [REDACTED] West Hood
24 Street. So he probably didn't really understand what
25 you were saying.

1 Q. He didn't understand what I was saying?

2 A. Yes, ma'am.

3 Q. He didn't understand when I said, "Did
4 Quinterious ever stay at [REDACTED] Usher Road?" And he said,
5 "No, ma'am." He must have misunderstood?

6 MR. NIELSON: Your Honor, there's no way he
7 can testify as to what Mr. Cloud understood.

8 THE COURT: He heard it. Overruled.

9 Q. (By Ms. McGinnis) And then
10 Mr. Marcus Drakeford came up and testified that y'all
11 have been best friends for about ten years?

12 A. Yes, ma'am.

13 Q. And in the summer of 2020 he went to visit you
14 all the time at Hood Street?

15 A. Yes, ma'am.

16 Q. And he would come after he got done working at
17 Bojangles, about 2:30 or 3:00 in the afternoon, and you
18 were usually there with the kids?

19 A. Yes, ma'am.

20 Q. But I thought you were working everyday up in
21 Charlotte, all the way up there with your mom and
22 Mr. Cloud, you road up there everyday?

23 A. Some days -- some days like -- see, we did
24 construction, so some days like when it rained or some
25 days when it be light at work, we wouldn't go up there

1 to Charlotte.

2 Q. So when Mr. Cloud said that he took you up
3 there every single day, Monday through Friday, sometimes
4 Saturdays, he was just mistaken about that too?

5 A. Yes, ma'am.

6 Q. He misunderstood that question too?

7 A. Yes, ma'am.

8 Q. Mr. Drakeford said when he dropped you off,
9 you would use your key to get in the front door. He
10 testified to that.

11 A. Yes, ma'am.

12 Q. But you told the Court that you had a key to
13 the backdoor of that house?

14 A. Yes, ma'am.

15 Q. So is Mr. Drakeford misunderstanding my
16 questions as well?

17 A. Yes, ma'am.

18 Q. Okay. Now, you said you still lived in that
19 house with Yashima all the way up until this incident
20 happened?

21 A. Yes, ma'am.

22 Q. You stayed there every night almost?

23 A. Yes, ma'am.

24 Q. Sometimes you stayed with your mom?

25 A. Yeah. Some nights I stayed with my mom.

1 Q. Some nights you'd go stay at Pardue I believe
2 you said?

3 A. Yes, ma'am.

4 Q. What did you do over on Pardue?

5 A. Just hang out with friends and other females.

6 Q. Hang out with friends and other females?

7 A. Yes, ma'am.

8 Q. And on the 23rd, kind of the day leading into
9 the night this incident happened, Yashima had to get in
10 contact with you to come see the girls?

11 A. Yes, ma'am.

12 Q. Why would she have to come ask you to see the
13 girls if you lived there. Did they see you everyday?

14 A. Like I was telling -- like I was saying
15 previously, she was staying -- like, we was both living
16 in that home but she was also staying at Carolina Court
17 due to the -- like -- like in July, like, she like --
18 around her birthday time, she used to go like with her
19 family on vacation and stuff and I was still staying at
20 the home. She wasn't really staying there. I was
21 staying there like alone. No kids, just me, you know
22 what I'm saying?

23 Then -- say like in August, up to like,
24 August, I had the incident with the TVs. Like, she -- I
25 guess it pushed her away even more, like, to stay at

1 Carolina Court. So around that time, I don't know what
2 she was doing or whatever. I just know, like, she'd
3 come to the house and get clothes and stuff. She'd go,
4 like -- we basically was like just in and out of that
5 house when nobody like -- I was always staying there
6 with -- I was staying there majority of the time.

7 Q. You were staying there majority of the time
8 when she wasn't?

9 A. Yeah.

10 Q. And you had a key to get in the house?

11 A. Yes, ma'am.

12 Q. So when Ms. Mingo said you had a backdoor key
13 for about three weeks and then she made you give it
14 back, that was a lie?

15 A. Yes, ma'am.

16 Q. Ms. Mingo testified that when you came over on
17 the 23rd to see your child, that you hadn't been there
18 for about a month to see her. Was that a lie as well?

19 A. Yes, ma'am.

20 Q. And she said she had dropped all the stuff
21 back off to Tamika, right? She dropped all your clothes
22 back off to Tamika when y'all broke up in July?

23 A. That was a lie too.

24 Q. That was a lie too. Okay. She said the only
25 thing you had left on the 23rd when you came over was a

1 shirt?

2 A. That was a lie too.

3 Q. So she didn't give you a shirt to put on on
4 the 23rd?

5 A. I came over there that day, I had changed -- I
6 had changed out a shirt. I swapped out a shirt. Like,
7 I had -- I don't know whether I left it on -- I left the
8 shirt on the bed or whatever but I wasn't there that
9 long. I was just coming to see the kids before she took
10 them to Charlotte.

11 But I know at the time, like, I had been,
12 like -- I had asked her earlier and maybe -- and stuff
13 like that. I was just changing my shirt to go back out
14 and about, you know what I'm saying?

15 Q. At a hearing on Monday, you testified that you
16 didn't change your shirt that day; right?

17 A. I don't remember. I don't remember.

18 Q. You don't remember telling me that on Monday,
19 that you didn't change your shirt while you were there
20 at the house on the 23rd?

21 A. No, ma'am.

22 Q. So you changed your shirt. You're telling me
23 today that you changed your shirt but on Monday you
24 didn't tell me that?

25 A. I don't remember telling you that Monday. I

1 don't remember.

2 Q. Let's kind of get into the meat of what we're
3 here for and talk about that night.

4 A. Uh-huh.

5 Q. So you were living at [REDACTED] West Hood Street,
6 that night, on September 24th, but you weren't sleeping
7 there that night?

8 A. No, ma'am. I wasn't.

9 Q. Why not?

10 A. Because I had other plans.

11 Q. What were your other plans?

12 A. Well, I was -- like I had said, I had came
13 from -- I just left from chilling with -- hanging out
14 with a friend Nykethious Cunningham.

15 Q. Where did Nahkekus live?

16 A. At the time I think he was staying on City
17 Avenue.

18 Q. City Avenue?

19 A. Yes, ma'am.

20 Q. And where were you going?

21 A. Where was I going?

22 Q. Uh-huh.

23 A. From City Avenue to West Hood Street.

24 Q. Why were you going over to West Hood Street,
25 to go home?

1 A. At the time, yes.

2 Q. You were going over to West Hood Street to go
3 home?

4 A. Yes, ma'am.

5 Q. Did you tell me on Monday that you were going
6 over there to get some clothes so you could go sleep
7 with another girl?

8 A. Yes, ma'am.

9 Q. But today you're telling me that you were just
10 going home?

11 A. Yes, ma'am.

12 Q. You weren't going to walk down to Pardue to go
13 see a Keisha?

14 A. Yes, ma'am.

15 Q. You were or you were not?

16 A. I had planned on it.

17 Q. You had planned on that or you had planned on
18 going home?

19 A. Both. I had planned on going home to get
20 clothes but I had also planned on going to see her, too,
21 afterwards.

22 Q. Okay. Where did Keisha live that you were
23 going to go see her?

24 A. She was staying at Pardue.

25 Q. Why did you need clothes? Didn't you have a

1 fresh shirt on from earlier that day that you changed at
2 ■ West Hood Street?

3 A. Yes, ma'am.

4 Q. But you felt like you needed another shirt?

5 A. I felt like I needed clothes because I planned
6 on staying the night over at Pardue Street.

7 Q. At Pardue Street? Okay. And you were going
8 to the closet in the bedroom to get your clothes?

9 A. Yes, but I was checking the closet first and
10 then I was going to check the -- I usually have clothes
11 in the draw also.

12 Q. But when you first got there that night you
13 were going to the closet to get your stuff?

14 A. Yes. Yes, ma'am.

15 Q. And tell me again what happened when you
16 walked in the house. You came in the backdoor?

17 A. Yes, ma'am.

18 Q. And where are the boxes?

19 A. Like I said, I can't really remember but I
20 know usually when I come in the backdoor, they usually
21 be like boxes on your right. When you come in the door,
22 like the window, you have, like -- the kitchen, there's
23 two kitchen windows. One when you first come in the
24 backdoor, you have like -- usually the boxes would be
25 stacked up right there or either be a trash can or

1 sometimes the trash can be behind the door like facing
2 the wall.

3 Q. Okay. Did you see Officer Sharperson's body
4 camera where you can very clearly see a stack of boxes
5 to your left when you walked in the door, behind the
6 door?

7 A. I don't recall.

8 Q. Okay. But you didn't knock those boxes down
9 when you came in the backdoor?

10 A. I don't recall.

11 Q. You don't recall knocking them down?

12 A. No, ma'am.

13 Q. If you had knocked them down, would you have
14 picked them back up and set it back up in a neat stack
15 again?

16 A. Probably, probably not though.

17 Q. Probably not?

18 A. Yeah.

19 Q. And you said that the window was halfway
20 opened so you could see. You had some light coming in?

21 A. Yes, ma'am.

22 Q. Did you see on Officer Sharperson's body
23 camera that there's a sheet completely covering the
24 entire window, like a curtain?

25 A. No, ma'am.

1 Q. But there was still enough light that somehow
2 got in through that curtain so you could see your way
3 through the house?

4 A. Yes, ma'am.

5 Q. And you walked through the dark kitchen but it
6 was bright enough for you to see 'cause light could come
7 in through the curtain?

8 A. Yeah. Like, I knew my way around the house,
9 so with a portion of light, I could like guide my way to
10 where I needed to me.

11 Q. Why didn't you just turn on the light if you
12 thought no one was home?

13 A. I just choose not to.

14 Q. So you came at 3 o'clock, used your key to get
15 in the backdoor. If you knocked over the boxes you
16 wouldn't have set them back up and you didn't turn on
17 the light when you proceeded through the kitchen --

18 MR. NIELSON: Objection, your Honor. He did
19 not say he wouldn't have set them up. He said,
20 probably. He said, "probably, probably not." It's a
21 mischaracterization of what he said.

22 Q. (By Ms. McGinnis) You probably would not have
23 set them back up?

24 A. Probably, probably not.

25 Q. So you walk through the dark kitchen?

1 A. Yes, ma'am.

2 Q. Then where did you go?

3 A. I walked to the -- I walked to the -- I think
4 I turned the light on in the room or the bathroom, one
5 of them. I think. I can't really remember. I know
6 when I went in the room though, I turned on the light.

7 Q. So you can't really remember exactly what
8 happened, where you went, what you did. But you know
9 when you got to the room, you turned on the light?

10 A. Yes, ma'am.

11 Q. Then what happened when you got in the room?

12 A. Ms. Mingo -- like, Ms. Mingo, I think she was,
13 like just waking up or whatever. So she was just
14 walking up. She was asking what was I doing or
15 something like. She was asking why was i there or
16 something like that.

17 Q. And you didn't know Ms. Mingo was going to be
18 there?

19 A. No, ma'am.

20 Q. Did you see her car when you walked up to the
21 house?

22 A. No, ma'am.

23 Q. You dated Ms. Mingo you said since 2014, 2015?

24 A. Yes, ma'am.

25 Q. And you knew she had a car?

1 A. Yes, ma'am.

2 Q. And if you lived there, you knew where she
3 parked the car; right?

4 A. Yes, ma'am.

5 Q. But you didn't see it that day, you didn't
6 notice it when you walked up to the house?

7 A. No, ma'am.

8 Q. Even though it was parked right smack in front
9 of the house?

10 A. Yes, ma'am.

11 Q. When you flipped on the light and saw
12 Ms. Mingo were you surprised?

13 A. Yes, ma'am.

14 Q. Did you not say, oh, I didn't expect you to be
15 here. I thought you'd be at work?

16 A. No, ma'am.

17 Q. You didn't say, I'm so sorry I'm here at 3
18 o'clock in the morning waking you up?

19 A. No, ma'am. Actually like -- like I was saying
20 I felt like she was trying to -- she was trying to like
21 start arguing but I wasn't. I was just trying to get in
22 and out of the house.

23 Q. Yashima was trying to start an argument even
24 though you're the one that came in the dark house at 3
25 o'clock in the morning?

1 Tell me again, you were wearing your ski mask;
2 is that right?

3 A. Yes, ma'am.

4 Q. And how were you wearing it?

5 A. At the time -- at that time, like, it was -- I
6 don't remember whether it was down or up. I know if it
7 was down, I pulled it up so she could see my face so she
8 knew exactly who I was.

9 Q. So there's a chance you were wearing your ski
10 mask pulled down over your face?

11 A. Yes, ma'am.

12 Q. So it covered your face?

13 A. Yes, ma'am.

14 Q. With just your eyes and your mouth open?

15 A. Yes, ma'am.

16 Q. And you say you did this all the time; right?

17 You wore this like a fashion statement?

18 A. Yes, ma'am.

19 Q. And in fact Mr. Nielson's picture, Defense 2,
20 you said this is your ski mask; right? This is your
21 other ski mask --

22 A. Yes, ma'am.

23 Q. -- the green one?

24 A. Yes, ma'am.

25 Q. Can you show me on this picture where the eye

1 and mouth holes are on this mask?

2 A. Due to the -- due to the mask being pulled up,
3 I can't really tell where exactly they are, but -- I
4 can't really tell.

5 Q. Well, I mean, the eye and the mouth holes have
6 stitching around them; right?

7 A. Yes, ma'am.

8 Q. We saw that in the mask that's in evidence?

9 A. Yes, ma'am.

10 Q. Do you see any stitching on that photo?

11 A. I can't tell. You can't tell from the photo.

12 Q. You can't tell? Is it because it's on this
13 overhead? Do you want me to hand you the picture to
14 look at?

15 A. No. I'm saying like -- I can't tell -- I
16 can't -- like ain't nobody tell because of the like --

17 Q. Could this just be a hat, a toboggan?

18 A. It could be.

19 Q. It could be.

20 But this is definitely a ski mask?

21 A. Yes, ma'am.

22 Q. You were wearing it that night. Yashima said
23 it was pulled down over your face covering your whole
24 face.

25 Was she lying about that too?

1 A. I don't -- I don't -- like that's what I said.
2 Like, when I came in the room, it probably was over my
3 face. But I know if it was over my face when I came in
4 the room and when she asked what I was doing in there, I
5 pulled -- I think I did pull it up off my face. And I
6 was -- like afterwards, like, she was asking what I was
7 doing there. And that's when I told her what I was
8 doing in there and I went towards the closet door to get
9 clothes.

10 Q. And you said you felt like she was trying to
11 start an argument?

12 A. Uh-huh.

13 Q. Even though you came in in the middle of the
14 night with a ski mask on pulled down over your face and
15 turned her light on?

16 A. Yes, ma'am.

17 Q. It was her that was trying to start stuff?

18 A. Start like picking like -- basically, like,
19 picking an argument about me being there that time of
20 night. Evidently, like, I didn't know she was going to
21 be there because she told me she was working third
22 shift.

23 Q. So she told you she was working third shift.
24 You were hanging out with Nahkekus Cunningham --
25 Cunningham --

1 A. Yes, ma'am.

2 Q. -- on City Avenue. How did you get over to
3 Hood Street?

4 A. I walked.

5 Q. Did you wear your ski mask pulled down over
6 your face, then, when you were walking?

7 A. Yes, ma'am.

8 Q. Okay.

9 MS. MCGINNIS: Ma'am court reporter, can I
10 have this marked for ID purposes?

11 (State's Exhibit 176, Google maps, was
12 marked for Identification.)

13 Q. (By Ms. McGinnis) I'm going to show you what's
14 going to be marked as State's 176 for identification.

15 What's this document?

16 A. I have no idea.

17 Q. Does it look like a map?

18 A. Yeah, a map.

19 Q. Does it have some walking directions from City
20 Avenue to [REDACTED] West Hood Street?

21 MS. MCGINNIS: May I approach the witness,
22 your Honor?

23 THE COURT: Yes, ma'am.

24 Q. (By Ms. McGinnis) If you look up here at the
25 top, what does this say here, that top line?

1 A. City Avenue, Lancaster, South Carolina to [REDACTED]
2 West Hood Street, Lancaster, South Carolina.

3 Q. Okay. So that's City Avenue, Lancaster, South
4 Carolina to [REDACTED] West Hood Street, Lancaster, South
5 Carolina?

6 A. Yes, ma'am.

7 Q. What does it stay over here?

8 A. Walk .9 miles, 18 minutes.

9 Q. Thank you.

10 So you walked from City Avenue here in
11 Lancaster to [REDACTED] West Hood Street, 18 minutes .9 miles,
12 at what time of the night?

13 A. I don't remember the exact time.

14 Q. It was late; right?

15 A. Yes, ma'am.

16 Q. 2:30, 3:00?

17 A. I don't remember the exact time, so I don't
18 want to give you a set time.

19 Q. It was the middle of the night, can we agree
20 on that?

21 A. Yes, ma'am.

22 Q. So you walked about almost a mile, almost 20
23 minutes with a ski mask pulled down over your head --

24 A. Yes, ma'am.

25 Q. -- through downtown Lancaster?

1 A. Yes, ma'am.

2 Q. And why did you wear the ski mask pulled down
3 over your face?

4 A. To me, that night -- that time of the night,
5 it was cold. Like, I had a jacket on and I had it
6 zipped up and I had the ski mask on when I was walking.

7 Q. It was cold, that was why you had the ski mask
8 pulled down over your face?

9 A. Yes, ma'am.

10 Q. Did you hear testimony from the officers that
11 were there, that they were wearing short-sleeved
12 T-shirts?

13 A. Yes, ma'am.

14 Q. Did you see that in some of the body cam
15 footage?

16 A. See what? Them wearing short sleeves?

17 Q. Them wearing short sleeves.

18 A. Yes, ma'am.

19 Q. Did you hear testimony that Yashima's
20 air-conditioning unit was running?

21 A. Yes, ma'am.

22 Q. And you heard testimony from Investigator Sims
23 that the low that night was in mid-'60s?

24 A. Yes, ma'am.

25 Q. But that was cold enough to wear the ski mask

1 over your face?

2 A. Yes, ma'am.

3 Q. Did you tell me on Monday that you wore that
4 ski mask over your face as a fashion statement?

5 A. Over my face?

6 Q. Uh-huh.

7 A. I don't remember.

8 Q. Did you tell me on Monday --

9 I asked you: Do you always wear a ski mask?
10 And you said: Yes, I wear it like fashion.
11 Do you remember that?

12 A. Yes, ma'am.

13 Q. And I said: You wear a ski mask as fashion?
14 And you said: Uh-huh.

15 A. Yes, ma'am.

16 Q. And I said: A ski mask that covers your face
17 with your eyes and nose exposed for fashion?

18 And you said: Yes, ma'am.

19 A. Uh-huh.

20 Q. So were you wearing it for fashion that night
21 or were you wearing it because you were cold or were you
22 wearing it because you knew you were going to go in and
23 break in Yashima's house and cause some trouble?

24 A. I was wearing it because like I wear it -- for
25 one, I do wear it as fashion. And yeah, it was cold,

1 that's why I had it pulled down the way it was. But I
2 wear it as fashion, like, as in this picture.

3 Q. You don't wear it as fashion pulled down over
4 your face like you told me on Monday?

5 A. No, ma'am.

6 Q. There's a lot of talk about you not
7 remembering some stuff. And you told the hospital you
8 didn't remember what happened when you got shot; right?

9 A. Yes, ma'am.

10 Q. Then after you were arrested you made some
11 phone calls and you kind of start trying to put your
12 story together; is that right?

13 A. I don't really remember.

14 Q. On October 1, 2020, did you call number (803)
15 762-4731 and tell a lady on the phone that you're still
16 trying to piece together how you got over there?

17 A. I don't remember.

18 Q. Did you say you think you were going to get
19 your things, that's probably what it was, as to why you
20 got over there?

21 A. I don't really -- I can't really remember.

22 Q. You can't remember saying that?

23 A. I don't remember like phone calls and stuff.
24 When I first got in, like I was like -- I was still
25 going through a little phase.

1 Q. Going through a little phase?

2 A. Yes, ma'am.

3 Q. What kind of phase?

4 A. Like, basically, like, I was one -- for one, I
5 was on meds and I was like -- I was still like -- I was
6 still like trying like to gain memory and stuff like
7 that.

8 Q. Still trying to gain memory. Okay.

9 A. Yeah. Trying to recap what exactly happened.

10 Q. You're still taking medicine once you got back
11 to Lancaster even though the hospital had taken you off
12 of IV pain medication on September 25th?

13 A. Yes, ma'am.

14 Q. Even though on a phone call you said, I'm just
15 taking Ibuprofen, you're still on some heavy pain meds?

16 A. I was on major --

17 MR. NIELSON: Your Honor, I'm going to object
18 to that question. He didn't say, "heavy pain meds". He
19 said he was taking "medication".

20 THE COURT: It's cross-examination, he can
21 clarify what he was on or wasn't.

22 Q. (By Ms. McGinnis) Tell me what you were
23 taking.

24 A. I don't know exactly what I was taking. I
25 just know I was taking medication.

1 Q. You were taking medication and you still
2 couldn't -- you're trying to gain memory?

3 A. Yes, ma'am.

4 Q. Were you trying too put your story together?

5 A. No. I really was trying to recap everything
6 what happened.

7 Q. On October 2nd of 2020, you made a phone call
8 to (980)315-6097 and you said, "I was done with this
9 girl weeks and months ago. I was only paying her back
10 for messing up her TVs."

11 Did you say that?

12 A. I don't recall.

13 Q. And but you're telling the Court today that
14 you were still dating Yashima. Y'all were still
15 together on September 24, 2020?

16 A. Yes, ma'am.

17 Q. And you don't remember right after this
18 happening saying, "I was done with that girl, weeks and
19 months ago"?

20 A. I don't remember.

21 Q. Okay. Then the next day, October 3, 2020, you
22 called that same number and said, "I came to get my
23 things 'cause I was done with her."

24 Is that right or did you come there because
25 you were going to go stay somewhere else that night?

1 A. I was going to get them because I was going to
2 stay somewhere else that night.

3 Q. So when you said you were going to get your
4 things, because you were done with her, that wasn't true
5 back then or is it not true today?

6 A. It wasn't true then. I really don't remember
7 who I was conversating with.

8 Q. How about October 5, 2020 you said, "I snuck
9 in there to get my things."

10 A. Huh?

11 Q. On October 5, 2020, you called [REDACTED]-8366.
12 Do you deny saying, "I snuck in there to get my things"?

13 A. I don't remember saying that.

14 Q. You don't remember saying that?

15 A. No, ma'am.

16 Q. Let's talk about how you got shot. You said
17 today you were standing at the closet when you got shot?

18 A. Yes, ma'am.

19 Q. And you didn't shoot first?

20 A. No, ma'am.

21 Q. Have you told other people before, I think I
22 was walking away when I got shot in the back?

23 A. I never remember -- I don't remember say that.

24 Q. You don't remember telling people that on the
25 phone?

1 A. No, ma'am.

2 Q. And you didn't fire the first two shots?

3 A. No, ma'am.

4 Q. When Yashima said you came in, said to her,
5 "Didn't I tell you what I'd do over my family," that was
6 a lie from Yashima?

7 A. Yes, ma'am.

8 Q. And you didn't point the gun somewhere in the
9 direction of Mr. White and fire two shots?

10 A. No, ma'am.

11 Q. Tell me about how the gun was found jammed.
12 Do you remember the gun jamming that night?

13 A. No, ma'am.

14 Q. And is it possible, 'cause you said you don't
15 remember everything. It is possible that you fired two
16 shots and Shamon surprised you and he shot back. And
17 you tried to shoot a couple more times and then your gun
18 jammed. And when you turned away you said, oh, shoot,
19 my guns jammed. I'm trying to leave and that's when you
20 got shot in the back.

21 Is that possible?

22 A. I don't know.

23 Q. You don't know? It could be? You don't
24 remember?

25 A. I don't think so. I don't think that's what

1 happened.

2 Q. You don't think so but you don't remember for
3 sure?

4 A. I know for sure I was shot in my back
5 before -- like before I -- before I ever even shot a
6 shot, I knew I was shot in my back and I was trying to
7 retreat.

8 Q. You were trying to retreat. Okay. You said
9 there was only one way out of that room; right?

10 A. Yes, ma'am.

11 Q. And were you standing between Shamon and the
12 bed and the exit door?

13 A. Repeat that again.

14 Q. If Shamon was laying in the bed, Mr. White was
15 laying in the bed?

16 A. Yes, ma'am.

17 Q. Were you in between him and the door to get
18 out of that room?

19 A. No, ma'am.

20 Q. How big is this room we're talking about here?
21 If I'm standing at the foot of the bed, how many steps
22 do I have to take to get to the closet?

23 A. Probably like --

24 Q. Am I at the closet now?

25 A. I don't really know.

1 Q. It's a pretty small bedroom; right?

2 A. Yeah. It's pretty small.

3 Q. So maybe now I'm at the closet?

4 A. I really don't -- I really don't know.

5 Q. But you're saying Mr. White could have gotten
6 out of the bed and gotten to the door without having to
7 go past you? You were not in his way to get out of the
8 bedroom?

9 A. Ma'am?

10 Q. Shamon White was laying in bed; right?

11 A. Yes, ma'am.

12 Q. And you're standing over here by the closet.
13 Are you telling me Shamon did not -- you weren't in the
14 way. He didn't have to go past you if he were to try
15 and get out of that room?

16 A. I don't understand the question, like.

17 Q. I'll move on. You stated you came in, you
18 walked to the closet, tried to get your clothes. You
19 got shot in the back a bunch of times. How many times
20 do you think you got shot in the back?

21 A. About three times.

22 Q. Three times. Would you disagree with your
23 medical record that it said one of those was a
24 through-and-through wound. Meaning, that one hole was
25 entry, one hole was exit?

1 A. I don't know.

2 Q. Would you disagree with your medical records
3 if they say that?

4 A. I don't really know.

5 Q. Do you think your medical records are wrong,
6 let me ask you that? Do you think that the hospital put
7 incorrect information in your medical records?

8 A. I don't think so. I don't know.

9 Q. You don't think so. Okay. So potentially
10 only twice in your back; right?

11 A. I don't know. I don't really know.

12 Q. You don't know. And you don't really remember
13 exactly what happened, but it is impossible that you
14 fired the first shots?

15 A. Yes, ma'am.

16 Q. It is impossible that you came in, saw Yashima
17 in bed with another man, got mad and started shooting?

18 A. Say what now?

19 Q. Is it possible that you came in, saw Yashima,
20 the mother of your child in bed with another man and you
21 started shooting because that made you mad?

22 A. That's impossible.

23 Q. That's impossible. Okay. So you came in and
24 this man just sat up in the bed and shot you?

25 A. Like I didn't see him when he shot me, but I

1 was like in the process of me, like, leaving. I was
2 just like -- basically, I just -- when I was trying to
3 get out the room, I basically, like, just returned fire
4 to the area when the fire was coming from.

5 Q. So again, Yashima's testimony about two shots
6 that you fired first is a lie?

7 A. Yes, ma'am.

8 Q. And you didn't fire two shots, have Shamon
9 return fire, shoot a couple more, and then have your gun
10 jam and then try to leave?

11 A. No, ma'am.

12 MS. MCGINNIS: Beg the Court's indulgence.

13 Q. (By Ms. McGinnis) Tell me, do you know someone
14 by the name of Dreeka?

15 A. Yes, ma'am.

16 Q. Do you recall right after you first came back
17 to Lancaster talking to someone on the phone?

18 You said, I remember now. When I left
19 whatchamacallit's house, I was going to chill with
20 Dreeka. Nobody answered the door, so I went ahead and
21 went over to Hood Street.

22 Do you remember saying that?

23 A. I think so. I think so. I don't know though.

24 Q. Were you living to go see Dreeka? Were you
25 leaving to go home? Were you living to go to Pardue to

1 see Keisha? Where were you going that night? We heard
2 a lot of different stories.

3 A. Well, I was going to -- like -- like the map
4 that you had showed me and stuff, like the path, like,
5 the way that the map was showing --

6 Q. Uh-huh. You want to see it again?

7 A. Yeah.

8 Q. You want me to put it up on here so you can up
9 explain what you're taking about?

10 A. Yeah. I don't really know her address, but I
11 know like --

12 Q. And you can touch it and mark on that screen.

13 A. I don't really know what her exact address is
14 but I know like -- so I was on City Ave.

15 Q. Hold on. Try now. You're on City Ave.

16 A. I was on City Avenue and then I like -- like,
17 I walked on -- I walked from City Avenue like I guess to
18 Elm Street.

19 Q. Like what street?

20 A. Like Elm Street.

21 Q. Oh, Elm Street. Uh-huh.

22 A. But I didn't go like -- I don't remember -- I
23 don't remember going like up -- I don't remember going
24 up like City Street or I think I like -- like, through
25 these -- like there's a yard, it's a house and it's a

1 path like that goes to Arch Street.

2 Q. You used like a cut-through, you didn't
3 necessarily take one of these three routes?

4 A. No.

5 Q. You might have used a cut-through to get
6 there?

7 A. Yeah.

8 Q. And was that's to see Dreeka? Was that to go
9 see Keisha? Was that to go to Hood Street and get your
10 stuff to go somewhere else? Was that to go to Hood
11 Street to stay home 'cause you lived there?

12 A. Repeat that. I wasn't paying attention. What
13 did you say?

14 Q. When you took that route with the
15 cut-through --

16 A. Yes, ma'am.

17 Q. -- were you going to see Dreeka? were you
18 going to see Keisha? Were you going to your home at
19 Hood Street where you had clothes that we wouldn't find
20 in any of the pictures? Were you going to pick up
21 clothes to stay with some other girl we haven't heard
22 about yet? Where were you going when you left City
23 Avenue?

24 A. At this time, I was going like -- like in the
25 direction of going to Hood Street, I -- like the area I

1 was in, like, you can go past Dreeka House. But I had
2 been like -- at the time I think I had been messaging
3 her and I was --

4 Q. I thought your phone didn't work?

5 A. I was on WiFi on City Avenue at Nahkekus'
6 house. So I had been messaging her and I was going to
7 over there and chill or hangout with her on the way to
8 Hood Street.

9 Q. On the way to Hood Street?

10 A. Uh-huh.

11 Q. So you were going to go hangout with Dreeka,
12 then go to Hood Street, then go see Keisha and spend the
13 night with her?

14 A. I'm trying to break it down to you. So from
15 City Avenue, I had went to go by Dreeka's house.

16 Q. Uh-huh.

17 A. But when I got there, like, I knocked at the
18 door but she didn't respond to the door. It was -- her
19 daughter letting -- I guess was letting her know that I
20 was at the door but I guess she was asleep and she
21 didn't come answer the door. So I proceeded to go onto
22 Hood Street.

23 Q. In this phone call, when you said, I was going
24 to chill with Dreeka. On the way I knocked at the door
25 and I heard her baby say, momma, momma, someone's at the

1 door, and she never came to the door.

2 So that sounds right, you remember saying
3 that?

4 A. Uh-huh.

5 Q. How about later on in that same call? Do you
6 remember saying he ain't even finish his job? He ain't
7 start the shit, to be real?

8 A. Huh?

9 Q. That same phone call that you acknowledged,
10 you said you went to Dreeka's house, knocked on the
11 door. Her baby came to the door. You said, I was
12 trying to leave. He shot me in my mother effin' back.
13 He ain't even finish his job. He ain't start the shit,
14 to be real?

15 A. I don't remember saying none of that.

16 Q. You don't remember saying that, but you do
17 remember the other stuff right at the start of that
18 phone call?

19 A. Yes, ma'am.

20 MS. MCGINNIS: Beg the Court's indulgence.

21 Thank you, Mr. Truesdale.

22 THE COURT: Any redirect?

23 MR. NIELSON: Yes, your Honor.

24

25

REDIRECT EXAMINATION

1 **BY MR. NIELSON:**

2 Q. Did you write your medical records?

3 A. No, sir.

4 Q. Did you write what's in your medical records?

5 A. No, sir.

6 Q. Have you even seen them and read them?

7 A. Sir?

8 Q. Have you even seen and read your medical
9 records?

10 A. No. Like, due to my arrest, I don't think
11 they allow me to see.

12 Q. But you haven't seen your medical records?

13 A. No, sir.

14 Q. Solicitor asked you about why you gave the
15 Usher Road address. Why did you give the Usher Road
16 address again to the police?

17 A. Because, like, when I came home -- when I
18 was -- I had a restraining order due to the CDV case
19 from, like, February the 8th till -- February 8th to
20 August 8th, I wasn't supposed to be around Yashima
21 Mingo.

22 Q. And so after you were arrested, you talked to
23 Brian Small; right, Investigator Small?

24 A. Yes, sir.

25 Q. And you told Solicitor that you weren't going

1 back -- that you told them a different reason why you
2 gave Usher Road to Investigator Small?

3 A. Yes, sir.

4 Q. What did you tell him the Usher Road address?

5 A. Because at the time, after the incident, I
6 hadn't planned on going back to West Hood Street.

7 Q. So you didn't want to go back to where you got
8 shot?

9 A. No, sir.

10 Q. Solicitor asked you about what Rodney Cloud
11 knew about where you were staying around town.

12 Did Rodney Cloud know where you were staying
13 every night?

14 A. No, sir.

15 Q. Did you call him and tell him every time that
16 you were going to go stay at a girls house?

17 A. No, sir.

18 Q. You said there was a curtain covering a
19 window. Y'all have black out curtains that kept all the
20 light out?

21 A. No, sir.

22 Q. Could light get in, around curtains, through
23 curtains?

24 A. Yes, sir.

25 Q. And you said the kitchen wasn't dark. But you

1 also said, you knew the house; right?

2 A. Yes, sir.

3 Q. Because whose house was it?

4 A. My house.

5 Q. Your house.

6 A. Uh-huh.

7 Q. You lived there; right?

8 A. Yes, sir.

9 MR. NIELSON: Can I get this marked as Defense
10 4?

11 (Defendant's Exhibit 4, Photo, was marked
12 for Identification.)

13 Q. (By Mr. Nielson) Mr. Truesdale, I'm handing
14 you what's been marked as Defense Exhibit 4.

15 Do you recognize that picture?

16 A. Yes, sir.

17 Q. What is that a picture of, without showing it
18 to the jury, just tell me what it's a picture of?

19 A. The closet.

20 Q. The closet?

21 A. Yes, sir.

22 Q. Is that a further back view of the picture
23 that the solicitor showed you of the closet?

24 A. Yes, sir.

25 Q. Is that what the closet looked like on

1 September 24, 2020?

2 A. I ain't never go inside -- I ain't ever make
3 it to getting inside the closet.

4 Q. But generally, is that what the closet looked
5 like in 2020?

6 A. Yes, sir.

7 Q. Did you take that picture?

8 A. This picture?

9 Q. Were you the photographer who took that
10 picture?

11 A. No, sir.

12 Q. But that's what your closet looked like?

13 A. Yes, sir.

14 MR. NIELSON: Your Honor, I would ask for
15 Defense Exhibit 4 to be moved into evidence.

16 MS. MCGINNIS: Objection, your Honor. He
17 said, he can't say that's what it looked like that
18 night. He said, in general, it's kind of what it looked
19 like, but he cannot attest that that's a fair and
20 accurate depiction of the closet on September 24, 2020.

21 THE COURT: Ask your question in a different
22 way.

23 Q. (By Mr. Nielson) Is that what your closet
24 looked -- is that your closet on September 24th?

25 A. Yes, sir.

1 MR. NIELSON: Your Honor, I asked to move it
2 into evidence.

3 THE COURT: I'll allow it over your objection.

4 (Defendant's Exhibit 4, Photo, was
5 entered into evidence.)

6 MR. NIELSON: May I publish it to the jury?

7 THE COURT: Yes, sir.

8 Q. (By Mr. Nielson) You told the solicitor about
9 a pair of basketball shorts that were in your closet
10 that was not in picture that you were previously shown;
11 correct?

12 A. Yes, sir.

13 Q. Can you point out those shorts to the jury?
14 Right there at the bottom of the closet?

15 A. Yes, sir.

16 Q. Did you have other things in that big pile of
17 clothes?

18 A. From this picture, I can't really tell.

19 Q. But did you have other property in that big
20 pile of clothes. Generally, did you keep stuff in your
21 closet?

22 A. Yes, sir.

23 Q. But you know that those basketball shorts were
24 yours?

25 A. Yes, sir. I know for a fact.

1 Q. Do you remember every phone call you made for
2 the past two years?

3 A. No, sir.

4 Q. How did you feel after you got arrested for
5 this? Were you happy, were you sad, were you made, were
6 you angry? How did you feel?

7 A. Mixed emotions.

8 Q. Mixed emotions?

9 A. Uh-huh.

10 Q. Did you make some happy calls to family and
11 friends?

12 A. Yes, sir.

13 Q. Did you make some angry calls to family and
14 friends?

15 A. Yes, sir.

16 Q. Did you say somethings that you meant and
17 somethings that you didn't?

18 A. Both. Yes, sir.

19 Q. Both ways?

20 A. Yes, sir.

21 Q. If you said you snuck in the house, does that
22 mean that you broke in?

23 A. No, sir.

24 Q. What does that mean?

25 A. It's like, I don't know. I really don't

1 recall saying "snuck in the house."

2 Q. And but does "snuck in" necessarily mean broke
3 in?

4 A. No, sir.

5 Q. 'Cause this was your house?

6 A. Yes, sir.

7 Q. And let me reiterate. You did not fire the
8 first shots?

9 A. No, sir.

10 Q. The only -- once gunfire started in that room
11 that night, what was your number one goal?

12 A. Retreat.

13 Q. Were you scared?

14 A. Yes, sir.

15 Q. For your life?

16 A. Yes, sir.

17 Q. The Solicitor asked you how many times you
18 were shot. I'm going to ask it in a different way. How
19 many bullet holes were in your back?

20 A. Three.

21 Q. Three. How many bullet holes were in your
22 butt?

23 A. One.

24 Q. So four bullet holes to your backside
25 regardless of how they got there?

1 A. Yes, sir.

2 MR. NIELSON: No further questions.

3 THE COURT: You may step down, sir. Thank
4 you.

5 Call your next witness.

6 MR. NIELSON: At this point, your Honor, the
7 defense rests.

8 THE COURT: Ladies and gentlemen of the jury,
9 both sides have rested their case. We must take a brief
10 recess. If you'd please go to your jury room. Although
11 both sides have rested their case, it's not the time to
12 deliberate so you must not discuss this case amongst
13 yourselves or with anyone else. Thank you.

14 (Jury exited.)

15 THE COURT: Any motions?

16 MR. NIELSON: Your Honor, at this time, I'd
17 renew all motions that we've made throughout the trial.

18 THE COURT: For the same reasons as previously
19 articulated, the same rulings apply.

20 All right. I have not look at the proposed
21 jury instructions yet. Y'all want to look at what was
22 said. Then we can have a charge conference real quick
23 and then come back out.

24 MR. NIELSON: Yes, your Honor.

25 MS. MCGINNIS: Judge, I'll need a break to

1 pump.

2 THE COURT: Sure.

3 MS. MCGINNIS: If you're comfortable with it,
4 I have a wearable one. I can -- so we're not keeping
5 the jury out for an hour while I do that and then a
6 charge conference. I'm happy to take a ten-minute break
7 and go upstairs and come back down and do the charge
8 conference.

9 THE COURT: Sure. Whatever you're comfortable
10 with, I'm good with.

11 *(Whereupon, a short recess was taken.)*

12 THE COURT: Y'all can have a seat.

13 All right counsel, we've had an opportunity to
14 have a charge conference and I did add, and I'll read it
15 to you, as far as, prior record of Mr. Truesdale. It's
16 the normal charge of "prior record of Mr. Truesdale,"
17 but I changed the last sentence. And I'll read you the
18 whole thing just to make sure you have no objections.

19 "You have heard evidence that Mr. Truesdale
20 was convicted of a crime other than the one for which
21 Mr. Truesdale is now on trial. This evidence may be
22 considered by you if you conclude it's true, only
23 deciding whether the defendant's testimony is
24 believable, and for no other purpose. You must not
25 consider the defendant's prior record as any evidence of

1 the defendant's guilt of the charges except for
2 possession of a firearm or ammunition by a person
3 convicted of felony-violent crime, as that is an element
4 of that particular offense."

5 Any objections to that?

6 MS. MCGINNIS: There's the two charges, the
7 possession of a firearm by a person convicted of a
8 violent crime and then there's, a crime of violence, one
9 as well.

10 THE COURT: Right.

11 MS. MCGINNIS: Other than that, I have no
12 objection.

13 THE COURT: I'll add that.

14 MS. MCGINNIS: Thank you, your Honor.

15 MR. NIELSON: And no objection, your Honor.

16 THE COURT: Any other exceptions or objections
17 to the proposed jury charge from either the State or the
18 defense?

19 MR. NIELSON: Yes, your Honor, two things:
20 Number one, the invited guest that we put in the back,
21 after I got out, it was suggest in the back but it just
22 might have stayed in the back. I don't believe that
23 applies here. I think that we're -- if we're talking
24 about that charge, it would apply if the invited guest
25 was the person who did the shooting and was claiming

1 self-defense against another person who lives in the
2 home.

3 I do not believe that it applies to this case
4 because Mr. White is not accused of anything. He is an
5 invited guest, yes. It's a fact of whether or not his
6 shot has nothing to do with charges in this case. I
7 just don't think it's appropriate because he's not
8 charged with anything. If he was an invited guest who
9 had been charged and he had shot a person who lived in
10 the home and then he'd been charged after being an
11 invited guest, I believe that that's what that charge is
12 meant for.

13 MS. MCGINNIS: Judge, the State's position is,
14 it goes directly to a charge. I believe as a lawful
15 guest, he has the right to protect himself. The law is
16 very clear on that. Mr. Truesdale is accusing him in
17 his statement of firing the first shots. Even if we
18 were to believe Mr. Truesdale's version of events, that
19 he came in wearing his ski mask over his face with a gun
20 and Shamon shot first. Under this law, he has every
21 right to shoot first in the State's opinion and we're
22 going to argue that that defeats the self-defense claim.

23 So I think it's very important that Shamon is
24 allowed to protect himself. If the jury chooses to
25 believe Mr. Truesdale's version of the facts, we need to

1 be able to argue to the jury and show them that the law
2 says, no, Shamon can shoot first if, in fact,
3 Truesdale's version is what they believe.

4 THE COURT: I agree. I think that's a correct
5 statement of the law and I'll leave it in there.

6 MR. NIELSON: Okay. And also, we would
7 propose adding in voluntary manslaughter. I believe
8 under the argument that in the proposed jury charge, it
9 talks about how the jury can believe parts of one
10 witness, parts of another, all of one witness or all of
11 another.

12 If you believe parts of each of Yashima and
13 Quinterious' testimony, I believe that there is
14 enough -- there is evidence there that would support a
15 manslaughter charge, your Honor.

16 THE COURT: And looking at -- obviously, the
17 voluntary manslaughter has been defined as the unlawful
18 killing of another without malice, expressed or implied.
19 The elements of which are said in the heat of passion,
20 adequate legal provocation and insufficient cooling off
21 period. That is inconsistent with your argument of
22 self-defense. The killing must be without malice and
23 with adequate provocation. The provocation must be from
24 the victim.

25 There's no testimony that there was any

1 provocation as far as the heat of passion. The
2 testimony was either Shamon was completely asleep and
3 your client reacted after he was shot, if you believe
4 his version of it. So he wasn't in the heat of passion,
5 he was reacting in self-defense. So it's either
6 self-defense or heat of passion. So that inconsistent
7 with your defense of self-defense.

8 Also, the case law is that the provocation
9 must be from the victim, which is certainly not the case
10 in this instance. And one of the points where sudden
11 heat of passion can come up, is fighting ones spouse in
12 the act of adultery. Clearly, the parties are not
13 spouses and I don't think that would be as well.

14 So the motion to charge that is denied. It
15 does not fit the elements required to charge that.

16 MR. NIELSON: Thank you, your Honor.

17 THE COURT: Anything further before we bring
18 the jury out?

19 MS. MCGINNIS: No, your Honor.

20 MR. NIELSON: No, your Honor.

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

22 (Jury entered.)

23 THE COURT: Thank you for your patience,
24 ladies and gentlemen of the jury. It is now time for
25 the closing arguments of counsel. Please pay close

1 attention.

2 MS. MCGINNIS: May it please the Court, your
3 Honor?

4 THE COURT: Yes, ma'am.

5 MS. MCGINNIS: Folks, I want to thank you for
6 paying close attention this week. You've heard a lot
7 testimony in a short period of time. We've squeezed in
8 a lot of witnesses over the past couple of days. I've
9 noticed you-all paying close attention. I appreciate
10 that. Mr. Nielson said in his opening, "Y'all have the
11 hardest job in this courtroom." And he's right. We
12 present the State's side. Mr. Nielson, presents
13 Mr. Truesdale side, but ultimately, it comes down to
14 you. Each of you has to determine who to believe. A
15 little later on the Judge is going to instruct you on
16 the law and how the law applies to this case. A want to
17 go over just a little bit of that and I'm going to put
18 it up on the screen so y'all can see it, as I read it to
19 you. If I make a misstatement or anything like that,
20 the Judge is the sole authority on the law. So if I
21 make a misstatement, you listen to what she says.

22 Ms. Workman told you in her opening that we,
23 as the State, have the burden of proving Mr. Truesdale
24 guilty beyond a reasonable doubt. Beyond reasonable
25 doubt or proof beyond a reasonable doubt, is proof that

1 leaves you firmly convinced of the defendant's guilty.
2 There are a few things in this world that we know with
3 absolute certainty. And in criminal cases, the law does
4 not require proof that overcomes every possible doubt.
5 If, based on your consideration of the evidence, you are
6 firmly convinced of the defendant's -- that Mr.
7 Truesdale is guilty of the crime charged, you must find
8 him guilty. On the other hand, if you think there is a
9 real possibility that Mr. Truesdale is not guilty, you
10 must give Mr. Truesdale the benefit of that doubt and
11 find him not guilty.

12 I submit to you ladies and gentlemen, we have
13 proving this case to you beyond a reasonable doubt. The
14 way we prove cases, the way we present evidence to you,
15 is by both direct and circumstantial evidence. Direct
16 evidence proves the existence of a fact and does not
17 require a deduction. Direct evidence is the testimony
18 of a person who claims to have actual knowledge of a
19 fact, such as an eyewitness.

20 Circumstantial evidence is proof of a change
21 of facts and circumstances indicating the existence of a
22 fact. Crimes may be proven by circumstantial evidence.
23 The law makes no distinction between the weight or value
24 to be given to direct or circumstantial evidence. Nor
25 is a greater degree of certainty required of

1 circumstantial evidence, then of direct evidence. You
2 should way all of the evidence in this case.

3 However, to the extent that the State relies
4 on circumstantial evidence, all of the circumstances
5 must be consistent with each other and when taking
6 together, point conclusively to the guilt of the accused
7 beyond a reasonable doubt. If these circumstances
8 merely portray the defendant's behavior as suspicious,
9 the proof has failed.

10 This is not a case where the State is relaying
11 solely on circumstance evidence. You have direct
12 evidence, the very best type, an eyewitness. You heard
13 testimony from Yashima Mingo. When Mr. Nielson talked
14 to you on Monday, he said there's two people in that
15 room that you would hopefully hear from, and he was
16 wrong. There were three people in that room. Shamon
17 White never got to leave that room. He never got to
18 come in here and tell you what happened, because Mr.
19 Truesdale killed him. You heard from Yashima Mingo, she
20 told you what happened. That is the direct evidence in
21 this case.

22 In order to establish criminal liability
23 criminal intent is required. For example, the mental
24 state required to be proven by the State for a
25 particular crime might be purpose, intent, knowledge,

1 recklessness or criminal negligence. Criminal intent is
2 always a matter that must be determined by the jury from
3 the circumstances surrounding the situation. There is
4 no way to prove intent to a mathematical certainty.
5 There is no way medical science can dissect a persons
6 brain and determine what that has in mind.

7 So the law says that criminal intent may be
8 inferred from circumstances shown to have existed. This
9 is how you make a determination of whether the element
10 requiring intent was present.

11 It's not necessary to establish intent by
12 direct and positive evidence but intent may be
13 established by inference in the same way as any other
14 fact by taking into consideration the acts of the
15 parties and all of the facts and circumstances
16 surrounding the case. Criminal intent is a mental
17 state, a conscious wrongdoing. It is up to you to
18 determine what Mr. Truesdale intended to do based on the
19 circumstances shown to have existed. Criminal intent
20 can arise from action or from a failure to act. It may
21 arise from negligence or recklessness or an indifference
22 to duty or to consequences that is considered by be the
23 law to be the equivalent of criminal intent.

24 We don't have to prove to you ladies and
25 gentlemen, that Mr. Truesdale intended to kill the

1 victim. We only have to prove that he had a criminal
2 intent that night. He came into a home, a bedroom at 3
3 o'clock in the morning wearing a ski mask and carrying a
4 gun. What other type of intent could he have had?

5 Mr. Truesdale is charged with, and I submit to
6 you, has been proven guilty of murder. "Murder is the
7 killing of another person with malice aforethought.
8 Malice aforethought does not require that malice exist
9 for any particular time before the act is committed.
10 But malice must exist in the mind of Mr. Truesdale just
11 before and at the time the act is committed. Therefore,
12 there must be a combination of the previous ill intent
13 and of the act."

14 What is malice? There's several different
15 ways to define it. "It's the wrongful intent to injury
16 another. It indicates a wicked or depraved spirit
17 intent on doing wrong. It is the doing of a wrongful
18 act intentionally and without just 'cause or excuse.
19 Malice is defined as a formed purpose and designed to do
20 a wrongful act under the circumstances that exclude any
21 legal right to do it. In it's legal sense, it does not
22 necessarily import ill-will towards the individual
23 injured, but signifies rather a general malignant
24 recklessness of the lives and safety of others or
25 condition of the mind, which shows a heart regardless of

1 social duty and fatally bent on mischief."

2 There's been testimony that Mr. Truesdale
3 lived in that house. There's been testimony that he
4 didn't. There's been testimony, he lived there the
5 whole summer. There's been testimony he stayed there on
6 and off. What is undisputed, that Mr. Shamon White was
7 a lawful guest in that home. He was invited to [REDACTED] West
8 Hood Street that night by Yashima Mingo. As a lawful
9 guest, in anothers home, that he had no duty to retreat
10 before using deadly force and self-defense before an
11 intruder. I submit to you Quinterious Truesdale, that
12 night, was an intruder. Yashima told you he was not
13 allowed to be there.

14 "I didn't give him a key."

15 "He had no permission to come in."

16 "He certainly didn't have permission to come
17 in at 3:00 a.m."

18 A lawful guest has the right not to retreat.

19 "A lawful guest is a person who enters the premisses of
20 another either by expressed or implied invitation.

21 However, a guest has a duty to retreat where possible.

22 Where possible if the attacker is the owner or occupier
23 of the property."

24 Even if you find that Quinterious occupied
25 that property, Mr. White didn't have an opportunity to

1 retreat. Mr. Truesdale was standing at the foot of the
2 bed between Shamon and the only exit of that room. He
3 had no opportunity to retreat.

4 Now, Mr. Truesdale is claiming he fired back
5 and he shot Shamon in self-defense. There are three
6 prongs under South Carolina law, under which a defendant
7 can claim self-defense. The first prong of this is
8 where Mr. Truesdale fails. We don't even get past line
9 No. 1.

10 "Mr. Truesdale must be without fault in bring
11 on the difficulty. If the defendants conduct was the
12 type reasonably calculated to and did provoke a deadly
13 assault, Mr. Truesdale would be at fault in bringing on
14 the difficulty and would not be entitled to an acquittal
15 on self-defense."

16 The second prong, the second element of
17 self-defense is that "Mr. Truesdale was actually in
18 imminent danger of death of serious bodily injury or
19 that Mr. Truesdale actually believed he was in imminent
20 danger of death or serious bodily injury. If Mr.
21 Truesdale was actually in imminent damage, it must be
22 shown that the circumstances would have warranted a
23 person of ordinary firmness and courage to strike a
24 fatal blow to prevent death or serious bodily injury.
25 If Mr. Truesdale believed he was in imminent danger of

1 death or serious bodily injury, it must be shown that a
2 reasonably prudent person or ordinary firmness and
3 courage would have had the same belief. In deciding
4 whether Mr. Truesdale actually was or believed he was in
5 imminent danger of death or serious bodily injury, you
6 should consider all the facts and circumstances
7 surrounding the crime, including the physical condition
8 and characteristics of Mr. Truesdale."

9 I'll tell you, Mr. Truesdale was actually in
10 danger of serious bodily injury. He was hurt. He was
11 hurt bad. He was shot a number of times. He was flown
12 up CMC where they saved his life. You don't get to
13 prong 2, unless you meet prong 1. So that doesn't
14 matter in this case.

15 The third prong, Mr. Truesdale's claim also
16 fails. He had no other way to avoid the danger. The
17 final element of self-defense is "That Mr. Truesdale had
18 no other probable way to avoid the danger of death or
19 serious bodily injury then to act as Mr. Truesdale did
20 this particular instance.

21 Ladies and gentlemen, you saw the diagram of
22 the house. You saw the mask and the gun, right there at
23 the foot of the bed, half a step from the door way. Mr.
24 Truesdale had every opportunity if Shamon shot him
25 first, to turn tail and walk out of that room. He

1 didn't do that. He stood there and shot Mr. White.

2 Mr. Truesdale's also charge with burglary in
3 the first-degree. To prove burglary in the first
4 degree, the State must prove that Mr. Truesdale entered
5 a dwelling without consent and with the intent to commit
6 a crime therein and that while effecting entry or while
7 in the dwelling or while in immediate flight from the
8 dwelling, Mr. Truesdale was armed with a deadly weapon
9 or displayed what appeared to be a pistol or entered in
10 the nighttime.

11 I submit to you, we have proven each and every
12 one of these elements. Ms. Mingo's house was a
13 dwelling, people live there, that's easy. She said he
14 did not have her consent to enter that dwelling. She
15 said they had broken up, he was not welcomed in her
16 house. He had broken her televisions and he was not
17 welcomed back in the house. She had let him come for 15
18 minutes earlier that day to see their child and when she
19 left, she said, "You've got to go too."

20 While he was in the dwelling, he was armed
21 with a deadly weapon. He killed Shamon White with his
22 Springfield XD 9mm pistol and this happened at 3:00
23 a.m., right in the middle of the night.

24 Mr. Truesdale is charged with possession or
25 display of a firearm during the commission of a violent

1 crime. Mr. Truesdale had a gun that he pointed at
2 Yashima, he pointed at Shamon, and he fired at least
3 four times. That weapon is what killed Shamon. It's a
4 deadly weapon; it's a firearm.

5 The legislature here in South Carolina has
6 defined both burglary in the first degree and murder as
7 violent crimes. If you find that he possessed a firearm
8 and that he committed the burglary and that he committed
9 the murder, he is also guilty of possession of weapon
10 during the commission of a violent crime.

11 Mr. Truesdale is also charged with possession
12 of firearm or ammunition by a person convicted of a
13 felony, violent crime. He possessed the firearm that
14 night and he was previously convicted of a violent
15 crime.

16 Your Honor heard from -- y'all heard from
17 Deputy Clerk Carol Williams. You have the sentencing
18 sheet in evidence. He was convicted of domestic
19 violence in the first-degree, excuse me. That is
20 defined by the legislature as a violent crime, just like
21 burglary in the first degree, just like murder. If you
22 find that that sentencing sheet is a legitimate
23 sentencing sheets, a legitimate conviction, he's guilty
24 of that crime.

25 Mr. Truesdale is also charged with possession

1 of a handgun by a person convicted of a crime of
2 violence. This is different than a violent crime.
3 There is a different statute that defines crimes of
4 violence and robbery is under that statute. Again, Mr.
5 Truesdale had a gun. He's got the conviction for
6 robbery, take a look at the sentencing sheet, that's all
7 you need.

8 Finally, with regards to the law, I want to
9 talk to you about credibility. "Credibility means
10 believability. It becomes your duty as jurors to
11 analyze and to evaluate the evidence and determine which
12 evidence convinces you of its truth. In determining the
13 believability of witnesses who have testified in this
14 case, you may believe one witness over several witnesses
15 or several witnesses over one. You may believe a part
16 of a testimony of a witness and reject the remaining
17 part of the testimony of that same witness. You may
18 believe the testimony of a witness in its entirety or
19 reject the testimony of a witness in its entirety. You
20 may consider whether any witness has exhibited to you
21 any interest, bias, prejudice or other motive in this
22 case. You may also consider the appearance and manner
23 of the witness while on the witness stand."

24 I think this is an important one. There are
25 conflicting stories in this case. You heard from

1 several witnesses, that say one thing. One witness that
2 say another. You have to weigh them against each other.
3 And you, as a jury, have to decide who to believe. Who
4 came up here and told you the truth? Who sat up here
5 and had a reason to lie?

6 Now, lets move on to the facts. You heard
7 from Yashima Mingo that at one time, she and Quinterious
8 lived at that house at [REDACTED] West Hood Street. They had
9 been in a relationship, on again off again since the
10 start. Some time in July, they had a final disagreement
11 and she said.

12 "Quinterious, you've got to go."

13 "You've got to move."

14 She told that when he moved out of the house
15 he left behind a bag of clothes that she packed up, she
16 tried to take to his mom, but his mom was at work. So
17 she took it over to Tamika Ingram' house.

18 Now, Tamika Ingram sat up there an told you
19 she never received any clothes. Uh-uh, she never
20 received anything from Ms. Mingo. I urge you to
21 consider her credibility. What motive does she have to
22 tell the truth? What motive does she have to lie? She
23 told you she's known Quinterious since he was a young
24 child. She considers him like a son of her own.

25 Yashima also told you and Mr. Truesdale

1 acknowledge, at some point over the summer, he broke her
2 TVs. He messed up every TV in the house. After that,
3 she moved out of the house and went to stay with Erica,
4 her cousin over at Carolina Court. You heard from Erica
5 that Yashima stayed with her for a period of time and
6 during that time, her relationship with Quinterious was
7 over and she started dating Shamon White. Yashima told
8 you Quinterious didn't have a key to that house. At any
9 point, say two or three weeks at the very start when
10 they first moved in, she said the previous tenant came
11 up to them and say.

12 "Hey, I didn't give this backdoor back to the
13 landlord." "Here you go."

14 He held onto it for a few weeks, but after
15 they had a fight, she said.

16 "Give me my key back, you don't live here
17 anymore."

18 Could he have gotta a copy of that key made?
19 Sure, he could have gone to Walmart and gotten a copy.
20 But merely possessing a key, which we don't have by the
21 way, we didn't find. We never found a key to that
22 house. Even if he had one, merely possessing a key
23 doesn't give him the right to be in that house. The
24 previous tenant at my house had a key that they never
25 turned in. They can't just come use that key and get in

1 at anytime. I submit to you, that's what Quinterious
2 was at this house. He was a previous tenant.

3 Now, Quinterious told you that he had a lot of
4 belongings in that house. In fact, we looked at a
5 couple of pictures, specifically, the closet. He said
6 he had put all of his stuff in the closet. I'm going to
7 hand around Defendant's Exhibit 4 and State's Exhibit
8 No. 9. He lived in that house. He had so many clothes
9 there. The only thing he could point out to you in that
10 photo is maybe a pair of silver shorts on the floor. No
11 sign of the jersey that his mom said she saw out in the
12 yard when she drove by after this incident happened.
13 Now, Yashima acknowledged, yes, he had one shirt there.

14 "After I took all his stuff back, I was doing
15 laundry and I found this one shirt." When he came over
16 on the 23rd after not being there for weeks, a month, to
17 finally see his child, she said.

18 Hey, you're a little bit stinky. Why don't
19 you change into this shirt?

20 And she told you Quinterious left wearing his
21 clean shirt, carrying his dirty shirt and that was the
22 last item of his in that house.

23 Yashima had a new boyfriend. She had a new
24 boyfriend that stayed there more often than not. Would
25 she let Quinterious keep belongings in the house where

1 she had a new man staying almost every night?

2 You'll have these pictures and all the
3 pictures back in the jury room with you. I urge you,
4 take a look at these. See if you see any of
5 Quinterious's stuff, any men's clothing in those photos.

6 On September 23rd, some time in the middle of
7 the day, Yashima let Quinterious come over and see their
8 child. She let him come see three-year-old, [REDACTED].
9 When he was there, she told you they had some
10 conversations where he said, I want to get back
11 together. And she said no. She said, I'm seeing
12 someone else.

13 When she needed to pack her children up to
14 take them to her mom's to watch them while she worked,
15 Quinterious had to leave.

16 Now, if they're living there together -- if
17 Quinterious lives at that house, stays there everyday,
18 why isn't he watching the children while she goes to
19 work? Why do they have to go to her mom's house? And
20 they went to her mom's house. There was no children
21 there when this happened in the middle of night. The
22 kids went to the mom.

23 When she asked Quinterious to leave after he
24 had visited the children that day, his invitation to be
25 in that house expired. He was no longer welcome.

1 Yashima went to work that night. She drove -- of course
2 she drove her car. And she got there and they said
3 there's an extra person here, we don't need you.

4 Yashima did what I submit to you any mom with five kids
5 would do.

6 She said, hmm, my mom's got the kids, I'm not
7 going back to pick them up. I'm going to have me a nice
8 quiet night. I got five kids, I need a little rest and
9 relaxation.

10 She called Shamon, they went and picked up
11 some dinner and they came back to the house. She told
12 you she came up French Street and she noticed the
13 doghouse sitting there to the left of the back steps.
14 Her dog had died, she testified, maybe three or fours
15 days before this. She noticed the doghouse sitting
16 where it was where her dog used to live.

17 When they got home, at some point she said she
18 checked to make sure all the doors were locked, all the
19 windows were closed. She said she had five kids, that
20 was her routine, to lock the doors and make sure the
21 house was secure. She did it even though her kids
22 weren't there. It was hot that day. Investigator Sims
23 told you the high was 88. Ms. Mingo would not have left
24 a window open.

25 Ms. Mingo had a couple air conditioning window

1 units that were running. You can see that on the
2 body-cam videos. You can see that in some of the photos
3 of the crime scene. You can see the lights on as they
4 were running. Why would she have a window open? In a
5 house that small, you'd notice an open window with hot
6 air coming in. She closed up the house. She didn't
7 live in the best neighborhood. Even more reason to make
8 sure all her house was secure. She closed up her house
9 and at some point she and Shamon went to bed.

10 They were in the bed sleeping until about 3
11 o'clock in the morning when they were awoken by the
12 light being flipped on. When that light came on, the
13 first thing they saw at foot of that bed is a man with a
14 ski mask pulled down over his face. A black ski mask
15 with only his eyes and his mouth exposed holding a gun.
16 Yashima told you he pointed that gun at her. He said,
17 "Didn't I tell you what I would do over my family?" He
18 learned earlier that day that she had a new boyfriend.
19 He came back to do what he told her he was going to do
20 over his family.

21 Yashima told you she begged Quinterious not to
22 do it. She said, "Think of [REDACTED]. Think of our
23 child." He pointed the gun away from Yashima and
24 pointed it at Shamon. He fired twice. Did one of those
25 two shots hit Shamon? We don't know. But what we do

1 know is that Shamon kept a gun under his pillow for
2 protection and it's a good thing he did.

3 After the first two shots, he was able to get
4 that gun. He leaned up a little bit and he had fired
5 shots back at Quinterious. A couple of the shots went
6 wide. You can look at photos and see there is some
7 shots in the closet door and one over in the wall next
8 to the closet door. But some of those shots hit their
9 target. Quinterious shot back at least two more times,
10 possibly three. And that third shot is when the gun
11 jammed.

12 I submit to you, when that gun jammed,
13 Quinterious was standing at the foot of the bed right
14 where that gun and that mask dropped. He was trying to
15 clear the jam out of the gun when he was shot in the
16 hand. He dropped the gun. He dropped his mask and
17 turned to leave and that's when he was shot in the back
18 and that is where he fell. You can look at the blood in
19 the room. You can see he was there at the foot of bed.

20 When the shooting stopped, Yashima said that
21 Shamon checked on her, said, "Are you hit? Are you
22 shot?" And when she said, no, his last words were,
23 "Babe, I'm hit."

24 She checked him, she saw that he was shot and
25 the first thing she did was call 911. You've heard the

1 911 call. She was hysterical. She was begging them to
2 come.

3 "Send help. Come quickly."

4 She couldn't answer some of the dispatchers
5 questions. She said, just please come. Please send
6 them. Please send help. Her boyfriend was dying in her
7 bed as she was calling for help.

8 Now, ladies and gentlemen, defense counsel
9 mentioned with almost every witness from law
10 enforcement, "Did you do collect fingerprints? Did you
11 collect DNA?" And they all said no.

12 Chief Small answered this question about, why
13 not, in a succinct manner. We didn't need to. There
14 are no unknowns in this case. Usually when you get to a
15 crime scene, you don't know who the bad guy is. You try
16 to identify that person. That's why you look for
17 fingerprints.

18 Did John Smith leave a fingerprint here? Is
19 Joe Blows' DNA on the doorknob?

20 We don't need that in this case. Everything
21 the police needed to solve this case was within the
22 walls of the home when they arrived that night.

23 Ms. Mingo told them from the start:
24 Quinterious Truesdale got in my house. I don't know how
25 he got in my house. He came in my room. He shot my

1 boyfriend. Please help me.

2 We didn't need to identify the bad guy in this
3 case. He was laying there on the couch. The
4 defendant's DNA would have been in that house regardless
5 of his intrusion that night. He was there earlier that
6 day. He was playing with the children. He was probably
7 playing with the children in their room. His
8 fingerprints would have been at the house from earlier
9 that day. Potentially from the time he lived there back
10 in the spring. Defense counsel is making a big deal
11 about, that was not collected. And I submit to you,
12 there was no need. There was no need.

13 There's also a dispute about how Quinterious
14 got in the house. I ask you to use your common sense.
15 You'll have the opportunity, if you need to, to re-watch
16 the body camera videos. Remember the stack of boxes up
17 about this high behind the door in the kitchen? This is
18 a small, teeny, tiny house? There is no way to swing
19 that backdoor open without disturbing the boxes in some
20 way. They weren't disturbed. They were stacked up
21 exactly how Yashima had left them. The front door was
22 locked, that's undisputed. Yashima had to unlock the
23 door to get outside when she was on the phone with 911.

24 What does that leave, ladies and gentlemen?
25 That leaves you an open window that your homeowner, your

1 renter, Yashima Mingo, the person, the only person who
2 had the right to live there says, it was closed when I
3 went to bed.

4 You have a doghouse up under that window,
5 perfect height to step own and shimmy yourself right on
6 through. Yashima said that doghouse was not on the side
7 of the house. It was not under that window. It was by
8 the backdoor that night, I saw it.

9 I ask you to use your common season. What's
10 the most likely scenario here? Mr. Truesdale didn't
11 live there. She had taken his key away. Perhaps he
12 unlocked the window earlier that day when he was there.
13 He moved the doghouse. He had pushed it opened and he
14 shimmied on up through.

15 Now Mr. Truesdale is going to ask you to find
16 him not guilty under the theory of self-defense.

17 As I read to you earlier and as the Judge is
18 going to instruct you again, there are three prongs to
19 self-defense. I submit to you that the evidence shows
20 he shot first. Mr. Truesdale is the only person who
21 said that Shamon shot first. Yashima says, Quinterious
22 came in, some words were exchanged and he started
23 shooting. If you start shooting, you can't claim
24 self-defense, period.

25 However, if you choose to believe some of the

1 defendant's testimony that Shamon shot first, I submit
2 to you he still can't claim self-defense. The first
3 prong of self-defense is that he cannot be at fault in
4 bringing on the difficulty. He came into this house,
5 into this bedroom at 3 o'clock in the morning through a
6 window wearing a ski mask pulled down over his face and
7 caring a gun.

8 Even if Shamon had fired the first shots,
9 Quinterious was at fault in bringing that difficulty on.
10 Mr. White had every right to protect himself in that
11 house. Mr. Truesdale caused this difficulty. He can't
12 claim self-defense.

13 I submit to you Mr. Truesdale came in that
14 house through the unlock window. I don't think he had a
15 key. It doesn't make sense. However, even if you
16 believe he did have a key, Ms. Mingo told you from that
17 witness stand, he didn't have permission. Maybe he made
18 a copy, but it was not with her permission. Having a
19 key does not give him permission to enter that house.
20 Having a key does not defeat the burglary charge. I'm
21 going to remind you, the only key that law enforcement
22 found, Evidence No. 168, this key, does not unlock [REDACTED]
23 West Hood Street. He did not have a key in his
24 possession that was located by law enforcement to open
25 that house.

1 Ladies and gentlemen, I submit to you, even
2 if -- even if you believe that Quinterious had a key and
3 that Quinterious lived at that house, even though he
4 never told his probation officer that he lived there,
5 even though he never changed his driver's license, Even
6 though he wasn't listed on lease, Even though he had no
7 clothing visible in any of the photos, except maybe the
8 silver shorts, even though the address he gave Chief
9 Brian Small when he was booked was [REDACTED] Usher Road, even
10 if you set all that aside and believed that he lived in
11 that house, he still does not qualify for self-defense.

12 That's where we come back to that lawful guest
13 slide that I showed you. Mr. White as a lawful invited
14 guest in that house is protected under that law. The
15 law gives him the right to defend himself with deadly
16 force, if necessary. Even against someone who occupies
17 the home if he doesn't have the opportunity to retreat.
18 He does not have the opportunity to leave. The only way
19 he could have gotten out of that room is pasted the
20 person shooting at him. The person with the ski mask
21 and the gun.

22 Remember, Quinterious had to be without fault.
23 Gun, ski mask, middle of the night crawling in through
24 the window, he could not be more at fault.

25 I submit to you that the defendant's story,

1 his claim about what happened, it's not believable. I
2 believe it's outside of the realm of believability, that
3 Quinterious and Yashima lived there together in that
4 house yet Yashima felt no concerns about bringing
5 another man home with her to spend the night.

6 I believe it's outside of the realm of
7 believability that when Quinterious came earlier in the
8 day, he didn't ask about any belongings. He apparently,
9 didn't plan to stay there because he wasn't watching the
10 kids. Why wouldn't he take clothes with him then if he
11 had them there? I believe it's outside of the realm of
12 believability, that Mr. Truesdale wore a ski mask pulled
13 down over his face, either as a fashion statement or
14 because it was so cold that night.

15 Even his mother testified, she only ever saw
16 him wear it pushed up on his hat -- head as a hat. It's
17 outside of the realm of believability that that window
18 in the kids' room just happened to be opened, that
19 Ms. Mingo has missed it. That the doghouse happened to
20 be moved under there. That this all happened by some
21 way other than Mr. Truesdale moving it to get inside the
22 house.

23 Quinterious might not have broken into that
24 house that night, specifically to kill Shamon, but he
25 broke in, he came in with a heart fatally bent on

1 mischief.

2 Now, you've heard from some witnesses for Mr.
3 Truesdale. He's not required to present a defense or
4 present any witnesses but he put some up. Some of the
5 things they said were important.

6 His mom said she loves her son very much
7 because she won't lie for nobody. She wouldn't lie for
8 him. She also told you that when probation came over to
9 her house, she didn't say, my son doesn't live here. So
10 which is it? Would she lie for him to probation or
11 would she not lie for anybody?

12 You heard from his mom's ex-boyfriend, Rodney
13 Cloud. He stayed at [REDACTED] Usher Road that summer of
14 2020. Not once, not once, never, did he see Quinterious
15 spend the night over there. Not once never. Yet,
16 Ms. Truesdale said, yeah, he stayed here from time to
17 time. Quinterious stayed here from time to time.

18 Who do you believe? Which one is telling you
19 the truth? He said he took Quinterious to work every
20 single day. Monday through Friday, sometimes Saturdays.
21 But you've got testimony from Mr. Drakeford, that when
22 he went to the house, he'd go by 2 o'clock, 3 o'clock,
23 3:30, he'd see him.

24 Mr. Drakeford also said Quinterious used his
25 key to unlock the front door. Even Mr. Truesdale

1 acknowledges that he didn't have a key to the front
2 door. That any key he ever possessed came in the
3 backdoor.

4 I urge you to consider the witnesses they
5 choose to put up and determine why those would have any
6 reason to lie, whether they're believable.

7 Ladies and gentlemen, this happened on a
8 Wednesday night into a Thursday morning. By the
9 Defendant's account, by his witnesses, he should have
10 been going to work that day. He was out in the middle
11 of night rooming the city with a ski mask and a gun. He
12 choose for whatever reason to come over to Yashima's
13 house. He called it Yashima's house by the way. When
14 Mr. Nielson was questioning him, he said, Yashima called
15 him, told him to come over to Yashima's house. He said
16 she messaged him to come see his daughter, see the
17 girls. Why would he need to do that if he lived there
18 with her, if he was there all the time, spent almost
19 every night there?

20 The most important part of the Defendant's
21 testimony, I want you to remember, is when I asked
22 him -- a lot of the times he said, "I don't remember. I
23 don't remember."

24 I said, Is it possible that you got shot in
25 the back after you fired two shots? You were surprised

1 by Shamon shooting back. You shot a couple more times
2 and your gun jammed. When you couldn't unjam it, you
3 turned to leave and you got shot in the back."

4 And he said, it's possible, I just don't
5 remember.

6 Ladies and gentlemen, you're going to take the
7 firearms chart, you're going to take the diagram of the
8 house, you're going to take all that back with you and I
9 urge you to look at that. Look at the shell casings,
10 look at where they fell. They can get kicked around,
11 Mr. Green from SLED acknowledged that. But look at the
12 groupings. Look at where they fell. Look at where they
13 are. Think about where the gun fell. Where the mask
14 fell. Where Mr. Truesdale's blood fell. He's standing
15 at the foot of the bed firing shots at Mr. White.

16 Ladies and gentlemen, Mr. Truesdale committed
17 these two firearms offenses. I'm not going to belabor
18 that point. You have the certified convictions. He had
19 a gun that night. That's it.

20 He committed the crime of burglary in the
21 first degree on September 24, 2020, when he went into
22 ■ West Hood Street, here, in the City of Lancaster, in
23 Lancaster County, either through the window or through
24 the door, without Yashima permission with the intent to
25 commit a crime therein.

1 He was -- entered in the nighttime hours while
2 armed with a deadly weapon. You can infer his intent to
3 commit a crime, because well, he murdered Shamon while
4 he was inside.

5 Quinterious Truesdale murdered Shamon by
6 shooting him with malice aforethought. He did this
7 without legal provocation and not while acting in
8 self-defense. He had a gun when he committed the
9 burglary. He had a gun when he committed the murder.
10 These are both statutorily defined as violent crimes.
11 That's it on those charges.

12 When you go back to your jury room, I urge you
13 to use common sense. Think back to all the testimony
14 you heard. Think about who's believable. Think about
15 who has a reason to lie and who has a reason to just
16 come up here and tell you the truth. Think about Shamon
17 whose only mistake that night was picking the wrong
18 night to sleep at his girlfriend's house. When you go
19 back to the jury room and you weigh everything you've
20 seen and you've heard in this case, I'm confident you're
21 going to come to the right verdict and that is guilty of
22 all charges. Thank you.

23 THE COURT: Counsel?

24 MR. NIELSON: Thank you, your Honor.

25 I need some room to walk around here, folks.

1 If we're just going to believe one half of this story,
2 we might as well just go home now. And I might as well
3 not start talking if we're just going to believe
4 everything Yashima said and throw out everything that
5 Quinterious said in the bath water, unless one or two
6 things he may have said I don't know about. We might as
7 well just go home right now if that's what we're going
8 to do.

9 But more than one story was told. Let's just
10 state at their argument by -- by saying that something
11 that was untrue that I said in opening arguments. I
12 said in opening arguments, you're going to hear two
13 stories from two people.

14 I was -- I'm not being naive to the fact that
15 there was a third person in the room, but he didn't get
16 on the witness stand. That's what I said. And it's
17 tragic that he didn't get on witness stand. It's tragic
18 for my client. It's tragic for Yashima. We're not
19 going to dispute that. We're not going to dispute that
20 this was an absolute tragedy that happened that night.
21 But I think we need to go deeper than, let's believe
22 everything Yashima says, and just Quinterious must not
23 have been living in the house.

24 I want to go through some issues with you.
25 I'm going to let the Judge charge you on most of the

1 law. I'm going to tell a story at the end of my closing
2 argument and I'm going to talk a little bit about
3 reasonable doubt. But all the rest of the law, the
4 Judge is going to give you. And she'll do a great job
5 and she'll tell you what the law is. So I'm not going
6 to go through a big thing on the law. I don't know that
7 I need to do that.

8 But you heard two stories. You heard
9 Yashima's story and you heard Quinterious's story.
10 Yashima's story is not backed up by the facts in this
11 case. And I'm going to go through some of the facts and
12 tell you why. While Quinterious's is absolutely backed
13 up by many things that you'll find in evidence.

14 I told you, when I stood up here on Monday,
15 that at the end I was going to tell you some of the
16 things that Quinterious did wrong. The State, at the
17 end of their closing arguments, said you have to find
18 him guilty of the gun charges. I agree. The possession
19 of a weapon during -- the possession of a weapon by
20 someone convicted of a violent crime and the possession
21 of a weapon by someone convicted of a crime of violence,
22 you have to find him guilty of those charges.

23 I'm not standing here asking you not to
24 because the biggest mistake that Quinterious made, which
25 probably saved his life, was carrying a gun that night.

1 But he wasn't allowed to carry a gun. The law said he
2 couldn't and he did anyway. We have laws that protect
3 that. And those laws are the two charges that I'm
4 asking you to find him guilty of. He made that mistake,
5 he broke that law, find him guilty of those two charges.

6 But what I am asking you to do is, I'm asking
7 you to look a little deeper then just believing
8 everything Yashima says when it comes to the burglary
9 and the murder. And if you find him not guilty of those
10 two charges, the Judge will tell you, you must find him
11 not guilty of the two possessions of a weapon during the
12 commission of violent crime. So you will find him not
13 guilty of those four charges.

14 Let's start with the window. I'm going to
15 show you this diagram that's in evidence. You'll have
16 all this stuff back there along with everything else
17 that we've put in this case. You were told that this is
18 the house. You'll have pictures of this house. You'll
19 see a porch that -- on this house.

20 On this side, which is called, the back porch.
21 If you look at pictures of the house, I think you'll
22 find it hard to determine which ones the front and which
23 ones the back from the outside. Making it somewhat
24 understandable that Mr. Drakeford might not know and
25 might get confused about which ones the front porch and

1 which ones the back porch from the outside. Even from
2 the inside, if you're using both doors to come in and
3 out of on a regular basis.

4 When you look at the windows of this house, I
5 agree with the State, I have to do a thorough
6 examination of witnesses. I agree with them that DNA
7 means nothing in this case. We know who was in this
8 house. Whenever I ask questions about fingerprints, I
9 always ask about both fingerprints and DNA. And maybe I
10 wasted a little bit of time this week because of that,
11 but it was a matter of a few seconds every time I asked
12 a question.

13 But fingerprints are important because they're
14 claiming that Mr. Truesdale came through a window to get
15 in this house.

16 And the State says, well, he might have been
17 in the room playing with his kids -- playing with his
18 child and the other children.

19 Well, he wouldn't have been on the outside.
20 If he was standing on a doghouse and climbing through a
21 window, his fingerprints should have squarely been on
22 the outside of that window. Had the cops taken or even
23 looked for fingerprints, we may know whether or not they
24 were there or not. Brian Small testified that, "Yes,
25 that could have been useful." After saying the

1 fingerprints and DNA were not important in this case,
2 because that's only used for identity. I submit to you
3 that when he said that that could have been useful,
4 fingerprints do a lot more than just identity. The
5 direction of the hand was facing could make a
6 difference. If you climb through a window and put your
7 fingerprints on that window, you're going to be able to
8 tell which direction the hands are facing.

9 So yes, fingerprints are important. It's
10 important for the cops to do a thorough investigation.
11 As an attorney, I don't get to go investigate the case
12 the way the cops do. It's their job to gather evidence.
13 It's their job to look for things that are at the scene.
14 They could have gathered evidence.

15 Donnie Sims told you they had a discussion and
16 he was told, you don't need to look for fingerprints,
17 you don't need to look for DNA. I don't put it on him.
18 The buck has to stop at somebody and the somebody that
19 that buck stops with, told him not to look for
20 fingerprints.

21 Doghouse: I submit to you that Ms. Mingo went
22 a little too far in trying to tell you her story. And
23 saying that she noticed a doghouse that was in a corner
24 behind a fairly high porch as she drove up to her house
25 that night. I wondered if she could even see it. I

1 don't know who moved that doghouse, but I would -- I
2 would tell you, that as you look at and you're going to
3 have all the pictures back there.

4 There's picture of the house that has a big
5 high front porch on it that sticks out five or six
6 steps. You're going to see a little dog kennel back
7 behind there in the very back corner when you drive
8 through on the other side of the house. I don't think
9 so, ladies and gentlemen. That's not believable at all,
10 that she saw that doghouse. Trying too heard.
11 Sometimes when witnesses get up and they want to tell a
12 story that they want to be true, they try to hard.

13 I want to talk about the science a little bit
14 in this case. I'm going to pull out a different diagram
15 to talk about the science. I'm going to show you a
16 diagram of the house itself. This is the house. This
17 is the bedroom where this incident took place.
18 Yashima's testimony that she was very, very clear on,
19 was that my client stood at the foot of bed and shot
20 Mr. White.

21 I submit to you based on what the pathologist
22 told you, that is not possible. He had to have been
23 over here by the closet. You can look at the
24 direction -- the pathologist told you she can't testify
25 to which direction bullets come from, but what she can

1 tell you is the direction the body -- the bullet moved
2 through the body.

3 Mr. White was laying on this side of the bed.
4 If Mr. Truesdale was standing at the foot of the bed and
5 shot Mr. White on that side of the bed, that bullet
6 would not go through the left side of his abdomen and
7 come out the right side of his shoulder. It doesn't
8 make sense.

9 He had -- when that bullet was fired, he had
10 to have been over here by the closet. Unless,
11 Mr. White's body was contorted in a way that I'm not
12 sure a human body can physical contort. That, right
13 there, blows up the biggest part of Yashima Mingo's
14 testimony. That he came in the room, he stood right
15 there and shot the fatal shots. It is not possible for
16 that to be true.

17 The pathologist told you that the shot came --
18 went in his abdomen, went 5.6-inches across his body
19 from left to right and 13-inches vertically up his body
20 and came out his right shoulder. That, ladies and
21 gentlemen, is the one thing in this case that is not in
22 question. The pathologist told you that bullet path.
23 She told you how it ripped through his body. She
24 couldn't tell you where it came from, but I submit to
25 you, it had to come from over here.

1 If he was laying on his stomach, the bullet
2 would have went through his back. If he was laying on
3 his back, then it goes in his side and out his back.
4 It's the only thing that makes sense.

5 Now, Quinterious living at the house. This
6 lease does not have his name on it. It also doesn't
7 have three of her children's name on it. So I'm not
8 sure we can take this as evidence of who was living in
9 the home. She made this convoluted statement about how
10 they weren't -- it wasn't their house, 'cause it was her
11 house, it wasn't her kids house. They were living there
12 and they're not on this lease.

13 Furthermore, these records will be in
14 evidence. I want to point something out to you about
15 these records. You can go through them. You can look
16 through them for a much as you want. These are the
17 records from Duke.

18 And if you notice, right here, in April, they
19 were billed for 96 kilowatt hours of power. In May,
20 it's getting a little warmer and they live there the
21 whole month 782 kilowatts. In June, 1049 kilowatt
22 hours. In July, 1221 kilowatt hours. We all live in
23 the South. We know our power bill goes up as the summer
24 goes along; right? In August, 1179 kilowatt hours and
25 in September back down to 922 kilowatt house. Why did I

1 point this out to you? Because she said she moved out
2 for three weeks.

3 Did she leave the air-conditioning on for the
4 entire three weeks while she was gone? Because it
5 doesn't look like it. It looks like someone was living
6 in that home; right? Unless she left all the same power
7 things on, all the same things plugged in, left all the
8 air conditioning units running when she knew she wasn't
9 going to be back for a while. Does that make sense?

10 I submit to you that bill in my client's name
11 shows that somebody was living in that house the entire
12 summer. One person in this case has come before you and
13 testified that they were living in that house the whole
14 summer. And his testimony was backed up by other people
15 who said he was in that house all summer. She never
16 kicked him out. The records show -- the records point
17 to that. The other thing that points to that is his
18 mother. His mother's testimony that she did not like
19 there relationship. She did not like that they were
20 seeing other people. She testified that they both knew
21 that both of them were seeing other people. And she
22 knew it was just a matter of time before somebody got
23 hurt and somebody did get hurt. But it doesn't stop Mr.
24 Truesdale from being able to defend himself in this own
25 home. We'll get to that in a minute. The power bill

1 shows that he lives there. He probably lived there by
2 himself for a while Yashima was gone somewhere is else.

3 The key: Ladies and gentlemen, I asked every
4 cop -- I believe everyone, I might have missed one. I
5 asked the cops.

6 Were you looking for a key?

7 I specifically know I asked Brian Small that
8 and I asked Donny Sims that. The reason I asked that
9 and the reason I asked the question the way I asked it,
10 is I asked both of them:

11 Would you have even picked up a key if you had
12 seen one?

13 And both of them said, no.

14 So the State can say that this key, that she
15 held up and showed you, I believe, right here. They can
16 say all day long that this was the only key that they
17 found. And we know when they found this. They found
18 this two weeks ago, because Brian Small told you that.
19 They said, they found this key two weeks ago. They
20 didn't even know they had this in evidence until two
21 weeks ago. Then they go out to the house and they
22 checked it and it doesn't work. Quinterious told you
23 whose key that is. It's a key to his mom's house. He
24 told you he had another key on another ring. And both
25 of the two people who were responsible for what evidence

1 got picked up and what evidence did not get picked up
2 told you, that even if they had seen a key their
3 attention likely wouldn't have even been drawn to it.
4 So the fact that there's no other key that can go over
5 to Hood Street and open that house in evidence, means
6 nothing in this case. It also doesn't mean he wasn't
7 living there. It also doesn't mean that he didn't have
8 a key to that house the entire summer when he was living
9 there. The State has made a huge deal about this key
10 and specifically, that key that doesn't work. When
11 would you were told why it wasn't going to work.

12 Let's talk about the ski mask. His mom
13 testified that she begged him to stop wearing it. And
14 he said that he wore it both down and up as a fashion
15 statement. I put this picture in evidence, mostly to
16 show that he wears this ski cap or toboggan or that kind
17 of cap. Also, if you notice and I pointed this our,
18 he's wearing short sleeves in this photo. So it doesn't
19 necessarily mean that it's cold just because he's
20 wearing a ski cap or a knit cap or a toboggan or
21 anything like that. So the State's argument about
22 weather, and it being warm and why is he in a ski mask.
23 Well, he wears a ski mask. It might be dumb. I might
24 agree that it's dumb, but he wears as ski mask. It's
25 not evidence against him. He testified to you that if

1 he was wearing a ski mask -- and he said, he doesn't
2 remember somethings. But if he was wearing a ski mask,
3 when he came in and heard her voice he lifted it up to
4 make sure she knew who he was when he got in the bedroom
5 that night. It does not ruin self-defense based on
6 wearing a hat or even a ski mask. Yashima knew him, she
7 knew who he was and she knew what clothes he wore. She
8 saw him earlier that day. That' doesn't defeat the
9 argument. And the State's going to say, "yeah, well,
10 Mr. White didn't know who he was." He pulled up the
11 mask, he testified to that.

12 Now, I want you to think for a minute, you're
13 reasonable people. I told you that's why we picked you
14 as jurors at the beginning of the case. As reasonable,
15 conscientious, willing together look at things jurors.
16 Who is going to know where you live or where anyone
17 lives? It's going to be your family and your close
18 personal friends first and foremost. I don't have the
19 ability to go find strangers on the street that know
20 that he's living at [REDACTED] Hood Street. The State can say
21 those are bias witnesses that are going to come in here
22 and say what they are going to say. Yes, I brought in
23 his friend, his mother's ex boyfriend, his mother and
24 another family friend, who all testified that's where he
25 was living. That [REDACTED] West Hood Street is his house.

1 Who do they expect us to bring in to do that? We don't
2 have to bring in anybody. As she said, we have nothing
3 to prove here. He's considered not guilty until you,
4 the jury, decides that he is. But those were the people
5 who know where you live, is the people close to you.
6 And every single one of them said, he lived at [REDACTED] West
7 Hood Street. Some of them didn't know the address, but
8 they said, Hood Street, house on the corner. I've shown
9 you the map that says Hood Street, house on the corner,
10 tat's what we're talking correct about.

11 Let's talk about some of the other things the
12 State brought up. They said he doesn't have a driver's
13 license for that or he didn't change his state ID to
14 that house. Guess what? Yashima said she didn't
15 either. So I'm not sure why that even matters. This
16 house that was supposedly just her house. She didn't
17 change her address or change her driver's license to
18 show that that's where she was living. So why would the
19 State have expected him to have done that? They want
20 you to believe her. Also, the whole power bill
21 situation. She didn't even testify -- she testified
22 that she couldn't get the power bill because he wouldn't
23 give her the account number. Y'all are smart,
24 conscientious people. The Judge told you in jury
25 qualifications, one of the reasons we like people with

1 life experiences is because they have experience and
2 they know things. If you have a lease in your name, you
3 can't go get the power bill changed? Come on. She
4 said, she tried. But then I'm not sure whether or not
5 she even testified that she ever even called them to see
6 whether or not that was good enough. Made it sound like
7 she punched in some numbers online, didn't work and oh,
8 I guess that's all I can do. Doesn't make any sense.
9 Also -- and besides that, the power bill stayed in his
10 name through September. His mom said she saw them
11 together at her house and on Hood Street into September.
12 His friend Marcus Drakeford, who forgive him for not
13 knowing which ones the front door and which ones the
14 backdoor, please. Said he dropped him off at that house
15 the Sunday afternoon before this happened. And he's
16 testified that they hung out everyday. That they were
17 best friends. That they knew each other. They saw each
18 other when they were working. Maybe he doesn't remember
19 his work schedule perfectly, it's been two years, ladies
20 and gentlemen. That doesn't change the fact that he
21 dropped him off at that house. That doesn't change the
22 fact that he hung out with him at that house with my
23 client. You see what I'm getting at on all this? This
24 was his home. It was my client's home. And he may have
25 made some mistakes. He may have been sleeping with

1 other girls. He may have been a bad boyfriend. He may
2 have been a lot of things but he still has a right to go
3 into his home.

4 The State showed you Defense 4. I want you to
5 take this picture to the back and I want y'all to look
6 at that picture and decide which of those clothes are
7 mens clothes and which clothes are women's clothes. The
8 State made a big deal about pile of women's clothes. I
9 can tell some, but a lot of that is just laundry. I
10 can't tell which is the men's clothes and which is the
11 women's clothes. I don't know why we're expecting my
12 client to.

13 He pointed to this one thing that's out in the
14 open at the bottom, that is a silver pair of basketball
15 shorts, because he knows what that is. He told you what
16 that was. He also pointed out this box that was at the
17 top of the closet, that is his Nike box from the shoes
18 that he was wearing that day, is the way that he
19 testified to it. And then he told you, he also had a
20 draw. He had a draw as well.

21 They said, where's this basketball jersey that
22 his sister gave him?

23 I don't know. It might have been in the
24 drawer. I don't know. It might have been in the bottom
25 of the closet underneath all those clothes, I don't know

1 that either. But he showed you what he could see. He
2 showed you what he could testify too to say, I know for
3 sure that that's mine. He's not guessing. He's telling
4 you what he knows is his that he can see in that
5 picture.

6 The night of this incident, he comes home. He
7 can't remember whether or not he moved some boxes around
8 when he came in the door that he had the key to. It
9 wasn't a major event yet. That was him normally coming
10 home. He says sometimes there's boxes stacked around
11 usually to the right when you walk in.

12 So the boxes were in a different place, that's
13 not going to jog your memory to make you remember
14 exactly what you -- what's going on. He comes in the
15 house, he says he knows the house well enough, he
16 doesn't need the light. He says, some lights coming
17 through. The State made a big deal about watching one
18 of the body cameras and seeing that there's a curtain
19 over it.

20 I submit to you that unless it's a blackout
21 curtain, light can still come through. Unless it covers
22 the whole window and the sides and goes -- and wraps
23 around and light can still come through in your own
24 house that you know.

25 So he walks in, he doesn't need a light. He

1 walks into the bedroom, he turns on the light surprised
2 to find Yashima there. Even Yashima told you that they
3 had a conversation that she was going to be working that
4 night.

5 This whole, I'm coming over there to commit
6 criminal mischief that they read to you when they read
7 all the law and the judge will too, but it doesn't mean
8 anything if he doesn't know if she's there. They said
9 her car was parked out front.

10 Well, he didn't say he went in the front, he
11 went in the back. If you come in the back, you can't
12 see through the house to see whether or not her car was
13 there. So it doesn't matter whether her car was there.

14 That's not the first thing that made him aware
15 of that. The first thing that made him aware of that
16 is, hey what are you doing? And he said, I'm getting my
17 clothes. And he moves over by the closet. He said he
18 never got in to the clothes where he started to grab
19 some clothes -- where he was going to get his clothes.
20 That's where he testified that he was shot four times in
21 the back.

22 Now, was one of them through-and-through?
23 Maybe. I've never been shot with a through-and-through
24 in the back. I don't know if that feels like two shots
25 or feels like one shot, but he told you he was shot four

1 times in the back. Then we have this picture that shows
2 all this. And as well go this way, as we go off the
3 picture going this way, what do you see? You see drops
4 of blood. There were drops of blood on the floor ladies
5 and gentlemen. He was shot in the back and then started
6 moving towards the door. He told you that he started
7 firing his gun after he was shot. Wearing a hat does
8 not make it so you can't defend yourself. The State can
9 say that all they want. They can say it as many times
10 as they want. They can stand up after I go now and
11 they're going to tell you the same thing. That wearing
12 that hat is provocation enough if it was pulled down
13 over his face. I submit to you, he was talking. He
14 said, "I'm just here to get my stuff." And then he
15 starts being fired upon. Yes, the solicitor got him a
16 little bit turned around. He answered a few of their
17 questions. He said, "I don't know" a few times and
18 that's absolutely true. But the one thing that he said
19 over and over, even after the whole thing that she
20 talked about -- about, "Is it possible that you fired
21 these shots and then turned around and got shot in the
22 back?" And he said, "I don't know." The one thing that
23 he was very, very consistent about through his entire
24 testimony, is that he did not pull out his gun until he
25 was shot in the back. Three bullets in the back, one in

1 the butt. I submit to you it perfectly -- perfect sense
2 if that happened over by the closet. Do you know why
3 that had to have happened over by the closet? Because
4 there were bullet holes in the closet where Yashima said
5 those bullet holes where not there before this night.
6 That's the other way we know this happened over by the
7 closet. We know from what I talked about earlier with
8 science and the direction of the bullets and how it
9 passed through the body. We also know because there
10 were bullet holes over by the closet. They weren't over
11 by the doorway. They weren't in the door. They weren't
12 over by the light, at the foot of the bed. They were by
13 the closet. And the State can call this a small room,
14 it's still big enough that bullets are going to be in
15 the area where they were fired towards, ladies and
16 gentlemen. If he was standing at the foot, they would
17 be somewhere in this area, not somewhere in this area.
18 So he turns around, he pulls out the gun that he's not
19 supposed to have, that doesn't make him not at fault in
20 bringing on the difficulty and having a gun was not the
21 problem here. Pulls out the gun and starts firing shots
22 and tragically, one -- three of them hit Mr. White and
23 one of them him in a place where he died from the shot.
24 Tragedy, I agree, but he had every right in his own home
25 to defend himself. You have nothing in front of you

1 accept Yashima's testimony refuting that this is his
2 home, nothing. The only witness that comes close is her
3 cousin and the State wants to say his witnesses are bias
4 for whatever reason, but it's also her family member and
5 she didn't even really say he wasn't living there. She
6 said, "That she came and lived with me for a time."
7 Which actually, helps my client's story, because
8 somebody was living in the house according to the power
9 records.

10 Quinterious told you that he didn't know
11 Shamon White. The State, in their closing arguments
12 said that he found out that she had a new boyfriend that
13 day. Yashima also testified she started texting with
14 him in April. Not that moth, but in April, which kind
15 of backs up mom's story that these two were going around
16 on each other and it was kind of a consensual going
17 around on each other type situation. And he said he
18 knew she was seeing other people, he wasn't hiding that.
19 Mr. Truesdale didn't sit on that stand and try to hide
20 anything. He told you about why he didn't want to tell
21 probation about the [REDACTED] Hood Street address. He didn't
22 want to get in trouble, so he give them his mom's
23 address. And every time he had an appointment he went
24 on out to mom's house. He told you that he shouldn't
25 have had a gun. He's actually telling you the things

1 that he's doing wrong. The States stands up here and
2 says, don't believe his story. But he's the one who is
3 up here admitting to his mistakes. Admitting to things
4 that he should have done differently. Should he have
5 ever been on Hood Street? Probably not. Doesn't change
6 the fact that he was.

7 So all of that -- I say "all of that" because
8 the most important thing in this case, in my opinion, is
9 whether or not he had the right to be in that home. If
10 that's his house and he's going to get his things, and
11 he announced who he was when he walks in the door, a
12 visitor doesn't have the right to shoot him. The
13 clothes that he wears does not give somebody the right
14 to shoot him. That's not bringing fault to the
15 difficulty. The State's trying to -- says he doesn't
16 get past Prong 1. I submit to you, he gets past Prong
17 1, because all he's doing is going home to get his
18 stuff. And it doesn't matter it's 3 o'clock in the
19 morning. Not everybody has the same lifestyles and same
20 schedules. Although, I don't understand it, I know that
21 people do things that I don't do. And I hope as members
22 of the jury, we all -- you understand that as well. You
23 don't have to like his lifestyle. You don't have to
24 like that he was going after two different girls in one
25 night and stopping at the house in between, but that's