

VOLUME II OF III

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

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

THE STATE,

RESPONDENT,

V.

QUAYSHAUN XZANDER CLARK,

APPELLANT

APPELLATE CASE NO. 2022-000962

RECORD ON APPEAL

BREEN RICHARD STEVENS
Appellate Defender

ALAN WILSON
Attorney General

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

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
S.C. Bar No. 14244

ATTORNEY FOR APPELLANT

J. ANTHONY MABRY
Senior Assistant Attorney General
S.C. Bar No. 11973
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-6305

HON. S. RICK HUBBARD, III
Solicitor, Eleventh Judicial Circuit
205 East Main Street
Lexington, South Carolina 29072
(803) 785-8285

ATTORNEYS FOR RESPONDENT

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**STATE'S EXHIBITS NOS. 12, 46, 85-87 AND 126 (PHOTOGRAPHS)
STATE'S EXHIBIT NO. 178 (AERIAL BLOWUP)**

1 A. That's correct.

2 Q. Do you recall whether it was one officer from
3 Batesburg-Leesville or more than one officer when you
4 arrived?

5 A. I'm pretty sure there was more than one. I didn't --
6 I didn't get a full count, but I know I saw at least two
7 squad cars there, so I would assume it was at least two or
8 three.

9 Q. All right. Sergeant Strock, I'm gonna ask you to pull
10 that microphone just a little bit closer to you. Take us
11 through the events, please, that you recall on the night of
12 June 9th of last year when you got there. What did you
13 observe?

14 A. When I first arrived on-scene, I observed numerous
15 people standing around screaming, yelling. Obviously
16 there was something going on based off the information
17 they provided us over the radio. When I got on the scene,
18 I ran to where I saw the most activity, which was a -- a
19 home, which was labeled as unit -- I can't recall.

20 Q. I'm gonna show you a diagram --

21 A. You're gonna get to that? Okay.

22 Q. -- and ask you whether or not you recognize what is
23 on here?

24 A. And once I got on-scene, I was directed to go inside
25 to assist EMS or volunteers and Batesburg with a subject

1 that was inside the home that had been injured, so I went
2 inside.

3 Q. Please continue.

4 A. So I went inside to assess the situation and observed
5 several people standing over a smaller black female that
6 appeared to be young of age and they were trying to
7 administer some kind of medical help or whatever they were
8 doing. I then turned and allowed them to work and began
9 asking questions, what was going on, I was trying to
10 understand what happened, and then once -- once I found
11 out what happened, I then began to secure the area, which
12 is getting nonessential personnel out of the -- out of
13 the residence and calling for more people for more help
14 because the crowd became more and more -- people from the
15 neighborhood started to gather around and it got pretty
16 chaotic fairly quick.

17 Q. Okay. I'm gonna show you a diagram and ask you
18 whether or not you recognize what's on it? Excuse me, an
19 aerial photograph.

20 A. Yes.

21 Q. And would this be the scene at [REDACTED] Road as you
22 recall it?

23 A. It is.

24 Q. Including the placement of various locations that you
25 would have been familiar with that night?

1 A. Correct.

2 MS. MAYES: This is 178 for evidence, Your Honor.

3 MR. WILLIAMS: Without objection, Your Honor.

4 THE COURT: It's admitted.

5 (State's Exhibit Number 178, an aerial photograph,
6 was admitted into evidence.)

7 MS. MAYES: All right. I'm gonna ask you to step
8 down with the Court's permission, Your Honor?

9 THE COURT: Absolutely. You can step down.

10 THE WITNESS: (Witness complies.)

11 BY MS. MAYES:

12 Q. And you can use this. I'm gonna switch places with
13 you so that the court reporter can hear you. If you can
14 keep your voice up.

15 And, again, what road are we looking at right here?

16 A. That's [REDACTED].

17 Q. Okay. That's gonna be [REDACTED] Road. This mobile home
18 park, is that referred to as the [REDACTED] [REDACTED] Road mobile
19 home park, also known as Rocky Lane?

20 A. Correct.

21 Q. Take us through where you first arrived and entered
22 to render aid to the child that you told us about.

23 A. When I first approached, I came in on [REDACTED], made a
24 left, pulled into the main driveway into the complex,
25 which goes down and makes a Y as you can see down here. I

1 pulled in and units had already started parking in this
2 general area. I pulled to the right-hand side, exited my
3 vehicle and noticed a crowd in this general area in front
4 of Lot 15. I then proceeded around speaking to several
5 people. They pointed me into this residence here, which
6 is Lot 15, and where I entered the residence and found the
7 deceased subject.

8 Q. All right. And was that Minor ?

9 A. Yes.

10 Q. And you ultimately learned she was eleven years of
11 age?

12 A. Correct.

13 Q. And did there come a point in time when you also
14 entered Lot 16?

15 A. I did. After establishing this being as a crime
16 scene, I then began to investigate further to try to figure
17 out what happened, where -- where shots came from. People
18 were pointing in all different directions. I then began to
19 sweep the area and as I swept in this area, I noticed shell
20 casings on the ground in this area, as well as a vehicle
21 parked on the side of Lot 16, which the owner made several
22 complaints to me that her vehicle had been shot and had
23 bullet holes. So as I walked over here to investigate this
24 vehicle, I noticed that multiple bullet holes were found
25 here and also bullet holes were found in the end wall of

1 Lot 16.

2 I then went over to Lot 16, knocked on the door and
3 tried to get somebody to come to the door. Because of the
4 bullet holes in the house, we were concerned that there
5 might be more injured people inside. No one answered the
6 door. Then myself and, I believe, another unit went inside
7 the residence to clear it to make sure there was nobody
8 injured inside this residence here. After clearing it and
9 not finding anybody, anybody injured or anything like that,
10 we exited and I continued to search the area for more
11 evidence to try to establish a crime scene.

12 Q. All right. And ultimately did you also make your way
13 down to Lot 7 at any point?

14 A. I did. I was assisting with the investigation. At
15 that particular time, our crime scene consisted of this
16 general area here, and then later we determined after
17 investigators interviewed several people that there was
18 activity in this -- beside Lot 7. I then assisted with
19 the investigation, moving the crime scene to this general
20 area here, and expanded the crime scene further because
21 we had located more shell casings off of Lot 7 in that
22 area.

23 Q. All right. So at this point you have discovered shell
24 casings in the lot area of 7 exterior?

25 A. Correct.

1 Q. As well as obvious shell casings in between 16 and 15
2 in this area? What I'm gonna call the yard area between
3 16 and 15?

4 A. Correct.

5 Q. You also observed a vehicle here that appeared to have
6 been damaged by gunfire?

7 A. Correct.

8 Q. And then Lot 15 is the location where you found
9 Minor inside?

10 A. Correct. She was located in the left-hand side of the
11 residence right around this area here.

12 Q. All right. Now going back to Lot 16, you described
13 going in to clear that location?

14 A. Correct.

15 Q. Was it empty when you went in?

16 A. Yes, there was no personnel inside or injured persons
17 in there.

18 Q. Okay. Are you familiar with an Alicia Burgess, the
19 resident there? Was that person listed on your report?

20 A. Yes, that person was listed on the report as the owner
21 of the vehicle, I believe, that received damages and she
22 was listed in the report as a witness or -- or a victim of
23 damages for personal property and whatnot.

24 Q. All right. So at some point you would have made
25 contact with both the owner of this vehicle, as well as the

1 resident here at Lot 16?

2 A. Correct.

3 Q. And do you recall Alicia Burgess being outside and
4 speaking with law enforcement as well?

5 A. Yes.

6 Q. Okay. And we're gonna go back to Lot 15 in a moment,
7 but one thing I want to ask you at this point, you have
8 arrived at 10:51. You have identified this as a crime
9 scene, including this area here between 16 and 15 and this
10 area adjacent to Lot 7. Did you see any suspects still on
11 the scene? Any persons with weapons still on the scene?

12 A. No, ma'am.

13 Q. Was it apparent to you and based on the information
14 you were obtaining from people there at the scene that to
15 your knowledge the suspects had fled the scene?

16 A. Correct.

17 Q. And going back here to 15, how did you go about
18 securing that crime scene?

19 A. Well, first, we established the crime scene where --
20 approximately where my dot is and extended it downwards to
21 this residence and then from the back corner around to the
22 side yard and over. Once we discovered there were shell
23 casings in between Lot 15 and 16, we then decided that
24 this is part of the crime scene, the crime scene's then
25 extended between the two residences, Lot 15 and 16, to

1 approximately that corner. That remained the crime scene
2 until more information was found that more shell casings
3 were found in Lot 7; therefore, we then extended the crime
4 scene to the corner of Lot 16 through the front of this
5 gentleman's house and over to the edge of Lot 7 and then
6 from this tree line back over to the original crime scene
7 area.

8 Q. All right. So this whole general area, which would
9 include this fork in the road?

10 A. Correct.

11 Q. And when we talk about securing the crime scene, does
12 that include crime scene tape?

13 A. That includes crime scene tape and personnel standing
14 by to make sure people do not cross the tape.

15 Q. Okay. And when we talk about people being unable to
16 enter the crime scene, does that include civilians?

17 A. Yes.

18 Q. So other than law enforcement, EMS, first responders,
19 coroner's office, this area here is secured --

20 A. That's correct.

21 Q. -- that you've depicted, which is gonna include this
22 roadway and the fork in the road?

23 A. That's correct.

24 Q. Thank you. You may return.

25 A. (Witness complies.)

1 MS. MAYES: And I think we have one exhibit,
2 Your Honor, that is there's no objection to. This is
3 Court's 12, which would now be State's 12, this being
4 the overview of the area.

5 MR. WILLIAMS: That is without objection, Your
6 Honor.

7 THE COURT: Then it's admitted.

8 (State's Exhibit Number 12, an aerial photograph,
9 was admitted into evidence.)

10 BY MS. MAYES:

11 Q. All right. This is State's 12. Pretty much the same
12 aerial you showed us, Sergeant Strock?

13 A. Correct.

14 Q. Minor you indicated is inside Lot 15?

15 A. That's correct.

16 Q. Do you recall Comilla Jackson being at Lot 15 and you
17 speaking with her?

18 A. I do.

19 Q. All right. Comilla Jackson being the resident there
20 at Lot 15?

21 A. That's correct.

22 Q. Were you allowed entry into the home to actually check
23 on Minor as well as the scene in general?

24 A. I was.

25 Q. I'm gonna show you some photographs and ask you

1 whether or not you recognize them, as well as a diagram.

2 This would be 90. Is that a fair and accurate
3 representation of Lot 15?

4 A. It is.

5 Q. I'm gonna show you what is State's 77, 69 and 70, and
6 ask you if those also appear to be a fair and accurate
7 representation of Lot 15?

8 A. 77 is fair and accurate, 69 is fair and accurate, and
9 70 is fair and accurate?

10 Q. All right. I'm gonna show you some body cam footage
11 and ask you whether or not you were wearing a body cam that
12 night?

13 A. I was, in fact, wearing a body cam.

14 Q. And can you tell us whether or not these still shots
15 are directly from your body cam beginning with State's 61,
16 177, 63, 64 and 65?

17 A. 61 is a representation of my body camera. 177 is a
18 representation of my body camera. 63 is a representation
19 of my body camera, as well as 64 and 65.

20 Q. All right. And then I'm gonna show you -- you
21 mentioned going to Lot 16 as well to clear that scene and
22 check the interior. I'm gonna show you 66, 67 and 68. Do
23 these all appear to be a fair and accurate representation
24 from your body camera worn that night?

25 A. 66 appears to be from my body camera, 67, as well as

1 68.

2 MR. WILLIAMS: Without objection, Your Honor.

3 THE COURT: Without objection. Can you tell me the
4 numbers again?

5 MS. MAYES: I can, Your Honor.

6 These are gonna be from body cam, 65, 64, 63, 177
7 and, 61. Also from body cam, 66, 67 and 68. From the
8 scene, 77, 70 and 69. And the diagram being 90.

9 THE COURT: Okay. All admitted.

10 (State's Exhibit Numbers 61, 63, 64, 65, 66, 67,
11 68, 70, 77 and 177, photographs, and State's Exhibit
12 Number 90, a diagram, were admitted into evidence.)

13 BY MS. MAYES:

14 Q. Now I'm gonna hand this back to you and just ask you
15 to kind of take us through what you recall about entering
16 Lot 15. Again, we're gonna talk about Lot 15 and now take
17 a look at the diagram, which is State's 90.

18 Do you see a refrigerator depicted in the area of the
19 kitchen?

20 A. Yes. Right around this area right here would be the
21 refrigerator.

22 Q. Okay. And take us through what you observed as you
23 entered this residence.

24 A. As I entered the front, I met with several people that
25 were standing in the living room who pointed me in the

1 direction of the kitchen, which the kitchen is this area
2 here. From my vantage point, all I could see was the feet
3 of a -- a young child laying down and several people
4 standing over that appeared to be administering some type
5 of medical treatment. I recognized these people to be
6 either EMS or fire or somebody who -- which should have
7 been there and should be administering some type of first
8 aid.

9 I then directed my attention to people in the room
10 and tried to further gather information about what
11 happened. I stayed in the living room speaking with
12 several people and gathering information and names while
13 they continued to administer medical treatment on the
14 subject.

15 Q. Okay. And at this point in time is EMS also arriving
16 to your knowledge?

17 A. Yes.

18 Q. I'm gonna show you now what is State's 77 in evidence.
19 Which home are we looking at here?

20 A. That is Lot 15.

21 Q. Okay. That's the home you entered?

22 A. That's the home where the victim was found, correct.

23 Q. Taking a look here at 70.

24 A. That is coming in the main doorway to the right.

25 That's the hallway to the right standing in the living

1 room.

2 Q. All right. And then 69?

3 A. That appears to be standing in the far left corner
4 of the living room facing the main entrance into the
5 residence.

6 Q. Okay. The living room as we note here with the
7 seating and this being the main door?

8 A. Correct. That last picture would have been taken from
9 that corner facing back towards the hallway and the front
10 door.

11 Q. I'm gonna show you some additional photographs. These
12 are 46, 45 and 47.

13 MS. MAYES: Your Honor, previously being Court's
14 exhibits 46, 45 and 47.

15 THE COURT: All admitted without objection, I
16 believe.

17 MS. MAYES: These -- these, Your Honor, are being
18 identified at this time.

19 BY MS. MAYES:

20 Q. Can you take a look at these and tell us whether or
21 not you recognize these photos?

22 A. I do. That was the kitchen area. Picture 45 is the
23 vantage point I had most of the night before actually going
24 over and examining the victim and 47 would be after --
25 after the victim was removed from the area.

1 Q. By the coroner's office?

2 A. By the coroner's office.

3 Q. Is that a fair and accurate representation of the
4 scene as you found it?

5 A. It is.

6 Q. Including the defect in the refrigerator?

7 A. Yes.

8 Q. And the position of Minor ?

9 A. Yes.

10 MS. MAYES: 45, 46 and 47, Your Honor.

11 MR. WILLIAMS: Without objection, Your Honor.

12 THE COURT: Okay. They're admitted.

13 (State's Exhibit Number 45, 46 and 47, photographs,
14 were admitted into evidence.)

15 BY MS. MAYES:

16 Q. You talked about being in the kitchen area. Looking
17 at the diagram here, what, if anything, did you notice
18 about the area around the refrigerator?

19 A. Can you be more specific?

20 Q. What, if any, damage did you notice to the area around
21 the refrigerator?

22 A. There was a -- there was a microwave sitting on a
23 table beside the refrigerator. Beside that is the standup
24 refrigerator which had a -- it appeared to be an exit spot
25 from where a projectile had come through from the opposite

1 side and -- is what it appeared to be. I wasn't -- I
2 didn't do forensics on that, so I don't know.

3 Q. Okay. And just to clarify, you were the first officer
4 inside this residence?

5 A. From the sheriff's department, correct.

6 Q. Ultimately did CSI, your crime scene investigation
7 unit at the sheriff's department, work this scene?

8 A. They did.

9 Q. After you secured it?

10 A. Correct.

11 Q. All right. We're gonna take a look here at 46. The
12 defect in the refrigerator that you just told us about,
13 where is it observed?

14 A. It's to the left of the handle about midway down
15 beside the microwave as you can see from my red pointer.

16 Q. Okay. You had the ability there at the scene to judge
17 the height of that defect?

18 A. I do.

19 Q. In comparison to the size of Minor ?

20 A. I do.

21 Q. What, if anything, was apparent to you about the
22 location of that gunshot -- of that defect?

23 A. Well, comparatively from the height of the exit and
24 the height of the counter, I know that the counter is
25 roughly thirty-six inches. She was a lot taller than

1 thirty-six inches, I know that, so the only way that a
2 projectile could have struck her in the face was if she
3 was either squatted down, kneeling down or at a lower
4 level, which whatever she did she brought her head to that
5 level, so whether she was kneeling, hiding, squatting, I
6 don't know, but it wasn't -- it wasn't parallel to where if
7 someone was standing erect.

8 Q. It's consistent with her ducking down?

9 A. Correct.

10 Q. And you talked about finding Minor . Where did you
11 see injury to her?

12 A. To her face.

13 Q. Did you see any signs of life whatsoever?

14 A. I did not.

15 Q. We're gonna take a look now at 45. Is that as you
16 find her?

17 A. It is.

18 Q. What do you recall seeing in her hand?

19 A. I believe she had a telephone or a cell phone or
20 something in her hand.

21 Q. I believe you've already identified 177, which is in
22 evidence, from your body cam. As you're standing over
23 here, can you tell us where that is in her hand?

24 A. That lower right corner she's clutching a -- it looks
25 to be some type of iPhone or android device, but it's

1 consistent with a cell phone.

2 Q. And now going back to this one, 46, ultimately while
3 you-all were there working the scene waiting for CSI to
4 arrive, was the phone moved in any way?

5 A. It appears it had been moved from her hand to this
6 counter here.

7 Q. And placed on that cloth?

8 A. Placed on a cloth or sitting on some type of paper
9 towel or cloth.

10 Q. And I know there was testimony about LifeNet being
11 called, the helicopter, but was Minor ultimately
12 pronounced dead here at the scene?

13 A. She was.

14 Q. And the coroner's office arrived?

15 A. They did.

16 Q. And they in conjunction with your crime scene
17 investigation unit processed her and her body --

18 A. Correct.

19 Q. -- from that point forward?

20 I'm gonna show you what is 47 in evidence. Again,
21 where is this in relation to that microwave and the
22 refrigerator that you've already told us about?

23 A. This is at the end of the kitchen area. This cabinet
24 on the right-hand side would be the cabinet that the
25 microwave would sit on top of and the white box at the

1 bottom right would be the base of the refrigerator.

2 Q. Other than this blood trail, this blood spot, did you
3 see any other evidence that Minor had moved or had been
4 actively bleeding other than this one location?

5 A. Not that I could tell.

6 Q. Is that all still consistent with your observations
7 about her being struck at this location and dropping?

8 A. It is. It appears that whatever happened, the injury
9 occurred in this area and she did not go very far. She
10 either fell straight down or fell straight back, but all
11 of the damage was consistent of this -- in this particular
12 area.

13 Q. Now also with your body cam you are outside
14 communicating with persons?

15 A. (Nods head.)

16 Q. I'm gonna take a look here at 61. Is that also
17 Lot 15?

18 A. It is.

19 Q. And I believe Comilla Jackson, being the homeowner or
20 the resident there at Lot 15, you had an opportunity to
21 meet with her on the scene as well?

22 A. Correct.

23 Q. I'm gonna take a look here at 63 in evidence. Do you
24 recognize her?

25 A. I do.

1 Q. Is that Comilla Jackson?

2 A. It is.

3 Q. The homeowner there at Lot 15 or the resident?

4 A. It is.

5 Q. Minor 's mom, did you also have an opportunity to
6 speak with her at the scene?

7 A. Briefly. She was highly upset and I could understand
8 why, but...

9 Q. That was also captured in your body cam?

10 A. It should be, yes, ma'am.

11 Q. Would this be Shandrika Jay, Minor 's mommy?

12 A. Yes, ma'am. That is correct.

13 Q. And you mentioned that a vehicle had also been damaged
14 in the area of Lot 16.

15 A. That's correct.

16 Q. Do you recall witnesses being outside and speaking
17 with law enforcement?

18 A. I do.

19 Q. And providing information to law enforcement?

20 A. I do.

21 Q. Including information about suspects?

22 A. I do.

23 Q. Is this also from your body cam?

24 A. It is.

25 Q. What time are we looking at here on your body cam?

1 A. The time is 23:00, which would be 11 PM.

2 Q. All right. So at 11 PM this young lady here in the
3 foreground is present at the scene and speaking with law
4 enforcement?

5 A. She is.

6 Q. Did your incident report note an witness by the name
7 of Kelly Conyers?

8 A. It did.

9 Q. Now looking at this aerial, everything we just
10 discussed is gonna be Lot 15, interior and exterior?

11 A. Correct.

12 Q. You have testified already that you also went into
13 Lot 16 to secure it?

14 A. That is correct.

15 Q. You found it empty?

16 A. That is correct.

17 Q. I'm gonna show you these photographs in evidence
18 beginning with 66. Would that be Lot 16?

19 A. That is Lot 16.

20 Q. And is this the vehicle you previously referred to as
21 damaged?

22 A. That's correct.

23 Q. Do you recall what type of make or model that was?

24 A. I don't recall. I can look it up. I have it in my --
25 in my report.

1 Q. Do you recall if it was a Dodge in your report?

2 A. I believe it was like an Avenger, Dodge Avenger, or
3 something.

4 Q. And then in looking at 67, inside Lot 16?

5 A. That's correct. That's inside Lot 16.

6 Q. All right. And then this is as you're clearing it,
7 again, from your body cam inside Lot 16?

8 A. That's correct.

9 Q. And you cleared this residence with your firearm
10 pulled?

11 A. That's correct.

12 Q. Throughout your processing of Lot 16 or your at least
13 observations within Lot 16, did you ever see any visible
14 signs of firearms or ammunition in plain view?

15 A. No, I did not.

16 Q. And while you were inside Lot 15, not only checking
17 on Minor , but the scene as a whole, were you able to walk
18 that scene?

19 A. I was.

20 Q. Did you ever see any indications of firearms or
21 ammunitions inside that location?

22 A. Not to my knowledge there was.

23 Q. And your testimony is that you yourself observed
24 casings here in this area between 16 and 15?

25 A. Correct. Spent shell casings were located in between

1 Lot 15 and 16 in multiple areas.

2 Q. And also later at Lot 7?

3 A. That's correct.

4 Q. And then this area here, including the fork in the
5 road, is secured by crime scene tape?

6 A. That's correct.

7 Q. Are you taking part in the securing of that scene?

8 A. I am.

9 Q. And monitoring and making sure that civilians don't
10 enter?

11 A. I am.

12 Q. And it's only accessible by law enforcement and your
13 investigation unit?

14 A. Correct.

15 Q. Throughout your time there at the scene, were you
16 ever able to make contact with any suspects that had been
17 identified with witnesses -- by witnesses?

18 A. No.

19 Q. The defendant in this case, Quayshaun Clark, also
20 known as Ace, was he present at the scene to your knowledge
21 at the time of your arrival at 10:51?

22 A. No.

23 Q. Did he ever return to that scene to your knowledge?

24 A. Not to my knowledge.

25 MS. MAYES: I beg the Court's indulgence.

1 THE COURT: Take your time.

2 BY MS. MAYES:

3 Q. You remained there at that scene about how long
4 approximately, Sergeant Strock?

5 A. I'm pretty sure I stayed because I was one of the last
6 ones to leave.

7 Q. In addition to the crime scene investigation unit that
8 you described, did you also have detectives from the major
9 crimes unit?

10 A. We did.

11 Q. Did that include Detective Carleisha Gilliam?

12 A. She was there, correct.

13 Q. Sergeant Adam Creech?

14 A. He was there.

15 Q. Captain Hampton Gardner?

16 A. He was there.

17 Q. Hampton Taylor?

18 A. He was there.

19 Q. And the crime scene unit, did they individually work
20 each of these lots, 15, 16 and 7?

21 A. I would assume so. I didn't stand by with them. I
22 just maintained security, but as a standard protocol that's
23 usually how they do that.

24 Q. And to your knowledge that scene remained secured
25 throughout that process?

1 A. It did.

2 MS. MAYES: Thank you. Nothing further.

3 MR. WILLIAMS: May it please the Court?

4 THE COURT: Yes, Mr. Williams. Please.

5 CROSS-EXAMINATION

6 BY MR. WILLIAMS:

7 Q. How are you doing, Sergeant?

8 A. I'm good.

9 Q. Good. So -- I'll slide over here. So you've been
10 with the sheriff's department seven years?

11 A. Approximately.

12 Q. All right. And before you were with Lexington County
13 Sheriff's Department, where did you work?

14 A. I was with Richland before Lexington County.

15 Q. And that's Richland County Sheriff's Department,
16 right?

17 A. That's correct.

18 Q. And how many years were you with Richland County
19 Sheriff's Department?

20 A. Approximately a year.

21 Q. And before that?

22 A. I was with the Irmo Police Department.

23 Q. Okay. And how long were you with Irmo Police
24 Department?

25 A. Approximately ten years.

1 Q. All right. And before Irmo Police Department, where
2 did you work? Or are you that old?

3 A. I am. I was North Charleston Police Department.

4 Q. That's right. That's right. North Charleston. How
5 long were you at North Charleston?

6 A. Approximately a year, a little over a year.

7 Q. That's your break-in department?

8 A. That's correct.

9 Q. That's the secret way of letting people know how old
10 you are.

11 So with Lexington County, you're -- you've picked up a
12 lot of classes and you're a shift supervisor?

13 A. That's correct.

14 Q. A regional supervisor, which is a little bit
15 different, which means that you're in charge of all of
16 those officers in the West Region?

17 A. That's correct.

18 Q. Tell the jury, please, what West Region constitutes.

19 A. West Region in Lexington County extends from basically
20 Lake Murray, it splits Lake Murray down the middle, all
21 the way out to the Saluda County line, follows the
22 Lexington/Saluda County line, Aiken County, over to I-20,
23 crosses I-20, goes up to Fairview Crossroads riding the
24 county line, and then Fairview Crossroads, which is Cox
25 Ferry Road, all the way back down to Cox Ferry Road to

1 approximately Nazareth Church Road and then back over to
2 Highway 6 and back over to downtown Lexington back over to
3 the lake, so it's -- it's quite a big area.

4 Q. Is it the biggest area of Lexington County?

5 A. Yes, it is.

6 Q. So being in charge of that large area, how many
7 officers are you allotted to work, say, the nightshift?

8 A. We're scheduled for five.

9 Q. So you have five officers who work that area and
10 basically what happens is when you get a call for something
11 like this everybody else gets waked up and has to come out
12 and see what's going on?

13 A. If it's something major, yes.

14 Q. Well, we all know that -- I guess we all know that --
15 that Creech and Taylor, they're not awake at those hours of
16 the night. Somebody has to call and wake those guys up,
17 right?

18 A. Correct.

19 Q. Because Hamp -- Hamp Taylor, what's his position with
20 sheriff's department?

21 A. He is over operations for the sheriff's department.
22 Number three.

23 Q. So he's the number three man with the sheriff's
24 department?

25 A. That's correct.

1 Q. So you-all are kind of shorthanded a little bit?

2 A. (Nods head.)

3 Q. So when you got the call -- when did you get the call
4 to go out there?

5 A. Approximately 10:38-ish.

6 Q. Right. And you were working that night since you're
7 the -- you were on night call?

8 A. That's correct.

9 Q. So who was in charge of notifying all these other
10 people that came out there? Was it you?

11 A. It's kind of a team effort. If I'm busy and I can't
12 physically make the phone call, I'll have communications
13 do it for us and our communications will have our recall
14 numbers and they will call major crimes and watch commands
15 and all that good stuff.

16 Q. In this particular case, what was done?

17 A. I requested Lexington communications to make contact.
18 Because we were dealing with so much activity going on, I
19 didn't have time to call somebody.

20 Q. Right. So you were -- you assigned those duties to
21 somebody else, to round everybody up, if you will? They
22 know who to get in touch with.

23 A. Right.

24 Q. So when you arrived out there, describe the scene in
25 terms of -- obviously it was night.

1 A. It was night. It was very chaotic. There was a lot
2 of people running around, screaming, pointing, asking us to
3 go help certain people. Obviously some concerned people
4 that were worried about individuals, you know, their safety
5 and -- and other people's safety. It was obviously a lot
6 going on.

7 Q. How many people were running around that mobile home
8 park? Two hundred?

9 A. Not that many. When I first got there, it was
10 probably -- I'd estimate fifteen right around that area.
11 The people that lived there. That's not counting law
12 enforcement and EMS and firefighters and all that that
13 showed up.

14 Q. So by saying that, there's an indication that there
15 were numerous police department, fire department, EMS
16 people who were there when you arrived there?

17 A. From my recollection I believe that particular area
18 has a volunteer fire service that responds, so we had
19 volunteer, we had regular EMS personnel, as well as
20 Batesburg-Leesville Police Department personnel.

21 Q. So who was in charge of that area before you got
22 there?

23 A. As in the scene?

24 Q. The scene. Who was in charge of the scene?

25 A. Well, I would -- I would guess that we requested

1 assistance from the police department, Batesburg-Leesville
2 Police Department, so they would have the scene until the
3 sheriff's department arrives to take over.

4 Q. All right. Well, we hear a lot about who's in charge
5 of scenes nowadays, so that's why I asked the question.

6 A. Uh-huh.

7 Q. So when you got there, was Wallace Oswald there?

8 A. I couldn't tell you. I didn't -- I didn't recognize
9 anybody. I didn't see him there at that particular time.
10 I know he showed up later, but I don't know if he was there
11 as one of the first responders.

12 Q. All right. Because he is the chief of police for
13 Batesburg, isn't he?

14 A. He was, correct.

15 Q. Well, he still is until July 1st, isn't he?

16 A. Well, that's technically correct.

17 Q. So when you arrived there, what Batesburg-Leesville
18 police officers were there?

19 A. I couldn't tell you the names.

20 Q. Tell me how many and describe them if you can.

21 A. I know there were at least two patrol units there.
22 Deductive reasoning says that they are one person units,
23 so there would have to be at least two people there.
24 Sometimes they have trainees, sometimes they don't, so I
25 would -- I would say at least two, if not three, officers

1 were on the scene.

2 Q. And we've heard about the number of years that you
3 have in your training.

4 A. Uh-huh.

5 Q. Do you know whether or not these trainees and people
6 who work for Batesburg-Leesville have the same amount of
7 education and training that you would have?

8 A. I couldn't speculate that.

9 Q. I got you. So what were they doing when you arrived
10 there?

11 A. They were helping with crowd control, they were
12 kind of holding the scene down. Like I described earlier,
13 it was very chaotic. We had a lot of people running
14 around. I know one was in the house with either fire or
15 EMS, I can't remember which one, but they were trying to
16 administer medical assistance.

17 Q. Was fire and EMS already in the house when you got
18 there?

19 A. Yes.

20 Q. And was that from Batesburg?

21 A. Correct. Whatever the responding unit was. They beat
22 us there, so I'm assuming it was Batesburg.

23 Q. Right. So -- and the reason you're describing it that
24 way is you're familiar with the area and we see how -- this
25 is the trailer or the mobile home park and [REDACTED] is -- it

1 says South Carolina Road 32.

2 A. Right there.

3 Q. That's not [REDACTED], is it?

4 A. Yes, that's [REDACTED].

5 Q. All right. And what's to the north? Where's the
6 arrow on there? Do you know what's north and what's south?

7 A. I don't. I would assume this is an overview of an
8 Internet-based mapping program, so I would assume north is
9 straight up and down.

10 Q. You know -- because you work the area, you know that
11 178 is on one end of it?

12 A. Right.

13 Q. And is it 391 that's on the other end?

14 A. I believe it is. 391 is on this end and 178's on this
15 end.

16 Q. That's right. That's right. And probably a lot of
17 people on the jury and in the courtroom know about 178.
18 It's a real long road.

19 A. Right. Fairview Road, I believe.

20 Q. You can drive up and down the United States on 178
21 almost.

22 A. (Nods head.)

23 Q. But this particular section is -- hooks right up to
24 the Interstate, right?

25 A. Yes. If you go to the end the of the road and make a

1 right, the Interstate's about six miles down.

2 Q. So it's -- it's a quick way to get on the Interstate
3 if you're going down that way, right?

4 A. You could, yes.

5 Q. Now what about 391, which is the other parallel road
6 which runs with 178. Can you hook up with the Interstate
7 that way?

8 A. You can, but it's a -- it's a long ways off. You have
9 to go into Aiken County.

10 Q. That's right. You'd have to go to all the way to
11 Aiken County to get on the Interstate?

12 A. Uh-huh.

13 Q. So in that you're concerned with shooters and shooters
14 normally leave the scene, don't they?

15 A. Usually.

16 Q. Usually. They don't stick around and wait and give
17 their names and addresses and stuff like that?

18 A. Not usually.

19 Q. So did you give any heads-up, if you will, to anybody
20 with law enforcement to be on the alert for people
21 travelling in that direction or going down the Interstate
22 trying to escape the scene or anything like that?

23 A. As a normal practice, we normally look for people
24 fleeing the area, driving erratically, that possibly could
25 be involved with something.

1 Q. And did you notify headquarters or communications to
2 tell your other units? Or when you say it, do you just say
3 it over communications and everybody hears it?

4 A. Yes. You're talking about when I request other
5 people?

6 Q. Yes.

7 A. We're all operating on one channel, so when I -- when
8 I make a request everybody who's on that channel can hear
9 it, as well as communications.

10 Q. So do you recall whether or not you announced over
11 the -- you know, over the airways to be on the alert for
12 anyone traveling down 178 going to the Interstate trying
13 to get into Georgia or --

14 A. No, I didn't make that announcement. That's something
15 that we normally do in normal practice. I don't have to
16 announce it.

17 Q. Okay. So when people -- do people know on the
18 channels that you wanted somebody to watch those two
19 different areas for escapes or people moving fast or
20 anything like that? Was there any kind of heads-up? You
21 know, we've got all these alerts now. We've got Amber
22 alerts, we've got red alerts, we've got all kind of alerts.
23 Was anything out to let people know to look for that?

24 A. I don't think there was. I don't think we had any
25 suspect information or vehicle information. We had general

1 information that shots had been fired and several phone
2 calls later that there were some injuries, so that was our
3 main concern was to get to the scene, secure it, make sure
4 there's no more injuries happening.

5 Q. Okay. So when you got -- when you got there, it was
6 nighttime, it was dark. Batesburg-Leesville had at least
7 two cars there, maybe three or four people walking around.
8 Nobody put up any tape yet, had they?

9 A. No, not at that time.

10 Q. Do you know whether or not they were walking around
11 examining for shells, cartridges or pointing stuff out for
12 people to look at this or mark that or do that?

13 A. I don't recall that.

14 Q. Did anybody point shell casings out for you to find?

15 A. Yes.

16 Q. All right. The individuals who pointed that out, who
17 were they?

18 A. One of them was a sergeant out of the South Region
19 that came up to assist, as well as some team -- a couple of
20 my team members that were on the scene.

21 Q. So these are people that you knew that you worked
22 with --

23 A. Right.

24 Q. -- and they were pointing out the shells and stuff
25 like that?

1 A. Correct.

2 Q. So how were they assigned -- how were they assigned to
3 which areas that they were supposed to search?

4 A. Well, we don't -- we do a preliminary search trying
5 to figure out what happened as we're waiting on -- after
6 we get the scene secured from any further, you know,
7 injuries.

8 Q. After the threat is eliminated?

9 A. After the threat is eliminated --

10 Q. We hear that a lot, don't we?

11 A. -- and people can start breathing a little bit, then
12 we start looking around to try to figure out what's going
13 on, what happened, and as officers walked around looking
14 for, you know, clues about what took place, as well as,
15 you know, people shouting different things about somebody
16 was over in this area, somebody was over in this area.

17 Q. So you've got basically the trailer park people
18 helping you locate shells, too. Say look over here,
19 there's a shell over here. It's kind of like an Easter egg
20 hunt.

21 A. Well, it -- kind of, yes. We walk around looking,
22 trying to figure out what's going on. We noticed shell
23 casings, then we noticed more shell casings, then we
24 noticed bullet shots, then I had somebody next door come
25 up to me and say hey, my car's been shot up, so that takes

1 us to that area. Once we're in that area, we start looking
2 around even further and find more bullet holes and shell
3 casings and as we're looking at that area, we discover more
4 bullet holes and we discover that hey, this house has got
5 bullet holes in it, we might need to check on these people
6 in the house, and then we go knock on the door and nobody
7 answers, so we assume the worse, we go in and make sure
8 there's nobody dead in there or injured just for precaution
9 and, you know, one thing leads to another. We just kind of
10 expand on what we have.

11 Q. You realize that's not a cut. That's just you do the
12 best you can with the number of people you have.

13 A. Exactly.

14 Q. So after you do that, there's no way you can guarantee
15 those trailer -- those trailer people that point to shells,
16 whether or not -- you're relying to a certain extent on
17 their good will and the fact that they find it there and
18 haven't moved it from here or moved it from there or things
19 like that?

20 A. Correct.

21 Q. Because you can't. You can't.

22 A. I don't have -- I don't have one hundred percent
23 control of everybody on that property at all times,
24 correct.

25 Q. So the shells could have been in a different location,

1 but only God knows that, right?

2 A. Right.

3 Q. Okay. So when you were checking this area out, I
4 think that you said you went to -- do you got that
5 little --

6 A. I've got a pointer right here.

7 Q. You've got a pointer?

8 A. Do you need it?

9 Q. Kind of. Can I use it?

10 A. (Handing.)

11 Q. Thank you. Okay. So when you come in, do you recall
12 your -- which way you came in? Did you come in 178 or did
13 you come in 391?

14 A. 178.

15 Q. Because that's quicker to the sheriff's -- were you at
16 the sheriff's department?

17 A. I think I was in the Gilbert area off Two Notch.

18 Q. Still quicker from that area?

19 A. Yes.

20 Q. So you come in from the Gilbert area, which is up
21 here, you come in and you see [REDACTED] Now when we look at
22 this overhead -- have you been out to the scene this month,
23 the month of June?

24 A. No.

25 Q. When was the last time that you were on [REDACTED] Road?

1 A. Probably -- it's been a couple of months, maybe a
2 month and a half. I mean, we -- it's a -- it's an area of
3 concern now, so we try to keep police presence --

4 Q. Get out there more often?

5 A. -- so we do a lot of drive-bys and just kind of,
6 you know, drive the roads, maybe flip around in the
7 neighborhood just to show ourselves being around.

8 Q. That's right. And to a great extent because of its
9 close proximity to Batesburg-Leesville, the sheriff's
10 department doesn't -- I mean, you've got all of Chapin and
11 you've got all these other big areas that are wide open
12 that you have to check on. Batesburg has got it covered.
13 They've got very little to do so anyway, right, so they can
14 check on that. That's not meant as a slight.

15 A. They may drive through and check on that. It's not
16 part of their jurisdiction, but, you know, just to help out
17 they may drive through there, correct.

18 Q. Right. So do you see all these areas right here?
19 This is an aerial, which obviously these are a bunch of
20 trees over here and there's a bunch of trees over here?

21 A. Uh-huh.

22 Q. And you've got a trailer the here, a mobile home,
23 right here. Is there a mobile home right here in the midst
24 of all that?

25 A. I mean, the pattern is consistent with one being

1 there, but I couldn't tell you exactly.

2 Q. Do you recall in the time you were out there if an
3 investigator went to a mobile home that looked like it was
4 almost like covered with trees and bushes and all kind of
5 stuff and spoke to a Hispanic gentleman there about what
6 was going on?

7 A. No, sir, I don't.

8 Q. So how long were you on the scene?

9 A. I was there from my time of my arrival until the last
10 person left from our agency.

11 Q. Okay. So tell me what that means. How long was that?

12 A. That means my time of arrival, which was 10:48 or
13 10:42 -- 10:46 --

14 Q. Okay.

15 A. -- until we cleared, and I cleared with crime scene
16 and the last investigator, which would have been around
17 4:50 AM.

18 Q. So you were there -- since you were first man on the
19 scene, you were there from the beginning up until the last
20 man left?

21 A. Correct.

22 Q. Who is in charge -- there's a book that you use for
23 crime scenes --

24 A. Uh-huh.

25 Q. -- and you have to note personnel that show up at the

1 crime scenes, when they show up and when they leave.

2 A. Uh-huh.

3 Q. What is the purpose of that book?

4 A. The crime scene log?

5 Q. Yes.

6 A. That's to document who enters and leaves the crime
7 scene.

8 Q. All right. So you would have started the first crime
9 scene log since you were the first man on the block?

10 A. Correct. If not -- not me personally or one of my
11 people.

12 Q. Okay. And then you kept it until you got through?

13 A. If it -- I don't keep it, it gets turned over and gets
14 signed over to the next person who's in charge of the log.

15 Q. Okay. So when you left at 4:50, can you show me,
16 please, on that map where the crime scene tapes were?

17 A. The crime scene tape, I believe, before everything
18 was taken down extended from -- there was a vehicle or
19 something in this particular area, there was a car right
20 about there, and went down past -- this road was full of
21 police vehicles. It was hardly any way in or out of there.
22 That was part of biggest problems we had. That crime scene
23 tape ran from there down to a tree down to the corner
24 of Lot 7 over to whatever lot number this is and he had
25 pickup truck in the front yard, and then it went back over

1 to 16 and then on the back side of 16 around to 15 and from
2 the back corner of 15 went back around this way to the --
3 back to that car, so it extended out all the way to about
4 right there.

5 Q. Like a lasso?

6 A. Like a lasso.

7 Q. And this was a work in progress because you've already
8 described that you determined crime scene areas based on
9 going to the first location, Lot 15, and finding the person
10 there and then learning that there was evidence of damage
11 at Lot 16?

12 A. Correct.

13 Q. And this is from all the people who are helping you
14 out there and then you learn that there's also shells in
15 front of Lot Number 7?

16 A. Correct.

17 Q. So who is in charge of checking out where the shells
18 are, meaning would that be the crime scene investigator or
19 would that be you since you're the first one on the scene
20 and you've got the crime scene book?

21 A. It would be -- it's a group effort. There's no one
22 person assigned. Everybody has multiple tasks. During
23 the course of an investigation, the investigators are going
24 around speaking with people. If they notice something
25 that's a piece of evidence that could be considered, you

1 know, part of this crime, they'll notify somebody and then
2 they respond to that -- wherever that is. If the crime
3 scene people who are taking pictures and -- and collecting
4 physical evidence, if they see something, then, of course,
5 they -- they work it, and if one of the -- somebody's
6 standing around and sees something, points something out
7 that could be considered evidence, then it gets noted and
8 worked.

9 Q. And most of that information is noted on you because
10 you've got your -- you've got your body cam and you see
11 who's out there and stuff like that?

12 A. Correct.

13 Q. So you know what's going on. As a matter of fact,
14 we saw an example of that when we looked at pictures that
15 we introduced, is that on your body cam pictures, which
16 are introduced into evidence, you actually have another
17 form of reporting involved in there because you have the
18 time which is -- I show it on my shirt, but you show the
19 time and date of when that picture was taken and we know
20 because it's on there that it's your body cam which is
21 taking those pictures?

22 A. Correct.

23 Q. Now there were other pictures which you identified
24 of the inside of the mobile home which don't -- which are
25 not that and the reason they're not that is because some

1 other investigator came in after you and he took those
2 pictures --

3 A. (Nods head.)

4 Q. -- and he would have to testify in regards to when he
5 took those pictures. The only thing that you could testify
6 to is that that was how it looked when you were actually in
7 that mobile home?

8 A. That's correct.

9 Q. So that's the distinction, isn't it?

10 A. That's correct.

11 Q. Now when we look at this -- you know, it's always --
12 if you were pulling in there, you'd pull in this way? That
13 always disturbs me. It looks like a Y when you pull in
14 there, right?

15 A. Uh-huh.

16 Q. There's no way to get out on the left side or the
17 right side of the lot. There's no exit ability of anybody
18 to go out that road, is there?

19 A. Correct. It's one way in, one way out to my
20 knowledge. Now there may be a cut-through somewhere I
21 don't know, but...

22 Q. But you would have gone all the way to the end since
23 you were -- you were checking the people? You would have
24 gone all the way to the end, wouldn't you?

25 A. Well, are you talking about when I first got there?

1 Q. Yeah.

2 A. No, I went straight to where the -- all the action
3 was.

4 Q. Did you go -- did you ever go to the end while you
5 were there?

6 A. Yes.

7 Q. Okay. So you did check out the road to make sure --

8 A. Yes. Yeah, we --

9 Q. So what kind of road is it?

10 A. It's a gravel, sand-type road.

11 Q. It not paved?

12 A. No.

13 Q. In your investigation, did you learn that there were
14 numerous vehicles which had left the scene?

15 A. Yes.

16 Q. And all those vehicles would have gone out -- well,
17 let me do this this way. I'm getting confused. All of
18 those vehicles, if they had been at Lot 7, they would have
19 had to go out that way; if they'd been at Lot 15 or 16,
20 they would have had to go that way. They would all be
21 running over the same tract of road, right?

22 A. Most likely, yes, because once you pass the V, that's
23 it. It's the one way in and out right here.

24 Q. Is it problematic in terms of securing cartridges or,
25 I don't know, picking up anything that's on the road? When

1 you have a bunch of people driving out the road, it doesn't
2 stay where it was, does it?

3 A. Usually not, no. Cars can move things when you run
4 them over.

5 Q. Right. And that's the problem a lot of times with
6 working those crime scenes, isn't it?

7 A. Sometimes it is.

8 MR. WILLIAMS: I beg the Court's indulgence for
9 one minute.

10 THE COURT: Take your time.

11 BY MR. WILLIAMS:

12 Q. So you gave a staged movement, if you will, of
13 investigation. You know, where is it? Lot 15 to Lot 16 to
14 Lot 7?

15 A. Correct. It -- it started out at 15, expanded to 16,
16 and after investigators collected more evidence, they
17 discovered more evidence down at Lot 7.

18 Q. Do you know -- and I assume that the crime scene tape
19 is being moved as it goes on. That loop is just getting
20 bigger on the -- on the investigation?

21 A. Correct.

22 Q. Do you know -- are you able to tell, and you may not
23 be able to, what amount of time was involved when you went
24 from 15 to 16 to 7?

25 A. I know that 15 and 16 were within probably ten minutes

1 of each other just because of the fact that once this was
2 secured other people started coming up and asking questions
3 and then the owner of 16 came up -- or the owner of the
4 vehicle at 16 came up to me and said hey, my car's shot and
5 directed me to down here, and then I started investigating
6 down here, and then once that house was cleared I met with
7 some more deputies and as we were standing there talking we
8 discovered numerous shell casings all in this area here, as
9 well as bullet holes in the side of 15, and so we expanded
10 our search from there.

11 Q. And to you there is a distinction between cartridges
12 or shells and bullet holes because the shell part would be
13 what was ejected from whatever gun that was used, the
14 bullet hole who would be where the bullet went, right?

15 A. Correct.

16 Q. Did you check out the bullet holes in vehicles and --
17 any vehicles and/or the trailer located on Lot 7? Am I
18 making that question clear?

19 A. If I understand what you're saying, you're asking if
20 there were bullet holes at Lot 7?

21 Q. Yes.

22 A. I didn't -- I didn't recognize any. Of course, I
23 didn't focus anything on that area because that was
24 discovered later and investigators were then there and it
25 was kind of turned over to them, so I was just kind of

1 doing crowd control and support by then, so. I know when
2 I went down to Lot 7 with the investigator, I noticed
3 numerous rifle rounds sitting in that area.

4 Q. Right. Well, did -- but you've already said that
5 there was a whole lot of shells between 15 and 16. Do you
6 know where all those rounds went to?

7 A. I don't, no. I didn't get involved in that -- in that
8 investigation.

9 Q. Okay. Now one last question. And all the people who
10 are standing over the child, do you know if they're police
11 officers or -- you said when you came in there, there were
12 a bunch of people over the child.

13 A. The -- one of the ladies that was there is a neighbor.
14 She was inside the house. She was one of the witnesses to
15 what was going on. She was feeding us information as far
16 as names, who owns the house, whose child that was, and
17 then I believe Batesburg was in there, as well as two EMS
18 or volunteer firefighters who were actually working on, you
19 know, the injury -- working on her injuries or -- or trying
20 to give medical assistance.

21 Q. Do you know who moved the cell phone?

22 A. I do not.

23 MR. WILLIAMS: Your Honor, that's all the
24 questions. If I could ask the solicitor to approach
25 the bench with me.

1 THE COURT: Sure.

2 (Proceedings held at the bench; not reported.)

3 THE COURT: Mr. Foreman, I'm gonna let the jury
4 stretch their legs real quick. We're gonna take a
5 ten-minute break. We're gonna come back and finish
6 this witness and then I'll let you go to lunch.

7 That's the plan, okay?

8 Remember, Mr. Foreman, there's no talking about
9 this case whatsoever even amongst the jurors.

10 FOREPERSON: Yes, ma'am.

11 THE COURT: Okay. Thank you.

12 You're gonna hear me say that twenty times.

13 FOREPERSON: Yes, ma'am.

14 (Whereupon, the jury retires to the jury room at
15 12:21 PM.)

16 THE COURT: Sergeant, you're still under oath.
17 You can't talk to anybody about the case, but if you
18 need to go to the restroom, stretch your legs or
19 whatever.

20 We'll be back in ten minutes.

21 (Recess taken at 12:22 PM.)

22 (Back on the record at 12:52 PM.)

23 THE COURT: All right. Can we go back on the record
24 and bring the jury in?

25 MR. WILLIAMS: The defendant's ready, Your Honor.

1 THE COURT: State?

2 MS. MAYES: Yes, Your Honor.

3 THE COURT: I'm missing Ms. Patterson.

4 MS. MAYES: We're going forward without her.

5 THE COURT: Okay. Let's bring the jury in.

6 Now, Sergeant, I've got to remind you, you're
7 still under oath.

8 THE WITNESS: Yes, ma'am.

9 (Whereupon, the jury return to the courtroom at
10 12:53 PM.)

11 THE COURT: All right. Please be seated.

12 Mr. Foreman, is the jury ready?

13 FOREPERSON: Yes, ma'am.

14 THE COURT: All right.

15 Okay. Ms. Mayes, redirect?

16 MS. MAYES: Yes, Your Honor. Briefly.

17 REDIRECT EXAMINATION

18 BY MS. MAYES:

19 Q. Now, Sergeant Strock, you have described that
20 Batesburg-Leesville -- I think your words on
21 cross-examination, was present at the scene holding the
22 scene down were your words. What do you mean by that?

23 A. Basically law enforcement's responsibility is to
24 ensure the safety of the public, so as a law enforcement
25 agency when they showed up, they assisted in securing the

1 scene, as in finding any threats to the public, making
2 sure there was no threats in the area, things of that
3 nature.

4 Q. All right. And were you the only Lexington County
5 Sheriff's Department officer or deputy that was responsible
6 for securing the scene out there that night?

7 A. No.

8 Q. Would you be able to estimate how many others were
9 involved in securing this crime scene?

10 A. I had four just on my shift and then other agencies or
11 other deputies throughout the county responded to help to
12 include traffic division, several from north and several --
13 several from South Region.

14 Q. All right. And I believe that Mr. Williams was asking
15 you about whether or not a crime scene log is maintained?

16 A. Correct.

17 Q. I'm gonna show you a document and ask you whether or
18 not you recognize it?

19 A. I do.

20 Q. All right. And is that the crime scene log that was
21 maintained for this incident?

22 A. Yes, ma'am. That's our Lexington County Sheriff's
23 Department crime scene log.

24 Q. All right. Now when we talk about this area in here,
25 how long -- let's start here with 15. How long after your

1 arrival do you think that crime scene tape began being put
2 up?

3 A. Probably ten, fifteen minutes.

4 Q. Okay. So that is one of the first things that is
5 undertaken during the process?

6 A. Correct. The first thing we do as law enforcement
7 is establish the scene as safe, render aid, and then once
8 it's safe and people can start investigating a crime scene
9 is established and by establishing a crime scene the
10 responding deputies briefly get an overview of what goes
11 on and guesstimates where the crime actually took place.
12 Knowing what happened in Lot 15, we knew immediately what
13 the crime scene was. There was no tape needed for Lot 15.
14 We secured the front door to allow people in and out.
15 Once that area became secured, our investigation continued
16 and, of course, the crime scene expanded.

17 Q. All right. And when you say that it expanded, once
18 you have this entire area here blocked off, are civilians
19 allowed to walk amidst the crime scene tape?

20 A. No, they're not.

21 Q. Or gather or assemble amidst the crime scene tape?

22 A. No.

23 Q. If you had observed any civilian tampering with any
24 items of evidence, is that something that you would have
25 noted?

1 A. That's correct.

2 Q. You, as well as any other member of law enforcement?

3 A. Right.

4 Q. And did anything like that occur during the entire
5 time you were at the scene even up to 4 AM?

6 A. Not to my knowledge.

7 Q. And specifically as to Lot 7, you indicated that you
8 walked that scene yourself?

9 A. Correct.

10 Q. And I believe your words to Mr. Williams is that you
11 observed rifle rounds at that location?

12 A. Spent rifle cartridges, correct.

13 Q. Was that one cartridge or more than one cartridge at
14 this location?

15 A. More than one.

16 Q. And when you're talking about rifle shell casings,
17 what made it apparent to you that that's what they were?

18 A. I'm familiar with ammo and shell casings and I
19 recognized the type of shell casing it was here.

20 Q. And would that be consistent with the 7.62 by 39
21 round?

22 A. Yes.

23 MS. MAYES: Thank you. Nothing further.

24 MR. WILLIAMS: No questions, Your Honor.

25 THE COURT: Okay. Can I excuse Sergeant Strock .

1 then?

2 MS. MAYES: Yes, Your Honor.

3 THE COURT: From the trial?

4 MS. MAYES: Yes.

5 THE COURT: You are excused, Sergeant.

6 THE WITNESS: Thank you, Your Honor.

7 (Witness excused.)

8 THE COURT: All right. It is five until one.

9 Mr. Foreman, I'm gonna let the jury go to lunch.

10 FOREPERSON: Thank you.

11 THE COURT: We're gonna let you go to lunch every
12 day. Make sure you wear your juror badges so everybody
13 knows that you're a juror. Do not talk about this case.
14 Let's be back in the jury room -- I hate to push you-all,
15 but I really want to get this case done, so how about
16 you-all be back in the jury room by 2:00 and we'll get
17 started, okay?

18 Thank you very much. Remember no talking about this
19 case even amongst yourselves.

20 (Whereupon, the jury was excused for lunch at
21 12:58 PM.)

22 THE COURT: All right. Before we break for lunch,
23 is there anything that we need to take up from the State?

24 MS. MAYES: Nothing from the State, Your Honor,
25 other than the matter that I made the Court aware of and

1 THE COURT: Let's bring in the jury.

2 (Whereupon, the jury return to the courtroom at
3 2:05 PM.)

4 THE COURT: All right. Be seated.

5 Mr. Foreman, is the jury ready?

6 FOREPERSON: Yes, ma'am.

7 THE COURT: Let's call your next witness.

8 MS. MAYES: The State calls Comilla Jackson.

9 (Whereupon, Comilla Jackson was duly sworn by the
10 Clerk of Court.)

11 THE CLERK: Have a seat right there, ma'am. Once
12 you're seated, speak up loud and clear. State your full
13 name, spelling your last name.

14 THE WITNESS: Comilla Jackson. Last name spelled
15 J-A-C-K-S-O-N.

16 COMILLA JACKSON,

17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. MAYES:

20 Q. Good afternoon, Ms. Jackson. I want to start by
21 asking you if you're the same individual referred to here
22 as the resident of Lot 15 --

23 A. Yes, ma'am.

24 Q. -- who made the 9-1-1 call at 10:43?

25 A. Yes, ma'am.

1 Q. Tell us a little bit about yourself, Comilla. Where
2 are you currently employed?

3 A. At the Babcock Center. I'm a work instructor. I have
4 two kids; fourteen and now six.

5 MS. MAYES: And, Your Honor, if I may approach.
6 I'm gonna adjust the microphone.

7 THE COURT: You may.

8 BY MS. MAYES:

9 Q. Comilla, how long have you worked with the Babcock
10 Center?

11 A. Five years.

12 Q. And you mentioned that you're a mother of two girls?

13 A. Yes, ma'am.

14 Q. Can you tell us their names?

15 A. Jamiyah M. and Princess J. .

16 Q. Okay. We're gonna go back to last summer, June 9,
17 2021. How old was Jamiyah then?

18 A. Thirteen.

19 Q. And how old was Princess?

20 A. Five.

21 Q. And are you a single mom?

22 A. Yes, ma'am.

23 Q. And so you live there with your girls. Does anyone
24 else live in that residence with you?

25 A. Yes, ma'am.

1 Q. Who is that?

2 A. Deterious Jackson.

3 Q. And how are you related to him?

4 A. That's my little brother.

5 Q. All right. And how old would he have been back in
6 June of 2021?

7 A. Eighteen.

8 Q. And was he a high school student?

9 A. Yes, ma'am.

10 Q. And tell us about Shandrika Jay, who you call Shell
11 Jay. How long have you and Shell Jay been friends?

12 A. For a little over fifteen years.

13 Q. And did that include the entire time that she had her
14 daughter Minor ?

15 A. Yes, ma'am.

16 Q. And her daughter Akia?

17 A. Yes, ma'am.

18 Q. And what type of things -- how close were you and
19 Shell Jay and the girls?

20 A. She's like a little sister to me and basically I'm
21 like an auntie to her kids.

22 Q. And how frequently would your family socialize with
23 Shell and her daughters?

24 A. Like almost every day.

25 Q. Was it normal or routine for them to come over and

1 visit?

2 A. Yes, ma'am.

3 Q. And did the girls feel like your home was a second

4 home?

5 A. It was a home to them, too.

6 Q. So that night on June 9th, who all was inside Lot 15?

7 A. Me, Shandrika, Jamiyah, Princess, Akia and Minor .

8 Q. Okay. And you say Jamiyah was thirteen?

9 A. Yes, ma'am.

10 Q. Princess was five?

11 A. Yes, ma'am.

12 Q. Shell and her girls?

13 A. Yes, ma'am.

14 Q. And Minor was how old?

15 A. Eleven.

16 Q. And Akia was how old?

17 A. Nine.

18 Q. Take us through that night, Ms. Jackson. What you

19 remember about when the girls got there and Shell got

20 there.

21 A. Minor walked in first and she was just jumping up

22 and down in my trailer. And me being the best friend,

23 that's what she called me, she comes in and says best

24 friend, I got a phone, I got a phone, and I was like you

25 got a phone, and she was like yeah, but I already knew her

1 mom had told me she was, you know, gonna -- if she passed
2 she was gonna get a cell phone, so I looked at her and I
3 said you're not supposed to get that phone until Friday
4 and she was like well, I done got it, and, you know, she
5 did her little dance because she loves to dance. She
6 dropped it low and then came back up. You know, she was
7 just so excited. And then that's when Kia walks in behind
8 her and then that's when her mom walks in, and as Shell was
9 walking in, I was going to the door, just -- I didn't sit
10 down right away. I just went to the door and just stood
11 there and I said -- I call her Shell. I said Shell, I see
12 heads and she was like girl, ain't nobody out there, I just
13 came in the house. I was like no, Shell, I see heads.

14 Q. You thought you saw people around your yard area?

15 A. Yes, ma'am.

16 Q. Okay. So we're gonna get to that in a moment. Now
17 what day of the week was this on June 9th?

18 A. A Wednesday.

19 Q. And you told us you worked at Babcock. Were you
20 working at Babcock last summer?

21 A. Yes, ma'am.

22 Q. And what was your normal schedule at Babcock,
23 Ms. Jackson?

24 A. Eight to four.

25 Q. So with that schedule where you have to be work at

1 8 AM, what's your normal routine in the evening?

2 A. When I get off of work, I pick up the girls and we go
3 to the grocery store, I cook every day, and came back, took
4 an hour nap, and then I got up and I called Shell. I was
5 like what you doing, Shell? We hungry. And so I was like,
6 well, I just cooked, but it ain't enough, and she was like
7 well --

8 MS. WILLIAMS: Objection, Your Honor. Hearsay.

9 MS. MAYES: Let me -- let me just ask it this way.

10 THE COURT: You can't say what somebody else told
11 you.

12 THE WITNESS: Oh, okay.

13 BY MS. MAYES:

14 Q. Ultimately did you get dinner that night?

15 A. I cooked.

16 Q. Okay. And was that for all of you?

17 A. For me and my girls.

18 Q. Okay. And did -- did somebody also bring in a burger?

19 A. Yes, ma'am. Shell did.

20 Q. Okay. So it is now gonna be sometime after 10 PM.

21 Does that sound right?

22 A. Yes, ma'am.

23 Q. Now the girls, were they wrapping up their school
24 year?

25 A. Yes, ma'am.

1 Q. Okay. And what was the plan for that night? What
2 were you-all doing inside?

3 A. Just chilling, sitting around like we always do.

4 Q. In what room?

5 A. We was in the living room.

6 Q. And what do you normally do in there?

7 A. Watch TV.

8 Q. All right. Where did Minor go?

9 A. To my room.

10 Q. And why is that?

11 A. She just loved my bed. She just loved my bed.

12 Q. And you say that she was in your room. I'm gonna show
13 you what is 90.

14 MS. MAYES: I believe 90 is already in evidence,
15 Your Honor.

16 THE COURT: It is.

17 BY MS. MAYES:

18 Q. Looking here at 90, you recognize that to be your
19 home?

20 A. Yes, ma'am.

21 Q. And so looking here at this diagram, you're Lot 15
22 right up here at the top. I'm gonna hand you this in case
23 you need it. Which door had Shell Jay come in? Looking at
24 this, which door had Shell Jay come in and which door had
25 you noticed that there seemed to be some people outside?

1 A. That's my front door like right here and then the
2 people -- well, that one person I seen was like right there
3 at the edge of my trailer.

4 Q. All right. I'm gonna show you what is State's 77
5 already in evidence. And what are we looking at here?

6 A. That's the front of my trailer.

7 Q. And looking at this photo, where would that location
8 be that you recall seeing what appeared to be people
9 outside?

10 A. Like right over there. That little corner right
11 there.

12 Q. Okay. Now I'm gonna show you State's 70 and ask you
13 what we're looking at here?

14 A. That's the entrance of my home.

15 Q. Okay. Into the living room?

16 A. Yes, ma'am.

17 Q. All right. So looking at this diagram, where are you
18 and Shell?

19 A. You mean --

20 Q. That night prior to the shooting, where are you and
21 Shell?

22 A. Oh, I was standing at the door and Shell was sitting
23 right there at the edge of this chair.

24 Q. Okay. And where is Minor -- Minor ?

25 A. She's in the back room.

1 Q. Okay. And what name do you call her by?

2 A. Minor.

3 Q. Okay. So I'm gonna refer to her as Minor as well. And
4 you said that that's the back room and that's your room?

5 A. Yes, ma'am.

6 Q. And how common was it for her to go back there?

7 A. All the time.

8 Q. Okay. And did she have anything with her?

9 A. Her cell phone.

10 Q. And where was your daughter Jamiyah?

11 A. In her room.

12 Q. And what color are the curtains in her room?

13 A. Pink.

14 Q. And then the two little girls, Princess and Akia,
15 where were they?

16 A. In the front with us. They was just all over the
17 place, just running all over the house.

18 Q. What happened next?

19 A. As in -- talking about as in when I walked away from
20 the door? When I walked away from the door, I didn't even
21 sit down for a good five seconds.

22 Q. Well, let me ask you, when you had looked out the
23 door --

24 A. Uh-huh.

25 Q. -- did you see anyone out there?

1 A. No, ma'am. I just seen shadows.

2 Q. Okay. And what did you say or do in response to that?

3 A. When I seen that it was a shadow, I opened up my
4 screen door and I asked who was out there, I asked twice,
5 and the second go-around when I asked there was -- a person
6 peeked around the corner and stated their name.

7 Q. All right. I'm gonna show you what is 77. So going
8 back to this, where are you?

9 A. At the screen door right there.

10 Q. All right. And where do you see this individual who
11 identifies them self?

12 A. He walked around the bush like standing right there in
13 the yard and stated his name.

14 Q. All right. And who was that person?

15 A. De Alewine.

16 Q. De Alewine. Now is De Alewine somebody that you had
17 invited to your residence?

18 A. No, ma'am.

19 Q. Is it somebody that you regularly associate with?

20 A. No, ma'am.

21 Q. What response did you have to that?

22 A. I told him I don't know why you in my yard, but you
23 need to get out of my yard, but I used cuss words.

24 Q. Okay. But you told him to get out of your yard?

25 A. Yes, ma'am.

1 Q. Now Batesburg, is that a large area or is it a small
2 area?

3 A. Small.

4 Q. With it being a small town, did you grow up in the
5 Batesburg area?

6 A. Yes, ma'am.

7 Q. How common is it for the people in the Batesburg area
8 to know one another?

9 A. Very common.

10 Q. I'm gonna show you what is State's 12 and ask you a
11 few questions about that. So you're Lot 15 and looking at
12 this you have shown us, where is the individual that said
13 he was De Alewine?

14 A. Like right up in there.

15 Q. Now do you know the lady who lives here, Alicia
16 Burgess?

17 A. Yes, ma'am, but I call her Ms. Vicki.

18 Q. So she goes -- she's also known as Ms. Vicki?

19 A. Yes, ma'am.

20 Q. Does she have any grandchildren?

21 A. Yes, ma'am.

22 Q. And do you know the names of her grandchildren at
23 Lot 16?

24 A. Yeah, but not -- you know, just...

25 Q. Okay. But you know -- does she have a grandson?

- 1 A. Yes, ma'am.
- 2 Q. And does she have a granddaughter?
- 3 A. Yes, ma'am.
- 4 Q. Now are those adults or teenagers or do you know?
- 5 A. Well, the grandson had just graduated and the -- the
- 6 daughter, she's -- the granddaughter is grown.
- 7 Q. All right. Now when you say just graduated, I'm gonna
- 8 ask you what did you have knowledge of to be going on in
- 9 this area, being the yard between 16 and 15, but the yard
- 10 in front of 16?
- 11 A. It was just -- I didn't know nothing about it. I
- 12 didn't even know they was throwing a graduation party.
- 13 Q. Okay. But you do have knowledge that a graduation
- 14 party is going on there?
- 15 A. (Shakes head.)
- 16 Q. Was going on there. You know that now?
- 17 A. I know now, yes, ma'am.
- 18 Q. But you only saw this individual here in this area who
- 19 identified him self as De Alewine?
- 20 A. Yes, ma'am.
- 21 Q. Now do you have any close association to anyone at
- 22 Lot 7, such as Taleka Lites?
- 23 A. No, she just -- she was just my neighbor.
- 24 Q. Okay. So you only knew them as neighbors?
- 25 A. Yeah. I mean, you know, like I said, Batesburg is

1 small, so I knew her along the way because she braids hair
2 and all that.

3 Q. Okay. Did you yourself have any prior dispute with
4 anyone at Lot 7?

5 A. No, ma'am.

6 Q. We're gonna go back to the living room photos. These
7 are in evidence. State's 70 and State's 69. You indicated
8 that after you poked your head out the door you asked that
9 individual to leave?

10 A. Yes, ma'am.

11 Q. Where do you go next?

12 A. To sit down.

13 Q. Would that be this room?

14 A. Yes, ma'am.

15 Q. The living room?

16 A. Yes, ma'am.

17 Q. What happens next?

18 A. I didn't even sit down for a good five seconds and me
19 and Shell locked eyes and we hit the floor when we heard
20 the first boom and the next thing we know it was just
21 multiple shots and we were screaming to both our girls to
22 get down because we knew they was both on separate ends of
23 the house.

24 Q. You knew your daughter Jamiyah was in her room?

25 A. Yes, ma'am.

1 Q. And you knew Minor was in your room?

2 A. Yes, ma'am.

3 Q. So looking here at this photo, where do you go?

4 A. I dropped right there like on the floor. I laid my
5 body like that way.

6 Q. To the floor?

7 A. Yes, ma'am.

8 Q. Had you heard one shot or more than one shot?

9 A. We heard the first shot and it was multiple after
10 that.

11 Q. Okay. Those first shots, let me ask you about that.
12 You are here in Lot 15?

13 A. Yes, ma'am.

14 Q. Those first shots, did they sound directly outside or
15 what, if anything, did you determine in that regard?

16 A. It just sounded like it was coming -- I don't -- it
17 just sounded like it was coming just like -- just like on
18 the exhibit. It was close. It sounded like it was like
19 coming from like right up over there.

20 Q. Okay. So looking here at this, they sounded like they
21 weren't immediately outside?

22 A. No, ma'am.

23 Q. All right. Could they have been coming from Lot 7?

24 A. They could. Possibly.

25 Q. Okay. But they didn't sound like they were directly

- 1 outside of your home?
- 2 A. No, ma'am.
- 3 Q. What happened next?
- 4 A. We both land -- we all land on the floor with the
- 5 girls and my baby Miyah she comes crawling up this way.
- 6 As she's crawling, my door opens and my brother Deterious
- 7 comes in and we tell him to hit the floor because he's
- 8 already screaming for us to hit the floor, which we was
- 9 already on the ground, and he just laid in the hallway with
- 10 Miyah. He stopped Miyah like right up in there and they
- 11 just laid on the floor together right there.
- 12 Q. All right. So your brother comes inside and is now
- 13 with your oldest daughter?
- 14 A. Yes, ma'am.
- 15 Q. Did you see him during this interaction?
- 16 A. Talking about outside?
- 17 Q. Do you see Deterious after he comes in?
- 18 A. Yes, ma'am.
- 19 Q. Okay. When he comes in, is he armed?
- 20 A. No, ma'am.
- 21 Q. Does he appear to have a gun on his person?
- 22 A. No, ma'am.
- 23 Q. So he -- he's inside with you guys?
- 24 A. Yes, ma'am.
- 25 Q. Is this while the shots are going on?

1 A. Yes, ma'am.

2 Q. What else do you do?

3 A. I told him to shut my door and as he shut my door,
4 I'm still screaming to the top of my lungs and Shell tells
5 me to shut up, and when I shut up, I looked and I seen
6 Minor's legs like cut off where the refrigerator is, like
7 facing the stove, but facing long ways like that way.

8 Q. So from where you are you can see her here?

9 A. Yes, ma'am.

10 Q. Were her legs moving?

11 A. No, ma'am.

12 Q. What happened next?

13 A. I -- I screamed. I was like Shell and she was saying
14 what to me and I -- I just pointed, I couldn't do nothing
15 but point, and she stands up and goes over and lifted her
16 arm and dropped it back down and runs out the door, and I'm
17 screaming for her not to run out the door.

18 Q. Okay. What was Shell's state of mind at this point?

19 A. I don't know. I think she -- me, personally, I think
20 -- I don't know because it kind of scared me. I didn't
21 know if she was gonna get taken out, too, you know. My
22 first instinct was the baby wasn't moving. I don't...

23 Q. Did she seem to be her normal self or not her normal
24 self?

25 A. No, ma'am, she wasn't.

1 Q. She had found Minor ?

2 A. Yes, ma'am. I don't know what she seen and that's
3 what made her run, but whatever she seen she just couldn't
4 take it.

5 Q. Had you gone to Ta'Shya yet?

6 A. No, ma'am, I never went. She told me to go look as
7 she was walking out the door and I never moved. I just
8 stood there in shock.

9 Q. And who called 9-1-1 from your residence?

10 A. Me.

11 Q. There is State's 81 already in evidence. I'm gonna
12 ask you whether or not you had an opportunity to listen to
13 this 9-1-1 recording?

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

15 Q. And whose voice is making this call?

16 A. Me.

17 Q. Now during the course of this call, does anyone come
18 into your home?

19 A. Yes, ma'am.

20 Q. Who comes into your home during the course of this
21 call?

22 A. A bunch of people. I just -- it was a bunch.

23 Q. Okay. At any point in time does that individual
24 who you had identified as being outside by the name of
25 De Alewine appear?

1 A. Yes, ma'am.

2 Q. And what is your reaction to that?

3 A. To get out of my -- to get out of my house.

4 Q. And why did you have that reaction?

5 A. Because that's who I had seen outside.

6 Q. Prior to you hearing gunshots?

7 A. Yes, ma'am.

8 MS. MAYES: Permission to publish, Your Honor?

9 THE COURT: Granted. Publish it.

10 (Whereupon, State's Exhibit Number 81 was played.)

11 BY MS. MAYES:

12 Q. And in that moment you're referring to Minor as the
13 12-year-old?

14 A. Yes, ma'am.

15 Q. And at the point we hear you say get the "F" out my
16 house, is that what you -- referencing your conversation
17 to who had entered your house?

18 A. Yes, ma'am.

19 Q. The Alewine subject?

20 A. Yes, ma'am.

21 Q. Did you stay and meet with law enforcement there at
22 the scene?

23 A. Yes, ma'am.

24 Q. Does that also include Minor 's mom, Shell Jay?

25 A. Yes, ma'am.

1 Q. And are you also familiar with some other subjects
2 from the neighborhood that came in to assist if they could?

3 A. Yes, ma'am.

4 Q. To assist Minor in any way?

5 A. Yes, ma'am.

6 Q. Looking here at these photos, who do we see there on
7 that law enforcement body cam?

8 A. Me.

9 Q. And here on State's 64?

10 A. Shell.

11 Q. I'll show you State's 65.

12 A. Kelly.

13 Q. You recognize this young lady?

14 A. Yes, ma'am.

15 Q. Is she also there at the scene that night speaking
16 with law enforcement?

17 A. Yes, ma'am.

18 Q. Did she also come inside to try and assist Minor?

19 A. Yes, ma'am.

20 Q. I'm gonna show you what is 46 in evidence. Was that
21 damage done to your refrigerator prior to that night?

22 A. No, ma'am.

23 Q. Okay. I'm gonna show you what is State's 49 and 48
24 in evidence.

25 MS. MAYES: Your Honor, we believe there are several

1 that are going to be Court's exhibits that are now being
2 offered as exhibits beginning with 48, 49 --

3 THE COURT: Okay.

4 MS. MAYES: -- 42, 43, 44, 51 and 50.

5 MS. WILLIAMS: No objection to the introduction.

6 THE COURT: All right. And these will just be
7 correlated over with the same number as the Court's
8 exhibit to State's exhibit.

9 They're admitted.

10 (State's Exhibit Number 42, 43, 44, 48, 49, 50
11 and 51, photographs, were admitted into evidence.)

12 BY MS. MAYES:

13 Q. Looking here at this diagram, Ms. Jackson, where had
14 you shown us that Jamiyah's room was?

15 A. Right there.

16 Q. Was she in that room when shots rang out?

17 A. Yes, ma'am.

18 Q. How many shots would you estimate you heard as you're
19 on the floor there in your living room?

20 A. I couldn't even count.

21 Q. Too many to count?

22 A. Yes, ma'am.

23 Q. What did it sound like to you?

24 A. An Army base.

25 Q. This is Jamiyah's room?

1 A. Yes, ma'am.

2 Q. I'm gonna show you what is State's 48 in evidence.
3 Was that damage done to the mirror in her room prior to
4 that night?

5 A. No, ma'am.

6 Q. Take another look here at State's 49. Two different
7 locations of damage?

8 A. Yes, ma'am.

9 Q. Was that mirror damaged prior?

10 A. No, ma'am.

11 Q. I'm gonna show you a photograph of your washer --
12 your dryer, State's 42. Was this damage done to your dryer
13 prior to that night?

14 A. No, ma'am.

15 Q. I'm gonna show you what is State's 43. These defects
16 in your wall in three locations, had they been done -- were
17 they present at your house prior to that night?

18 A. No, ma'am.

19 Q. I'll show you what is State's 44. Do you recognize
20 that floor?

21 A. Yes, ma'am.

22 Q. Were there any fragments on your bathroom floor prior
23 to that night?

24 A. No, ma'am.

25 Q. I'm gonna show you what is State's 51 underneath your

1 home. Did that exist prior to that night?

2 A. No, ma'am.

3 Q. State's 50. What are we looking at in this
4 photograph?

5 A. The top of my trailer.

6 Q. Did that damage exist to your roof prior to that
7 night?

8 A. No, ma'am.

9 Q. Now the defendant, Quayshaun Clark, did you have any
10 prior interactions with him before this night?

11 A. No, ma'am.

12 Q. Was he someone who had ever visited your home or been
13 inside your home or anything of that nature?

14 A. No, ma'am.

15 Q. Do you know an individual by the name of DJ or Donald
16 Jackson?

17 A. Yes, ma'am.

18 Q. Is DJ or Donald Jackson related to you in any way?

19 A. Yes, ma'am.

20 Q. How so?

21 A. My first cousin.

22 Q. Do you know if DJ or Donald Jackson is related to the
23 individuals at Lot 7 in any way?

24 A. Yes, ma'am.

25 Q. How so?

1 A. I don't -- her mom -- I mean, his mom and Taleka's mom
2 are cousins.

3 Q. So he is a cousin to the individuals at Lot 7 as well?

4 A. Yes, ma'am.

5 Q. Now do you have personal knowledge regarding the
6 defendant, Quayshaun Clark, also known as Ace, and whether
7 he is related in any way to Donald Jackson, known as DJ?

8 A. Yes, ma'am.

9 Q. How are they related?

10 A. By -- I call him Shaun, I don't call him Ace. His dad
11 and DJ's mom are cousins.

12 Q. Okay. So the defendant, Quayshaun Clark, is also
13 related to Donald Jackson, who has relatives at this
14 location?

15 A. Yes, ma'am.

16 Q. Who's called DJ?

17 A. (Nods head.)

18 Q. And you said that you referred to the defendant most
19 commonly not as Ace, but by what name?

20 A. Shaun.

21 Q. Shaun. Okay. So you had known him or known of him
22 prior to this night?

23 A. Yes, ma'am.

24 Q. What I'm gonna do now is just ask you on this chart,
25 if you can for demonstrative purposes, to tell us who you

1 recall being at these various locations. I'll call this
2 State's 179, but I'm gonna put it right up here, and I
3 believe you've already indicated that Lot 7, you know that
4 home to be the home of who?

5 A. Taleka.

6 Q. Taleka. And her last name?

7 A. Lites.

8 Q. And you know that Lot 16 is the home of who?

9 A. Ms. Vicki.

10 Q. Ms. Vicki, whose name is Alicia Burgess?

11 A. Yes, ma'am.

12 Q. But has two grandchildren that you know of?

13 A. Yes, ma'am.

14 Q. And Lot 15 is your home?

15 A. Yes, ma'am.

16 Q. So here for inside I'm gonna write your name Comilla.

17 Your daughters Jamiyah --

18 A. Yes, ma'am.

19 Q. -- and Princess.

20 A. Yes, ma'am.

21 Q. And then also visiting that night was Shell?

22 A. Yes, ma'am.

23 Q. And just to clarify, Shandrika Jay goes by what name?

24 A. Shell.

25 Q. Okay. So Shell Jay?

- 1 A. Yes, ma'am.
- 2 Q. Her daughter Minor ?
- 3 A. Yes, ma'am.
- 4 Q. And then her youngest daughter Akia?
- 5 A. Yes, ma'am.
- 6 Q. And then you said that as the shooting starts someone
- 7 else comes inside?
- 8 A. Yes, ma'am.
- 9 Q. Who is that person?
- 10 A. Deterious Jackson.
- 11 Q. Your younger brother?
- 12 A. Yes, ma'am.
- 13 Q. And you said that outside prior to the shooting you
- 14 had seen an individual that identified himself as
- 15 De Alewine?
- 16 A. Yes, ma'am.
- 17 Q. Did you see any other person outside?
- 18 A. No, ma'am.
- 19 Q. Did you see any other person shooting?
- 20 A. No, ma'am.
- 21 Q. Did you see anyone firing shots?
- 22 A. No, ma'am.
- 23 Q. You could only hear shots?
- 24 A. Yes, ma'am.
- 25 Q. And I believe your testimony is that it's impossible

1 to identify how many shots you heard?

2 A. Yes, ma'am.

3 MS. MAYES: I beg the Court's indulgence.

4 THE COURT: Take your time.

5 BY MS. MAYES:

6 Q. And in addition to you staying behind and talking with
7 law enforcement, did law enforcement enter your home there
8 to assist with first -- as first responders for Minor ?

9 A. Yes, ma'am.

10 Q. And then ultimately to process that scene as a crime
11 scene?

12 A. Yes, ma'am.

13 MS. MAYES: Nothing further, Ms. Jackson.

14 THE COURT: Ms. Williams.

15 MS. WILLIAMS: May it please the Court?

16 CROSS-EXAMINATION

17 BY MS. WILLIAMS:

18 Q. Good afternoon, Ms. Jackson.

19 A. Hello.

20 Q. Hi. I would like to start with getting you to look at
21 a couple more photographs.

22 If I may approach, Your Honor?

23 THE COURT: You may.

24 (Defendant's Exhibit Numbers 1 through 4 were marked
25 for identification.)

1 BY MS. WILLIAMS:

2 Q. Okay. I'm gonna show you Defendant's Exhibit 1. Do
3 you recognize that?

4 A. That's my room.

5 Q. That's your bedroom?

6 A. Uh-huh.

7 Q. And is that how it looked that evening?

8 A. Well, Minor -- I had my bed made up, but she probably
9 messed it up.

10 Q. So you wouldn't disagree that this is probably how it
11 looked that evening?

12 A. Yes, ma'am.

13 Q. Okay. I'm gonna show you Defendant's Exhibit
14 Number 2. Do you recognize that?

15 A. Yes, that's my door.

16 Q. Which door?

17 A. The -- the door that swings open. I didn't have one
18 of those stopper things.

19 Q. Is that the door to your bathroom?

20 A. No, that's my front room door, ain't it? Oh, that's
21 my bathroom door. Yeah.

22 Q. All right. Is that how it looked that evening?

23 A. Uh-huh.

24 Q. Do you recognize this?

25 A. That's my bathroom.

- 1 Q. And is that how it looked that evening?
- 2 A. No, ma'am.
- 3 Q. It didn't look like that?
- 4 A. Well, that didn't, but my curtains and stuff, yeah.
- 5 Q. So that was not there that evening?
- 6 A. No, ma'am.
- 7 Q. Okay. And that's a close-up?
- 8 A. Yeah.
- 9 Q. And is that your --
- 10 A. That's my bathroom, but that wasn't there before.
- 11 Q. That wasn't there before. Are you disputing that it
- 12 was there that evening --
- 13 A. No, it wasn't there at all.
- 14 Q. It wasn't there at all?
- 15 A. Unh-unh.
- 16 Q. Okay. So these two photos of your bathroom show
- 17 things that weren't there that evening?
- 18 A. Right.
- 19 Q. Okay. But you agree that these two photos show things
- 20 that were?
- 21 A. Yes, ma'am.
- 22 Q. Okay. For the record, the ones that show that they
- 23 were are Defendant's 1 and 2?
- 24 A. Right.
- 25 Q. But you're disputing that 3 and 4 represent that

1 evening?

2 A. Right.

3 Q. Okay.

4 MS. WILLIAMS: At this time Defendant would like
5 to move Defendant's Exhibits 1 and 2 in evidence.

6 MS. MAYES: No objection.

7 THE COURT: They're admitted.

8 (Defendant's Exhibit Number 1 and 2, photographs,
9 were admitted into evidence.)

10 BY MS. WILLIAMS:

11 Q. Now, Ms. Jackson, will you please tell the jury again
12 what this photo is showing.

13 A. That's my bedroom.

14 Q. And I believe you made the comment that you thought
15 Minor might have messed up your covers?

16 A. Yes.

17 Q. Okay. Does it also show your bathroom?

18 A. Yes.

19 Q. Okay. Looking at Exhibit 2, can you please let the
20 jury know again what that shows?

21 A. That's my door to my bathroom.

22 Q. Okay. And was this defect here before the shooting?

23 A. Yes, ma'am.

24 Q. It was?

25 A. Yes, ma'am. That's where the door -- if you swing the

1 door open, that's where the knob hits it and it puts a hole
2 in it. I have a 5-year-old, so she's opening and slamming
3 the door open, so it put a hole in it.

4 Q. Okay. I'm gonna put Exhibit 1 up here again -- and
5 I'm gonna mess this up. I think that's good. Ms. Jackson,
6 what is that?

7 A. I can't tell.

8 Q. You can't tell?

9 A. (Shakes head.)

10 Q. Okay.

11 MS. WILLIAMS: Begging the Court's indulgence.

12 THE COURT: Take your time.

13 MS. WILLIAMS: Found it.

14 BY MS. WILLIAMS:

15 Q. All right. I'm gonna show you State's Exhibit 90 and
16 do you have a pointer up there with you?

17 A. I do.

18 Q. Okay. Would you please -- I'm too far down. There we
19 go.

20 Okay. Would you please show the jury where your
21 master bedroom is again.

22 A. (Witness complies.)

23 Q. And is that the picture that we saw as Defense Exhibit
24 Number 1?

25 A. Yes, ma'am.

1 Q. Okay. And will you please show the jury where your
2 bathroom is?

3 A. (Witness complies.)

4 Q. And is that the door -- the door to that bathroom is
5 what we saw in defense Exhibit Number 2?

6 A. Yes, ma'am.

7 Q. Okay. Thank you, ma'am.

8 All right. So you mentioned that you lived there with
9 your brother Deterious; is that correct?

10 A. Yes, ma'am.

11 Q. Does Deterious go by anything else?

12 A. DT.

13 Q. DT?

14 A. Yes.

15 Q. Okay. And you said that he came in when the shooting
16 started; is that correct?

17 A. Yes, ma'am.

18 Q. Where was he before?

19 A. I don't know. I didn't even know he was home.

20 Q. Okay. That night did you speak with -- you mentioned
21 you spoke with law enforcement about what happened?

22 A. Uh-huh.

23 Q. Did you tell law enforcement that you believed the
24 gunshot started at the side of the residence and continued
25 down the back side of your house?

1 A. Yes, ma'am.

2 Q. You did?

3 A. (Nods head.)

4 Q. Well, today you said that it sounded like gunshots
5 weren't immediately outside.

6 A. No, I never said that.

7 Q. You didn't say that today?

8 A. No, ma'am.

9 Q. Okay. It looks like -- let's see. Let me ask you
10 this. Did you also tell law enforcement that the person
11 you saw outside was Devarus Pugh?

12 A. No, ma'am.

13 Q. So do you recall speaking at all with Detective
14 Gilliam?

15 A. Uh-huh.

16 Q. Okay. Do you recall giving an interview on June 18th?

17 A. I do.

18 Q. Okay. Do you recall that interview being recorded at
19 all?

20 A. Yes, ma'am.

21 Q. Okay. So if we were to put Detective Gilliam up on
22 the stand and were to put in a recording, you don't think
23 that it would say that you identified Devarus Pugh standing
24 in the yard?

25 A. I never say he stood in the yard. I said he drove by.

1 I seen -- I did see his -- the end of his car, but I can't
2 tell if that was his car or Demontrell's car because
3 they've got similar cars.

4 Q. Okay. And who is Demontrell?

5 A. Wigfall.

6 Q. And what is Demontrell's -- is he related to anybody
7 who was there?

8 A. I'm not sure. I don't think so.

9 Q. Okay. So let me get this -- you think that you saw
10 Devarus' car?

11 A. Yeah, I did see a car go through my yard.

12 Q. Okay. So you didn't tell Investigator Gilliam that
13 you saw him in your yard though?

14 A. No, ma'am.

15 Q. Okay. That same interview that you recall being
16 recorded, do you recall telling Detective Gilliam that
17 your brother was scared?

18 A. Yes.

19 Q. Who was he scared of?

20 A. I can't say. He just -- I don't know. He never --
21 he don't speak on it, so I don't know. I just know what
22 -- I seen the fear. I know my brother for all these years,
23 so I know the fear in him.

24 Q. Yeah, and that makes -- and I think anybody
25 understands you being concerned about your brother.

1 A. Of course.

2 Q. Do you recall telling Detective Gilliam that you were
3 afraid and that the person -- that your brother was afraid
4 and that the person that you thought he was afraid of was
5 this dude name Var?

6 A. Uh-huh.

7 Q. Why do you think that this dude named Var had your
8 brother scared?

9 A. Because he was already in my inbox or in everybody
10 else's inbox that was kin to us stating what he would do
11 or whatever or whatever.

12 Q. And you don't know where your brother was before he
13 came inside?

14 A. No, ma'am.

15 MS. WILLIAMS: Thank you, Ms. Jackson.

16 THE WITNESS: You're welcome.

17 THE COURT: Any redirect?

18 MS. MAYES: Yes, Your Honor. Briefly.

19 THE COURT: Okay.

20 REDIRECT EXAMINATION

21 BY MS. MAYES:

22 Q. So just to clear up a little bit more, you saw the
23 individual that you say identified as De Alewine actually
24 standing outside?

25 A. Yes, ma'am.

1 Q. And you also believed that a car consistent with
2 someone you know was outside or in your yard area?

3 A. Yes, ma'am.

4 Q. And looking here at this, I'm gonna ask you whether
5 or not that would include this area here?

6 A. You're referring to the car?

7 Q. Yes.

8 A. No, ma'am. It came around the back of my yard.

9 Q. Okay. And did it come out this way?

10 A. Yes, ma'am. Yes, ma'am.

11 Q. And who did you -- who do you believe that car may
12 have belonged to?

13 A. It's either Var Pugh, I think that's his last name, or
14 Demontrell Wigfall.

15 Q. Okay. If it's Var Pugh, let me ask you this. Is Var
16 Pugh a relative of yours?

17 A. No, ma'am.

18 Q. Is Demontrell Wigfall a relative of yours?

19 A. They say that he is, but you know how small towns is.

20 Q. It's Batesburg?

21 A. Yes, ma'am.

22 Q. But did any of those individuals have your permission
23 to be in your yard that night?

24 A. No, ma'am.

25 MS. MAYES: Nothing further.

1 THE COURT: Can I -- anything else?

2 MS. WILLIAMS: No, Your Honor. Nothing further of
3 this witness.

4 THE COURT: May I excuse Ms. Jackson from the trial
5 of this case?

6 MS. MAYES: Yes, Your Honor. She is exempt from
7 sequestration.

8 THE COURT: Okay. You can step down, Ms. Jackson.
9 You can be excused. Thank you.

10 (Witness excused.)

11 MS. MAYES: The State calls Kelly Conyers.

12 THE CLERK: Place your left and raise your right.

13 (Whereupon, Kelly Conyers was duly sworn by the
14 Clerk of Court.)

15 THE CLERK: Have a seat right up there, ma'am.
16 Once you're seated, state your full name; spelling your
17 last, please.

18 THE WITNESS: My name is Kelly Conyers. My last
19 name is spelled C-O-N-Y-E-R-S.

20 THE COURT: You can sit down and you can pull that
21 microphone right to you.

22 THE WITNESS: Yes, ma'am.

23 THE COURT: Thank you.

24 KELLY CONYERS,

25 having been duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MS. PATTERSON:

3 Q. Good afternoon, Kelly.

4 A. Good afternoon.

5 Q. Will you do me a big favor and let me take your gum
6 out of your mouth.

7 A. Yes.

8 THE COURT: Let me give you trash can.

9 Thank you.

10 THE WITNESS: Yes, ma'am.

11 MS. PATTERSON: Thank you.

12 BY MS. PATTERSON:

13 Q. Kelly, where are you from?

14 A. I'm from Batesburg-Leesville.

15 Q. Do you still live in Batesburg?

16 A. I do.

17 Q. Lived there all your life?

18 A. Yes, ma'am.

19 Q. And what are you currently doing? I see you're in
20 uniform.

21 A. I go to school for my MA.

22 Q. How much longer do you have?

23 A. Like twenty something weeks left.

24 Q. Kelly, were you at Rocky Lane Mobile Home Park on
25 June 9th of 2021?

1 A. I was.

2 Q. And what were you doing there?

3 A. I was with some friends and family at a little
4 graduation slash birthday party.

5 Q. And is this a place that you go to often?

6 A. I have.

7 Q. And who all do you know that live out there?

8 A. Kira. Well, she doesn't live there anymore, but Kira,
9 Jeron, Ms. Vicki. Well, Taleka was living there, but she
10 doesn't live there anymore. Val and Shan -- I mean, is it
11 Shan? Shane. Shan.

12 Q. And do you have a pointer up there with you?

13 A. (Indicating.)

14 Q. And looking at State's Exhibit Number 12 that's just
15 conveniently up here for us, do you recognize what's in
16 this picture?

17 A. I do.

18 Q. And what do you recognize this to be?

19 A. It's the Rocky Lane Mobile Park Home.

20 Q. And so when you went there on June 9th of 2021, how
21 did you get there?

22 A. First we started off at someone else's house -- at
23 someone else's house that stay in Batesburg and we found
24 out they were having a little graduation slash birthday
25 party, so we went. I parked my car over here at Lot 16

1 and we went over here to Lot 7.

2 Q. And, again, who lives over at Lot 16?

3 A. My cousin Vicki, Jeron, and, of course, Kira and
4 Mariah, but they don't live there anymore.

5 Q. And so those are relatives of yours over at Lot 16?

6 A. Vicki, Kira and Jeron were, yeah.

7 Q. And who lived over at Lot 7?

8 A. Taleka, Shan and Val.

9 Q. And are those relatives or friends of yours?

10 A. Val and Taleka are, but not Shan.

11 Q. And I think you said you went over there to go to a
12 graduation party?

13 A. Yes, ma'am.

14 Q. And were there a lot of people there when you first
15 got there?

16 A. I mean, yeah, it was just the same usual people that's
17 usually there.

18 Q. Okay. And when you mean usual, so you hang out over
19 at Lot 7 a lot?

20 A. I mean, I'm not gonna say a lot, but, you know, on the
21 weekends, you know, we'll go over there.

22 Q. And when you first got there, who -- who all do you
23 remember being there?

24 A. Me, Taleka, Ace, Val, Shan, Wanda, Fresh, DeRoyce. It
25 was just so many people. I mean, then I can name off my

1 hand, but it was a lot of people.

2 Q. Okay. And you mentioned someone named Ace. Do you
3 know Ace's real name?

4 A. Shaun.

5 Q. Do you know his last name?

6 A. Clark.

7 Q. And how do you know Shaun Clark?

8 A. That's my cousin. Me and him used to hang out some.

9 Q. And is that Quayshaun Clark?

10 A. Yeah.

11 Q. Okay. Do you recognize him in the courtroom?

12 A. I do.

13 Q. Where is he?

14 A. He's over there.

15 Q. And what is he wearing?

16 A. He's got a suit on. A gray suit. Gray and pink suit.

17 MS. PATTERSON: Your Honor, let the record reflect
18 that Kelly has identified the defendant, Quayshaun Clark.

19 THE COURT: The record reflects it.

20 BY MS. PATTERSON:

21 Q. And describe to the jury like the mood of everything
22 going on that day.

23 A. We was having a great day. We was having a great day.
24 It was great. We was having a fun time. It was what we
25 usually would do when we was over there.

1 Q. And at any point during the day did the tone of the
2 party change?

3 A. It did when DJ got there.

4 Q. When DJ got there?

5 A. Yeah.

6 Q. Now was this daytime, nighttime or what time of the
7 day was it?

8 A. Well, when I came out the house, it was like nine --
9 I would say about ten something. Something just kept
10 telling me like go, like leave, leave, leave, leave, so
11 when I went out the door, that's when everything started
12 kicking off.

13 Q. Now before we get into that, at any point during that
14 day did you see the defendant, Quayshaun Clark -- did you
15 see a gun?

16 A. I didn't see it in his hand, but I seen it in the
17 trunk.

18 Q. In the trunk of what?

19 A. Of a black -- I guess a Lincoln or what's the other
20 name? A Crown Vic. I just know it was one of those two.
21 Something like that. I'm not really good with, you know,
22 naming cars.

23 Q. And did you know whose car this was?

24 A. I knew it was Ace's car.

25 Q. So it was Quayshaun's car?

- 1 A. (Nods head.)
- 2 Q. And where in the car did you see this gun?
- 3 A. In the trunk in a bag.
- 4 Q. In the trunk in a bag?
- 5 A. A black bag. I would call it like a duffle -- I
- 6 guess like a duffle bag.
- 7 Q. Okay. And it was in the trunk of his car?
- 8 A. (Nods head.)
- 9 Q. Was it open?
- 10 A. Yes.
- 11 Q. And do you remember what the gun looked like?
- 12 A. It was long, black and just had a little clip.
- 13 Q. A little clip?
- 14 A. I mean, you know, not little, but, I mean, just
- 15 something that would fit that -- something that would fit
- 16 that gun.
- 17 Q. And about how long was the gun?
- 18 A. It was a pretty long one, but, you know, it was bigger
- 19 than a handgun.
- 20 Q. Okay. And what color was it?
- 21 A. It was black.
- 22 Q. And you didn't see it in his hand during this time,
- 23 did you?
- 24 A. Never seen it in his hand.
- 25 MS. PATTERSON: I beg the Court's indulgence.

1 THE COURT: Take your time.

2 BY MS. PATTERSON:

3 Q. Kelly, I'm gonna show you what's been marked as
4 State's Exhibit 75, first of all, and do you recognize
5 that?

6 A. I do.

7 Q. Let me just back up and ask you this. On June 9th of
8 2021, did you have Snapchat?

9 A. I did.

10 Q. And were you friends on Snapchat with someone named
11 Taleka Lites?

12 A. I was.

13 Q. And were you able to view a video on Snapchat that
14 memorialized what was going on that day over at Lot 7?

15 A. Yes, ma'am.

16 Q. And do you -- what do you recognize State's Exhibit 75
17 to be?

18 A. A video. A CD.

19 Q. Okay. Is that the CD of the Snapchat that you viewed?

20 A. Yes, ma'am.

21 MS. PATTERSON: Your Honor, at this time we move
22 State's Exhibit 75 into evidence I think without
23 objection.

24 THE COURT: Any objection?

25 MS. WILLIAMS: No objection, Your Honor.

1 THE COURT: Okay. It's admitted.

2 (State's Exhibit Number 75, a Snapchat video, was
3 admitted into evidence.)

4 BY MS. PATTERSON:

5 Q. Okay. And I'm gonna show you --

6 MS. PATTERSON: I beg the Court's indulgence.

7 Your Honor, I'm gonna show the witness three items
8 that were marked as Court's exhibits on yesterday that
9 we now we would seek to enter into as State's Exhibits.
10 21, 22, and 36.

11 THE COURT: Okay. You can show them to her, lay a
12 foundation, and then I'll turn to the defense.

13 MS. PATTERSON: Yes, ma'am. And also State's
14 Exhibit 74.

15 BY MS. PATTERSON:

16 Q. Kelly, can you take a look at these?

17 A. (Nods head.)

18 Q. And do you recognize what's in those photographs?

19 A. Yes, ma'am.

20 Q. And what do you recognize them to be?

21 A. Videos of us getting lit that day.

22 Q. Okay. And was that at the party over at Lot 7 on
23 June 9th of 2021?

24 A. Yes, ma'am.

25 Q. And are you able to identify yourself and others from

1 that party that day?

2 A. I can.

3 Q. Does it look like it's been changed or altered in any
4 way?

5 A. No, ma'am.

6 MS. PATTERSON: Your Honor, at this time we move
7 State's exhibits 21, 22, 36 and 74 into evidence.

8 THE COURT: All right.

9 MS. WILLIAMS: Without objection, Your Honor.

10 THE COURT: No objection?

11 MS. WILLIAMS: No objection.

12 THE COURT: All right. They're admitted.

13 (State's Exhibit Number 21, 22, 36 and 74,
14 photographs, were admitted into evidence.)

15 MS. PATTERSON: Your Honor, permission to publish
16 State's Exhibit 75?

17 THE COURT: You may.

18 (Whereupon, State's Exhibit Number 75 was played.)

19 BY MS. PATTERSON:

20 Q. Kelly --

21 A. Yes, ma'am.

22 Q. -- who was some of the guys that you were able to
23 identify on that video that was outside of Lot 7?

24 A. Fresh, Nash, of course, Ace.

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

- 1 A. I don't.
- 2 Q. And I think you said Nash?
- 3 A. Yeah.
- 4 Q. Do you know Nash's real name?
- 5 A. I don't.
- 6 Q. And you said Ace?
- 7 A. Yeah.
- 8 Q. And that's Quayshaun Clark?
- 9 A. Yeah.
- 10 Q. Anyone else?
- 11 A. I mean, I know some, but I don't know everybody's --
- 12 you know, everybody's real name. But, yeah, Fresh, Nash,
- 13 Ace. I mean, I was talking to his dad. His dad was out
- 14 there with us, but he ended up leaving, but I call him
- 15 Boo Boo.
- 16 Q. And, I'm sorry, I think I -- and this is who you were
- 17 able to see outside?
- 18 A. Yeah, these were outside. Yes, ma'am.
- 19 Q. So I apologize.
- 20 A. And the other, I think his name's Red -- Red or -- I
- 21 don't know everybody's name like that, but I think his name
- 22 was Red that was outside with us.
- 23 Q. Okay. And looking at State's Exhibit 21, who's in
- 24 that photograph?
- 25 A. Ace and Fresh.

- 1 Q. And in this photograph?
- 2 A. That's Nash right --
- 3 Q. Use your pointer.
- 4 A. That's Nash right here. That's me, of course, and
- 5 that's me and Boo talking, and that's Kira, and this is
- 6 Little Mike, MK.
- 7 Q. All right. And do you know --
- 8 A. I can't -- I can't make out who these females is.
- 9 It's too dark, so I really can't make out who they are.
- 10 Q. That's fine. And do you recognize whose car this is?
- 11 A. Yeah.
- 12 Q. And whose car is that?
- 13 A. It's Ace's car.
- 14 Q. Ace's car. And is that his trunk that's open?
- 15 A. That's what it looks like.
- 16 Q. Okay. And is that where you saw the black bag that
- 17 contained the long black gun inside the trunk?
- 18 A. Yes.
- 19 Q. And State's 22, would that be a better picture of it?
- 20 A. Yeah.
- 21 Q. Okay. And that's how the trunk was when you were able
- 22 to see inside?
- 23 A. Yes, ma'am.
- 24 Q. And I think you said at one point the tone of the
- 25 party changed?

1 A. It did.

2 Q. And can you tell us what happened?

3 A. Okay. Well, I'll explain from when I was inside. So
4 me and Mariah, we was sitting inside. Everybody -- I mean,
5 everybody had ended up coming in the house, then everybody
6 went outside, but we probably sat in there like thirty
7 minutes after everybody went outside and I was just getting
8 a feeling like you need to go, you need to go, you need to
9 go, so I go outside, you know, and --

10 Q. And, again, what time of the day was this?

11 A. It was at night. It was like ten. It was like ten.
12 A little bit after ten. Like 10:10, 10:12, something like
13 that.

14 Q. Okay.

15 A. So I go outside. We go out the back door, but, I
16 mean, we call it the front door because we always go out
17 that way, but we came out the back door and DJ was at the
18 steps. On the back of the porch at the steps. It was in
19 one of the pictures you had.

20 Q. So is that the back door that you're referring to?

21 A. Yeah.

22 Q. Okay.

23 A. So I got right there, came out the door, went to the
24 steps, DJ was hollering and screaming and everybody was
25 trying to tell him to hush and go on, and people were going

1 everywhere. So I heard people saying there's too much BS
2 going on and this and that, so I asked my cousin Kira, I
3 was like what's going on, Bud, what's going on, and she was
4 like hold on, hold on --

5 MS. WILLIAMS: Objection, Your Honor.

6 MS. PATTERSON: And without saying what she --

7 THE COURT: Hang on. You can't -- you can't say what
8 somebody else told you, okay?

9 THE WITNESS: Oh, no, I'm just --

10 THE COURT: That's hearsay. So let's back up and
11 start over.

12 BY MS. PATTERSON:

13 Q. Without saying what your cousin may have told you --

14 A. Okay. So she's on the phone. We were all -- I said
15 well, I'm about to go. So everybody started arguing, so
16 I'm going across the road, me, Kira and -- me, Kira and
17 Mariah are going across the road, so then we see Kay Norris
18 following behind us. I know that him and Kira had some
19 prior beef before, so I'm telling her to run. He pulls up
20 -- he pulls up his shirt and he has a gun right here in his
21 waistband, so I told her to run.

22 Q. Okay. Let me stop you right now, Kelly, because you
23 gave us a lot. You mentioned DJ. Where was DJ when you
24 saw him?

25 A. Okay. When I seen DJ, I saw DJ right here -- right

1 here where these steps is.

2 Q. Okay.

3 A. Yeah, I didn't see him when I was going across the
4 road.

5 Q. Okay. And would that be at Lot 7?

6 A. Yeah.

7 Q. Okay.

8 A. So leaving here --

9 Q. Let me just get that up. I'm sorry. And you said DJ
10 was yelling?

11 A. Yeah.

12 Q. And could you tell in particular who he was directing
13 that -- his yelling at?

14 A. At a boy named De Alewine that was standing over here.

15 Q. At Lot 15?

16 A. Yeah.

17 Q. Okay.

18 A. So -- but I'm gonna back up because as I'm walking,
19 I seen a bunch of people there that wasn't there earlier,
20 and that was DJ, Kay Norris, Hugo, Nitro. Yeah, they
21 wasn't there at first.

22 Q. And where did you see them at?

23 A. They was -- just everybody was just out there.

24 Q. At Lot 7?

25 A. Yeah.

1 Q. Okay. And let me just get that up. You said Kay
2 Norris?

3 A. Yeah, and Carlos, Nitro.

4 Q. Do you know Nitro's real name?

5 A. I don't.

6 Q. And do you know Hugo's real name?

7 A. I guess Carlos.

8 Q. Does DeCarlos Chatman sound right?

9 A. Yeah, that sounds right.

10 Q. And so when you get outside of Lot 7, where do you
11 see Kay Norris?

12 A. Okay. He's following us. He started following us
13 over here towards Lot 16, but he never made it all the way
14 across the road. He stopped like somewhere right here.
15 Like I said yesterday, this picture, you know, makes it
16 look like it's so far, but when you're actually there, it's
17 pretty close.

18 Q. And what, if anything, did you see on him?

19 A. I just seen a gun in his waistband.

20 Q. What type of gun was it?

21 A. A handgun.

22 Q. And when you saw this, what did you do?

23 A. I told Kira to run and we went over there. We ran
24 over there to Lot 15 and 16 and we tried to start calming
25 people down that was over here.

1 Q. So at this time those people had got upset and -- and
2 were they responding back to the people at Lot 7?

3 A. Yeah.

4 Q. And was it loud or normal range? What was the tone
5 of that?

6 A. It was very loud. It was chaos.

7 Q. And so when you and Kira -- and Kira I think you said
8 is your cousin?

9 A. Yeah, and Mariah. We were all together. Me, Kira and
10 Mariah. We walked across the road together.

11 Q. Okay. Do you remember the individuals that you-all
12 talked to over there?

13 A. Yes.

14 Q. And who was that?

15 A. You've got Jeron, DT, De Alewine, Smiley and Quaja.

16 Q. And they were over at -- between Lot 15 and 16?

17 A. Yeah, they was standing right here.

18 Q. And they was outside?

19 A. Yes, ma'am.

20 Q. And so they were in between 15 and 16?

21 A. Yes, ma'am.

22 Q. And who was that again?

23 A. We got Jeron, DT, Quaja, De Alewine. I think I said
24 his name already.

25 Q. You said Quaja?

1 A. Yeah.

2 Q. And do you know any of these real names?

3 A. Well, I know that's Quaja's real name.

4 Q. What is his name?

5 A. Quaja.

6 Q. Okay. Quaja. And you say EC?

7 A. Well, I call him Jeron, yeah.

8 Q. Do you know his last name?

9 A. Johnson.

10 Q. And where does Jeron live?

11 A. He was staying at Lot 16.

12 Q. With Ms. Vicki?

13 A. Yes, ma'am.

14 Q. Was that Ms. Vicki's grandson?

15 A. Yes, ma'am.

16 Q. Do you know how old Jeron was?

17 A. I'm guessing eighteen because they just graduated that

18 day.

19 Q. And who was "they" just graduated?

20 A. Him and Smiley.

21 Q. Okay. And, Smiley, do you know Smiley's real name?

22 A. I don't.

23 Q. So you and Kira talked to all of those individuals out

24 there that night?

25 A. Yes, ma'am.

1 Q. And you tried to calm them down I think you said?

2 A. Yes, ma'am.

3 Q. And did you notice if they had any weapons on them?

4 A. If they did, I didn't -- nobody showed them.

5 Q. Okay. And were you successful in calming them down?

6 A. No, I wasn't.

7 Q. Okay. And let's talk again -- let's go back to Kay
8 Norris. So how far did he get across that road?

9 A. He was like in the middle.

10 Q. Okay.

11 A. He never crossed like to come actually in the yard,
12 but right here.

13 Q. Okay. And then where did he go after he turned
14 around?

15 A. Went back over to Lot 7.

16 Q. Okay. And so after you were not successful in calming
17 the group down between 15 and 16, what did you do?

18 A. I left. I went -- after I tried to call them down, my
19 car was parked right here beside Vicki's house, but behind
20 Vicki's house or on the side of the house, whatever you
21 want to call it, and I was just like well, I'm fixing to
22 go, so as soon as I opened my car door I hear Carlos, you
23 know, running his mouth saying what he got to say, so I
24 looked and he was -- he had his -- he had his handgun, you
25 know, saying what he got to say, he just had it in his hand

1 and he was going like this, and it approximately had to be
2 like three or four shots at the most.

3 Q. Okay. And what, if anything, did you hear him say?

4 A. He was just like --

5 MS. WILLIAMS: Objection, Your Honor.

6 THE COURT: I agree.

7 MS. PATTERSON: It excited utterance, Your Honor.

8 THE COURT: Let me see the lawyers.

9 (Proceedings held at the bench; not reported.)

10 THE COURT: All right. Ms. Patterson, we were
11 talking about your objection.

12 Please rephrase your question.

13 BY MS. PATTERSON:

14 Q. Let me just back up a little bit, Kelly. So you
15 turned to go back to your car that was parked at Lot 16.
16 Where did you see Hugo?

17 A. He was at Lot 7 like right here.

18 Q. Okay.

19 A. There wasn't nobody -- like he wasn't, you know, in
20 the yard. He was like right here. Like I would say right
21 here across the road. Well, not all the way across the
22 road, but standing right here where the gravel is.

23 Q. And during this time was the back and forth between
24 the two groups still going on?

25 A. Yes, ma'am.

1 Q. Was it still loud?

2 A. Yes, ma'am.

3 Q. Was it still chaotic out there?

4 A. Yes, ma'am.

5 Q. And then what took your attention to Carlos? Hugo or
6 DeCarlos Chatman.

7 A. He was really the main one that wouldn't shut up.

8 Q. So was he loud?

9 A. Yes.

10 Q. Okay. And did you hear him say anything in
11 particular?

12 A. Yeah, I'm big, and then that's when he started
13 busting.

14 Q. He started busting. What does that mean?

15 A. Shooting.

16 Q. Okay. And, again, what did you see him do? How did
17 you see him shoot?

18 A. He put his hand up and he was going -- excuse me --
19 just going around in circles from where I just indicated.

20 Q. Okay. In which direction was he shooting?

21 A. He was going in circles, so he was just going really
22 everywhere.

23 Q. Okay. And about how many shots did you hear from his
24 gun?

25 A. I would give it at least three or four. It wasn't no

1 less than two.

2 Q. And what did you do once you heard these shots?

3 A. I ran inside. I ran inside to Lot 16 because my car
4 was right here. So when I heard the shots, I slammed my
5 door, looked back and seen it was him, and ran inside the
6 house and ran into the back room back here with Vicki and
7 Kira.

8 Q. Okay. And when you ran towards Lot 16, at that time
9 did you see or hear any gunfire coming from between 15 and
10 16?

11 A. When I got in inside, yeah, but, I mean, I couldn't
12 make out to see who could be -- you know, who could be
13 shooting, but, of course, I heard it. Yeah, I heard it.

14 Q. But as you're running into 16, did you hear or see any
15 shooting from that way?

16 A. No.

17 Q. So once you get inside, what do you hear?

18 A. It started going crazy.

19 Q. And what do you mean by that?

20 A. I mean, it was so many different types of guns going
21 off, different kinds of gunshots, and it lasted for a
22 little while.

23 Q. And once you got inside 16, who was in there?

24 A. It was me and Kira, Ms. Vicki and Mariah.

25 Q. And you said it was all kind of gunshots, so did all.

1 the gunshots sound the same?

2 A. No.

3 Q. And what did you hear, Kelly?

4 A. Like a pow, pow, pow and putt, putt, putt, pow, pow,
5 pow, putt, putt, all just going at the same time, so it was
6 all just mixed together.

7 Q. And how long did these shots last?

8 A. It seemed like it lasted forever, but I would give
9 it like a good two or three minutes. That's probably not
10 the right timing, but that's how I felt. Like it lasted
11 forever.

12 Q. And after the shots stopped, what did you do?

13 A. We can hear, you know, cars flying up the road, so we
14 come outside and that's when we hear Shell Jay, you know,
15 saying that they done shot her baby, so, you know, we go
16 try to comfort her while she's, you know, on the ground,
17 you know, upset, and she just told us -- she was like
18 you-all go check on my baby, so we go inside Lot 15 where
19 Comilla lives and I went in there and, you know, went in
20 there try to the best to help, but she didn't get up. So
21 we seen her laying on the floor with her head down on her
22 stomach, like right -- it was towards the back door, I know
23 that. It was like in the kitchen, but she was just lying
24 on the floor.

25 Q. And did you stay behind until law enforcement got

1 there?

2 A. I did.

3 Q. And did you talk to law enforcement?

4 A. I did.

5 Q. And did anything happen to your car out there?

6 A. It did.

7 Q. And what happened to your car?

8 A. It got shot up terribly.

9 Q. And what kind of car were you driving?

10 A. It was a silver Dodge Caliber.

11 Q. And did you report that to law enforcement that night?

12 A. I did.

13 Q. I'm gonna show you what's been entered at State's
14 Exhibit 66 and ask you if you recognize it? Do you
15 recognize that car in that picture?

16 A. Yeah. It's a little blurred, but, yeah.

17 Q. And what -- whose cars is that?

18 A. It's mine.

19 Q. And I think earlier you were saying that from that --
20 from this diagram right here it looked like it was a lot
21 of -- it looked like it was far apart, the lots, when we
22 looked at this?

23 A. Uh-huh.

24 Q. I'm gonna show you what's been entered at State's
25 Exhibit 36 and ask you to take a look at this. And this is

1 from Lot 7 as you've already testified to?

2 A. Uh-huh.

3 Q. Can you see Lot 15 and 16 in this picture?

4 A. I can, but this right here don't look like Lot 16.

5 Q. Okay.

6 A. Because if it was, my car should have been, you know,
7 like right there.

8 Q. Okay. So do you see the other -- do you see 16 in
9 this picture you think?

10 A. If I were to see 16, my car would be right there.

11 Q. Okay.

12 MS. PATTERSON: I beg the Court's indulgence.

13 THE COURT: Take your time.

14 BY MS. PATTERSON:

15 Q. So, Kelly, just to make sure that we're understanding,
16 Hugo was the first person that you saw shooting?

17 A. Yes, ma'am.

18 Q. And you actually saw him shooting?

19 A. Yes, ma'am.

20 Q. And, again, I think you were kind of shaking, so can
21 you just try to point out on here --

22 A. I'm still a little shaky. I'm real nervous.

23 Q. -- where you saw him.

24 A. Right here.

25 Q. The edge of Lot 7?

1 A. Yeah. The edge, yeah.

2 Q. And when you saw him spinning around, did you see fire
3 or anything coming from the gun?

4 A. Yeah, you could see the little sparks and -- the
5 sparks and a little smoke coming from it.

6 Q. And this caused you to take cover into Lot 16?

7 A. Yes, ma'am.

8 MS. PATTERSON: May we approach, Your Honor?

9 THE COURT: You may.

10 (Proceedings held at the bench; not reported.)

11 THE COURT: There's no objection for the record,
12 so let's go forward.

13 BY MS. PATTERSON:

14 Q. Kelly, do you know DJ or Donald Jackson?

15 A. I do.

16 Q. And do you know if he is related to Quayshaun Clark?

17 A. I mean, that's what he say, but, I mean, I can't -- I
18 don't know for sure.

19 Q. Have you seen them hang out together before?

20 A. Yeah. I hung out with them.

21 Q. You've hung out with both of them?

22 A. Yes, ma'am.

23 Q. At the same time?

24 A. Yes, ma'am.

25 Q. Even prior to June 9, 2021?

1 A. Yes.

2 Q. I'm gonna show you what's been marked as State's
3 Exhibit 180 and ask you if you recognize this? And it's
4 two pages.

5 A. I do.

6 Q. And what do you recognize that to be?

7 A. A photo lineup.

8 Q. And did you do that photo lineup?

9 A. I did.

10 Q. On June 10th of 2021?

11 A. Yes, ma'am.

12 Q. Identifying Quayshaun Clark?

13 A. Yes, ma'am.

14 Q. Is that your signature?

15 A. Yes, ma'am.

16 Q. Okay. Does this fairly and accurately represent your
17 identification that you did?

18 A. Yes, ma'am.

19 MS. PATTERSON: Your Honor, at this time we move
20 State's Exhibit 180 into evidence.

21 MS. WILLIAMS: Without objection, Your Honor.

22 THE COURT: And it's admitted.

23 MS. PATTERSON: Thank you.

24 (State's Exhibit Number 180, a photo lineup, was
25 admitted into evidence.)

1 MS. PATTERSON: I beg the Court's indulgence.

2 BY MS. PATTERSON:

3 Q. Kelly, I think you've already testified, but just to
4 make sure because I forgot to put it on this board, when
5 you run inside Lot 16, who's inside?

6 A. It was me, Kira, Vicki and Mariah.

7 Q. And what was everybody doing when you went inside 16?

8 A. Taking cover.

9 Q. And what room were you-all in?

10 A. We were in Vicki's room and her room is all the way
11 at the back of the trailer. Her room is all the way back
12 here.

13 MS. PATTERSON: Thank you, Kelly. Please answer
14 any questions the defense may have.

15 THE COURT: Ms. Williams or Mr. Williams.

16 MS. WILLIAMS: If it may please the Court, Your
17 Honor?

18 THE COURT: Yes, ma'am.

19 CROSS-EXAMINATION

20 BY MS. WILLIAMS:

21 Q. Hey, Ms. Conyers. How are you?

22 A. I'm doing good.

23 Q. Let's see. There have been a bunch of names thrown
24 out today, so I'm gonna look over at the solicitor's board,
25 which I think is -- it's their Exhibit 179, and you saw

1 Fresh, Nash and Quayshaun outside of Lot 7 when you got
2 there?

3 A. Yes, this was -- this was before everything happened.
4 Yeah, we was all outside.

5 Q. Okay. So you-all had been hanging out for a while and
6 nothing had happened?

7 A. Yeah, we was -- we was out there like 4:00, 5:00. We
8 was out there for a while.

9 Q. Okay. And you don't know Fresh's real name?

10 A. I don't.

11 Q. Would you -- does the name Donavon Tirrell Brannon
12 sound familiar to you?

13 A. The last name do, so I guess that must be him.

14 Q. Okay. If you don't know, you don't know. And so at
15 some point DJ, Kay Norris, Nitro and Hugh -- Hugo, sorry,
16 show up, and what time was that again around?

17 A. That was around like ten or something.

18 Q. Okay. Around ten something?

19 A. Yeah.

20 Q. Did you see them pull up?

21 A. I didn't. I was inside the house. When I came
22 outside the house, I was like dang, where did these people
23 come from. They wasn't there with us earlier in the day.
24 They wasn't there with us.

25 Q. Okay. So you don't know if they came separate or

1 together?

2 A. Yeah.

3 Q. Okay. But they -- they distinctly came at a separate
4 point?

5 A. Yes, ma'am.

6 Q. All right. And it looks like we've got some more
7 names up there under Lot 15 on the outside. We've got
8 De Alewine, DT, Quaja, Jeron and Smiley. When did you
9 notice them?

10 A. When I was coming across the street.

11 Q. And that's when you were --

12 A. I was coming from Lot 7 to go over there.

13 Q. Okay. And you were going over there --

14 A. To try to diffuse the situation with them, too, but
15 it didn't work.

16 Q. Okay. You saw tension and you noticed who was over
17 there when you -- when you were trying to diffuse the
18 tension?

19 A. Yes, ma'am.

20 Q. Okay. And De Alewine, I assume that's his real name?

21 A. Yeah.

22 Q. Do you know what DT's real name is?

23 A. I don't.

24 Q. If I said it was Deterious Jackson, would you disagree
25 with me?

1 A. I know Jackson, but I don't -- I don't know his real
2 name.

3 Q. That's okay. I'm not gonna ask you to say anything
4 you don't know. And you said Quaja's real name's Quaja?

5 A. Yeah.

6 Q. Does the last name Wigfall mean anything to you?

7 A. Yeah.

8 Q. So Quaja Wigfall?

9 A. Yes, ma'am.

10 Q. And Jeron goes by EC Johnson?

11 A. Uh-huh.

12 Q. And Smiley. You don't know who Smiley is?

13 A. I think his name might be Demontrell. I'm not for
14 sure, but I'm -- I think it's Demontrell.

15 Q. Could it be Demontrell Wigfall?

16 A. I don't know if his last name's Wigfall.

17 Q. You don't know his last name, but you think it might
18 be Demontrell?

19 A. Yeah.

20 Q. That's fine. We're not holding you to it. You're
21 telling us what you know. Where were they standing?

22 A. Over here. Over here by this bush.

23 Q. All right.

24 A. Like in between Lot 15 and 16. Like -- I can't hold
25 this thing. I'm sorry. I'm so nervous.

1 Q. Ms. Conyers, you're fine.

2 A. But it's like -- like right here. Like this.

3 Q. Okay. So I'm gonna put my pen and I'm starting at the
4 bush in front of Lot 15.

5 A. Well, not -- they wasn't in front of the bush, they
6 was behind the bush, but like -- they was in front of --
7 like kind of in front of the window and just like spread
8 out. They had some space in between each other.

9 Q. Okay. Kind of spread out. Were they spread out in a
10 line facing the driveway?

11 A. Yeah.

12 Q. Okay. All right. And you went over to try and
13 diffuse the situation?

14 A. Yes, ma'am.

15 Q. Decided you couldn't?

16 A. I couldn't. I tried. I couldn't.

17 Q. And you -- at what point -- so you couldn't do that
18 and then where do you go?

19 A. I went to my car. I was fixing to -- I was like, you
20 know, I'm just fixing to go, so that's when I got in my car
21 -- well, I didn't get in all the way. I opened my car door
22 and that's when Carlos let off the first shots, so I just
23 -- I ran in the house.

24 Q. Okay. Ms. Conyers, I've just got two more for you.

25 A. That's fine.

1 Q. Do you know somebody named Var Pugh?

2 A. I do.

3 Q. Did you see him that night?

4 A. I didn't see him out there.

5 Q. Okay. Did you see Quayshaun shoot?

6 A. No.

7 MS. WILLIAMS: All right. Thank you, ma'am.

8 THE WITNESS: You're welcome.

9 THE COURT: Any redirect?

10 MS. PATTERSON: Just two quick questions.

11 REDIRECT EXAMINATION

12 BY MS. PATTERSON:

13 Q. And I think you clarified this and it's my fault. And
14 you saw these guys, but they were really in between 15 and
15 16, right?

16 A. Yeah. Yes, ma'am.

17 Q. And did you ever see them leave this area and cross
18 over?

19 A. No, no one ever crossed the road.

20 Q. Okay.

21 A. I mean, from, you know, what I -- from what I seen
22 before I went in the house, no one, you know, ever crossed
23 the road.

24 MS. PATTERSON: Thank you, Kelly.

25 THE WITNESS: Uh-huh.

1 MS. PATTERSON: No further questions.

2 THE COURT: Anything else?

3 MS. WILLIAMS: I have to ask.

4 RE CROSS EXAMINATION

5 BY MS. WILLIAMS:

6 Q. Ms. Conyers, is it possible that someone crossed the
7 road after you went in the house?

8 A. Maybe.

9 MS. WILLIAMS: All right. No further questions.

10 THE COURT: All right. Can I excuse Ms. Conyers
11 from the trial of this case?

12 MS. PATTERSON: Yes, ma'am.

13 THE COURT: You're excused. Thank you.

14 (Witness excused.)

15 THE COURT: Let me see the lawyers just for a
16 second.

17 (Proceedings held at the bench; not reported.)

18 THE COURT: All right. Mr. Foreman and ladies and
19 gentlemen of the jury, I was trying to figure out what
20 the schedule is. We'd like to get three more witnesses
21 in, which means we might have to work until 5:30. I'm
22 gonna give you-all a break. If you'd just let the
23 foreman know if 5:30's okay with you-all. That way we
24 can try to move through this case.

25 I'm gonna give you-all a break now. You-all can

1 FOREPERSON: Yes, ma'am.

2 THE COURT: You're gonna work until 5:30?

3 FOREPERSON: Yes, ma'am.

4 THE COURT: Okay. I've asked the lawyers to be
5 mindful of the time for 5:30.

6 FOREPERSON: Thank you.

7 THE COURT: All right. State, call your next
8 witness.

9 MS. PATTERSON: The State calls Yamira Sackel.

10 (Whereupon, Yamira Sackel was duly sworn by the
11 Clerk of Court.)

12 THE CLERK: Have a seat right up there. Once
13 you're seated, speak up loud and clear. State your
14 full name; spelling your last on the record, please.

15 THE WITNESS: Okay. Yamira Sackel, S-A-C-K-E-L.

16 YAMIRA SACKEL,

17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. PATTERSON:

20 Q. Good afternoon, Yamira. How are you?

21 A. I'm good.

22 Q. Yamira, where are you from?

23 A. Philadelphia.

24 Q. And where do you currently live?

25 A. Columbia.

1 Q. And do you have any connection to the Batesburg area?
2 Did you used to hang out there sometimes?

3 A. Yes, ma'am.

4 Q. And where did you used to hang out there when you
5 would hang out in Batesburg?

6 A. In Rocky Lane.

7 Q. And can you speak up just a little bit so the jury
8 can hear you and the court reporter can take down your
9 testimony?

10 A. Yes, ma'am.

11 Q. Are you nervous?

12 A. Yes, ma'am.

13 Q. And where would you hang out in Batesburg?

14 A. In Rocky Lane.

15 Q. That's Rocky Lane Mobile Home Park?

16 A. Yes, ma'am.

17 Q. And were you hanging out there on June 9th of 2021?

18 A. Yes, ma'am.

19 Q. And there's a pointer up there and there's a diagram
20 up here. And did -- who did you go out to Rocky Lane with
21 that day?

22 A. I was spending the night at Lot 16 right here.

23 Q. And, again, keep your voice up.

24 A. Yes, ma'am.

25 Q. And who lived at Lot 16?

- 1 A. Alicia, my girlfriend's grandma.
- 2 Q. Okay. And does she have another name? Does she go
3 by another name?
- 4 A. Vicki.
- 5 Q. Okay. Ms. Vicki?
- 6 A. Uh-huh.
- 7 Q. And she lived at Lot 16?
- 8 A. Yes, ma'am.
- 9 Q. And what, if anything, did you and -- I think you said
10 Tykira?
- 11 A. Kira, yeah.
- 12 Q. Kira. What did you-all do that day?
- 13 A. We was hanging out at Lot 16 first and then we went
14 out and then came back to hang out at Lot -- is that 7? I
15 can't see it.
- 16 Q. You can't see it? I'll just show it to you and then
17 we'll put it back up.
- 18 A. All right. I think it's Lot 7.
- 19 Q. Okay. So you-all came back to Lot 7?
- 20 A. Yes, ma'am.
- 21 Q. And what was going on at Lot 7? What was your
22 understanding?
- 23 A. A graduation party.
- 24 Q. Okay. And how were things going earlier that day?
- 25 A. Good.

1 Q. And do some of the people -- do you remember some of
2 the people you hung out with at 7?

3 A. Yes, ma'am.

4 Q. Okay. Who were some of the people?

5 A. It would be me, Kelly, Kira, and Ace, of course,
6 Taleka, Valsha, and other people.

7 Q. And when you say "Ace", are you referring to Quayshaun
8 Clark?

9 A. Yes, ma'am.

10 Q. And do you know Quayshaun?

11 A. Yes, ma'am.

12 Q. And just to be sure, I'm gonna show you State's
13 Exhibit 183. How long have you known Quayshaun?

14 A. Probably a year or less.

15 Q. Okay. And so where did you hang out with him or know
16 him from?

17 A. Lot 7.

18 Q. I'm gonna show you State's 183. Do you recognize this
19 document?

20 A. Uh-huh.

21 Q. And it's two pages, so take a look at the second page.

22 A. Yes, ma'am.

23 Q. And what do you recognize that to be?

24 A. A lineup.

25 Q. Okay. And who did you identify in this lineup, if

1 anybody?

2 A. Quayshaun Clark.

3 Q. Okay. And does this fairly and accurately represent
4 the lineup that you did on June 10th of 2021?

5 A. Yes, ma'am.

6 Q. Has it been changed or altered in any way?

7 A. No, ma'am.

8 MS. PATTERSON: Your Honor, State's Exhibit 183
9 for ID.

10 THE COURT: For ID?

11 MS. PATTERSON: I meant -- I mean, State's
12 Exhibit 183, Your Honor, admitted without objection.

13 MS. WILLIAMS: Without objection, Your Honor.

14 THE COURT: Then it's admitted.

15 (State's Exhibit Number 183, a photo lineup, was
16 admitted into evidence.)

17 BY MS. PATTERSON:

18 Q. And do you see Quayshaun in the courtroom?

19 A. Yes, ma'am.

20 Q. And where is he?

21 A. Over there.

22 Q. What is he wearing?

23 A. A pink shirt.

24 MS. PATTERSON: Your Honor, let the record reflect
25 that she's identified the defendant, Quayshaun Clark.

1 THE COURT: The record so reflects.

2 BY MS. PATTERSON:

3 Q. And so you say he was over at Lot 7 that day?

4 A. Yes, ma'am.

5 Q. And at some point during that afternoon, did you ever
6 see Ace with any type of gun?

7 A. Yes, ma'am.

8 Q. And where was he at when you saw him with a gun?

9 A. In his car.

10 Q. And what kind of car was that?

11 A. A black Crown Vic.

12 Q. And where was it parked?

13 A. Right over here.

14 Q. And that's over at Lot 7?

15 A. Yes, ma'am.

16 Q. And I'm gonna show you what's already been entered
17 as State's Exhibit 74. Do you recognize what's depicted
18 in this picture?

19 A. Yes, ma'am.

20 Q. And what is this?

21 A. It's a picture of his car with us standing around at
22 the cookout -- at the -- I mean, at the graduation party
23 that day.

24 Q. Okay. And is this the way it was parked when you saw
25 him inside the car with the gun?

- 1 A. Yes, ma'am.
- 2 Q. And where was he sitting inside that car?
- 3 A. In the driver's seat.
- 4 Q. Was the door open or closed or something else?
- 5 A. It was open.
- 6 Q. And do you know what that gun looks like?
- 7 A. It looks like the AK off of Fortnite.
- 8 Q. Off Fortnite?
- 9 A. Yes, ma'am.
- 10 Q. About how long was it?
- 11 A. About this long.
- 12 Q. What color?
- 13 A. Black.
- 14 Q. What was he doing with it?
- 15 A. I'm not sure. He was just handling it. I don't
- 16 know.
- 17 Q. Okay. And I think you -- later on in that day you
- 18 talked about maybe something changing with regards to the
- 19 atmosphere of the party?
- 20 A. Yes, ma'am.
- 21 Q. And what do you recall happening?
- 22 A. Other people came and when they came pretty much they
- 23 didn't bring good vibes, they bring problems.
- 24 Q. And do you know who some of those people were?
- 25 A. Yes, ma'am.

1 Q. And what time of day was this when these other people
2 showed up?

3 A. I can't tell you for sure.

4 Q. Okay. And do you remember the shooting that happened?

5 A. Yes, ma'am.

6 Q. So did they show up long before the shooting happened?

7 A. No, ma'am.

8 Q. And who were some of those people that you remember
9 showing up?

10 A. Hugo, Kay Norris, D -- Donald Jackson, somebody named
11 De Alewine.

12 Q. And do you know Donald Jackson? Do you know if he has
13 a nickname?

14 A. DJ.

15 Q. And where did they show up to?

16 A. Lot 7.

17 Q. And so what do you remember happening when -- when
18 they showed up?

19 A. I just remember my friend coming inside the house and
20 saying pretty much it's time for everybody to go because
21 there was so much going on outside.

22 Q. And when she came in the house, what was her demeanor?

23 A. Loud and like over -- over it pretty much.

24 Q. Okay. And so you were still inside of the house at
25 Lot 7?

- 1 A. Yes, ma'am.
- 2 Q. And so who was that that came in and said that?
- 3 A. Valsha Lites.
- 4 Q. And do you know where she lived?
- 5 A. In Lot 7.
- 6 Q. And so when she came in the house and said this, what
- 7 did you do?
- 8 A. I went to go get my baby and -- and my girlfriend's
- 9 son so we could leave.
- 10 Q. And where were the children at?
- 11 A. In the back room hanging out.
- 12 Q. At which lot?
- 13 A. Lot 7.
- 14 Q. Okay. And so did you make it back there to get them?
- 15 A. Yes, ma'am, I did.
- 16 Q. And where were you gonna head with them?
- 17 A. I hid them behind the shower in the bathroom at Lot 7.
- 18 Q. Let me back up. So when you went to get them from the
- 19 back room at Lot 7, where were you gonna go?
- 20 A. Across the street to Lot 16.
- 21 Q. Okay. And did you make it that far?
- 22 A. No, ma'am.
- 23 Q. So what happened?
- 24 A. I was heading out the door. When I head out the door,
- 25 it was just like a lot of commotion going on outside. I

1 heard everybody telling them don't do this, don't argue,
2 like stop, it's -- it's kids out here. The next thing you
3 know, I seen Kay start going across the parking lot and
4 stuff like that and then they was telling him to go back,
5 he went back, and that's when Carlos started talking.

6 Q. And let me back you up. So you got -- you head out --
7 you headed out of Lot 7 --

8 A. Uh-huh.

9 Q. -- to go towards Lot 16?

10 A. Yes, ma'am.

11 Q. And where were you when you went outside and started
12 hearing all this commotion?

13 A. Well, the second time I went out the door, I went out
14 the front -- the -- the door by his car.

15 Q. That's the second time?

16 A. Yes, ma'am.

17 Q. Okay. And where did you go the first time?

18 A. Out the back door on the opposite side of the trailer
19 over here to buy a cigarette. Right over here.

20 Q. Okay. And so you used that door?

21 A. Yes, ma'am.

22 Q. Which would not be the door in this picture?

23 A. No, ma'am. That's the opposite side.

24 Q. Okay. And who did you go over there and buy a
25 cigarette from?

- 1 A. Carlos. Hugo.
- 2 Q. And Hugo, that's DeCarlos Chatman?
- 3 A. Uh-huh.
- 4 Q. Okay. And where was he parked?
- 5 A. Right over here on this side of the trailer.
- 6 Q. At Lot 7?
- 7 A. Yes, ma'am.
- 8 Q. And do you remember what he was driving?
- 9 A. I want to say a red car. I'm not sure what kind.
- 10 Q. Okay. And so where did you go after you bought that
- 11 cigarette from Hugo?
- 12 A. Back inside Lot 7.
- 13 Q. And how did you go back in?
- 14 A. Through that same door.
- 15 Q. Okay. Which would be on the opposite side of where
- 16 Ace's car was parked?
- 17 A. Yes, ma'am.
- 18 Q. Okay. And so when you go back in to get your kids and
- 19 you head out that other door, what do you see?
- 20 A. All the commotion going on.
- 21 Q. And was anyone in Lot 7 in particular making any
- 22 commotion?
- 23 A. Really just Carlos and Kay and DJ was the ones doing
- 24 it.
- 25 Q. Okay. And what was DJ specifically doing?

1 A. He just pretty much followed behind Kay and they came
2 back and just was being their normal self, just drunk,
3 talking trash and doing the way they do.

4 Q. And where did you see Kay go?

5 A. He headed towards Lot 16. He made it about like this
6 far over there before they turned him back around.

7 Q. And did you see anything? Did he have a weapon or
8 anything?

9 A. Yes, ma'am. He had a gun in his belt and he pulled it
10 out, but he didn't do nothing with it.

11 Q. Do you know what kind of weapon it was?

12 A. It was a handgun.

13 Q. Okay. And when you say they turned him around, who do
14 you mean?

15 A. Kira and DeMias.

16 Q. And where were they?

17 A. Standing over here by Lot -- in between Lot 16 and 15.

18 Q. And what was that name you said besides Kira?

19 A. DeMias.

20 Q. DeMias. And who is DeMias?

21 A. Her cousin.

22 Q. And does he go by another name?

23 A. Jeron.

24 Q. Jeron. And would that be Jeron Johnson?

25 A. Yes, ma'am.

1 Q. Also called EC?

2 A. Uh-huh.

3 Q. Okay. And so they responded to Kay Norris and what
4 did he do?

5 A. He went back to his -- towards Lot 7.

6 Q. Okay. And so what happened when he headed back
7 towards Lot 7?

8 A. DeCarlos started talking and then that's when the
9 shooting started pretty much.

10 Q. So you saw DeCarlos start shooting?

11 A. Yes, ma'am.

12 Q. And where was he when he started shooting?

13 A. Standing like right about right here by the trailer.
14 Like right a little bit in front of the trailer.

15 Q. And was all the noise and yelling still going on at
16 this time?

17 A. Yes, ma'am.

18 Q. And what, if anything, did you hear him say before he
19 started shooting?

20 A. He said "bust, N word, bust" about three or four times
21 and then he said "F the world" and spinned -- and spinned
22 around and started shooting.

23 Q. Okay. And started shooting?

24 A. Yes, ma'am.

25 Q. Did you see which direction he was shooting?

1 A. He was just going in circles.

2 Q. Okay. And did you see any smoke or anything from his
3 gun?

4 A. The only thing I remember is like it being so dusty
5 in the middle. I'm not sure if it was from his gun or not,
6 but I seen smoke and dust all out there.

7 Q. And do you know what kind of gun he had?

8 A. He had a handgun as well.

9 Q. And how many shots approximately did you hear from
10 Hugo?

11 A. At least four or five.

12 Q. And so what did you do?

13 A. I ran inside to get my babies.

14 Q. So you ran inside and what did you do with your
15 babies?

16 A. I hid them behind the shower.

17 Q. And so while you're inside, do you hear any more
18 shots?

19 A. Yes, ma'am.

20 Q. And do you know who was out there shooting?

21 A. No, ma'am.

22 Q. Because you were inside you didn't see who was
23 shooting?

24 A. Exactly.

25 Q. And so at some point did you come from that back room?

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

2 Q. And what -- and what did you see, if anything?

3 A. I went to the side door on the side where his car was
4 parked at and I seen -- I seen Kay out there and he was
5 like more-so in the parking lot still, like out in -- out
6 here some, and then DJ was coming running that way, like
7 coming from out that way, coming inside trying to like
8 un-jam his gun. So he like ran inside like trying to
9 un-jam it and then after he tried to un-jam it, that's when
10 Val pushed him out pretty much.

11 Q. Now when DJ -- what type of gun was he trying to --

12 A. He had a handgun as well.

13 Q. Did he make it inside the house?

14 A. No, ma'am.

15 Q. And was the shooting still going on when he was trying
16 to get inside the house?

17 A. Yes, ma'am, it was.

18 Q. And did you hear all the gunshots?

19 A. Yes, ma'am.

20 Q. Did they all sound the same?

21 A. No, ma'am.

22 Q. What types of gunshots did you hear?

23 A. First you hear a lot of pistol shots and then you hear
24 a -- like an automatic gun sound.

25 Q. Okay. And was that louder or --

1 A. Yes, it was really loud.

2 Q. And I think you testified you were over at Lot 7, but
3 you could see some of the people that was over between 15
4 and 16?

5 A. Yes, ma'am.

6 Q. Could you make out if they had weapons in their hands?

7 A. No, ma'am, I couldn't.

8 Q. And so what happened after the shots stopped?

9 A. They started screaming about Minor got shot and I --
10 then after that I didn't know who it was, Minor, because
11 there's an adult Minor, then I heard Shell yell Minor was
12 shot and so then it realized to me that they was talking
13 about the young girl Minor, so I ran outside to see what
14 was going on.

15 Q. And where did you run to?

16 A. Over to Lot 15 where Shell was standing at screaming
17 for help.

18 Q. Did you go check on Minor?

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

20 Q. And were you still there when police officers got
21 there?

22 A. Yes, ma'am.

23 Q. And did you speak to them about what you saw?

24 A. Yes, ma'am.

25 MS. PATTERSON: I beg the Court's indulgence,

1 Your Honor.

2 THE COURT: Take your time.

3 BY MS. PATTERSON:

4 Q. Yamira, I think you mentioned you saw De Alewine out
5 there?

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

7 Q. Where did you see him?

8 A. At -- well, originally he was parked like right over
9 here in between these two trailers, so like right about
10 right here, and then he came around and walked straight
11 over here and was standing in between Lot 15 and 16.

12 Q. So you saw him over there with the group at Lot 15
13 and 16?

14 A. Yes, ma'am.

15 Q. And, again, over at Lot 7, Hugo, which is DeCarlos
16 Chatman, and DJ and Kay Norris was over there?

17 A. Yes, ma'am.

18 Q. Now when you saw Kay Norris following behind Kira, did
19 you see anyone else go behind him?

20 A. DJ.

21 Q. Okay. And did you see -- did they remain over there?

22 A. No, ma'am.

23 Q. And where did they go?

24 A. Come back to Lot 7.

25 Q. Okay. Did you see DJ with a gun when he was behind

1 Kira?

2 A. No, ma'am.

3 Q. Okay. And did you see any of the people between
4 Lot 15 and 16 go across the road?

5 A. No, ma'am.

6 Q. And, again, where did -- where was Hugo when he shot
7 that first shot?

8 A. Standing like right in front of the trailer right here
9 in this area.

10 MS. PATTERSON: Thank you, Yamira. Please answer
11 any questions the defense may have.

12 THE COURT: Ms. Williams.

13 MS. WILLIAMS: May it please the Court?

14 THE COURT: Yes, ma'am.

15 CROSS-EXAMINATION

16 BY MS. WILLIAMS:

17 Q. Good afternoon, Ms. Sackel. How are you?

18 A. I'm good.

19 Q. Am I pronouncing your last name correctly?

20 A. Yes, ma'am.

21 Q. My name is Anna Williams. I don't believe we've met.

22 You were just telling the solicitor that you saw
23 someone who was parked over here and then they moved their
24 vehicle over towards Lot 15?

25 A. It wasn't a vehicle, just his person. He didn't move

1 a vehicle. The vehicle stayed there.

2 Q. Okay. So his vehicle stayed -- and who was that?

3 A. De Alewine.

4 Q. De Alewine. So he left his vehicle behind the trailer
5 across the street from Lot 7?

6 A. Yes, ma'am.

7 Q. But he walked over to Lot 15?

8 A. Yes, ma'am.

9 Q. Okay. I apologize. I'm slow at taking notes.

10 A. That's okay.

11 Q. Now you mentioned that you went outside of Lot 7
12 out the front door, which is the bottom door on this
13 photograph, correct?

14 A. Uh-huh.

15 Q. And you bought some cigarettes from Hugo?

16 A. Uh-huh.

17 Q. Okay. And then you went back inside and that's when
18 you heard --

19 A. Valsha say there was too much going on out front.

20 Q. Okay. So Valsha was saying there was something going
21 on?

22 A. Uh-huh.

23 Q. And so you were -- you grabbed your -- how many
24 children do you have?

25 A. I have one son, but my girlfriend have a son, too.

1 Q. Okay. So you grabbed both of your kids?

2 A. Yes, ma'am.

3 Q. And you started to take them out the front porch?

4 A. Yes, ma'am.

5 Q. Or the -- I'm sorry, the back porch. It's the one on
6 this side?

7 A. Yeah, the -- that side, yeah.

8 Q. Okay. And you -- you decide not to, so -- and I know
9 there was probably a lot going on. So did you actually get
10 onto the porch?

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

12 Q. Okay. So you were standing on the porch?

13 A. Uh-huh.

14 Q. And is that when you see -- well, what do you see from
15 -- you're standing on the porch. What do you see?

16 A. When I'm standing on the porch, I see Kay coming back
17 towards me --

18 Q. Okay.

19 A. -- Kay and DJ coming back towards me. I see Hugo
20 standing on the side of the porch, so he started talking
21 once I was standing right there, and that's when he started
22 saying what he said and started shooting, and I was still
23 standing right there.

24 Q. Okay. So you're standing on the porch and you can see
25 Hugo shooting?

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

2 Q. And then that's when you decide unh-unh, I'm gonna go
3 inside with my children?

4 A. Yes, ma'am.

5 Q. Okay. And you're seeing Kay and DJ walk back across
6 the street at this point?

7 A. Yes, ma'am.

8 Q. Prior to Hugo starting to shoot?

9 A. Yes, ma'am.

10 Q. Okay. Again, I apologize. I'm slow at taking notes.
11 When you're seeing all of this -- and, again, I know
12 that there's a lot going on. Do you see people on the
13 other side of the street?

14 A. I only remember three people that was over there. I'm
15 not sure who else was over there.

16 Q. Okay. Was -- was Tykira over there?

17 A. Yes, ma'am.

18 Q. Okay. So you remember Tykira was over there. Who
19 else do you remember was over there?

20 A. Well, Tykira and Kelly ended up going over there.
21 They wasn't originally over there.

22 Q. Okay.

23 A. I'm gonna say -- I just know originally they wasn't
24 over there. I just know that DeMias was originally over
25 there, that DT was originally over there, and De Alewine

1 was originally over there.

2 Q. Okay. So originally Tykira -- no, Tykira was not.
3 Tykira was over with you?

4 A. Yes.

5 Q. And Kelly was over with you?

6 A. Yes.

7 Q. And so originally who was over there was you said
8 DeMias, who is also are known as Jerran?

9 A. Jeron.

10 Q. Jeron. I'm sorry.

11 A. Uh-huh.

12 Q. DT. Do you know what his real name is?

13 A. No, ma'am.

14 Q. Okay. And then De Ale -- I'm gonna mess his name up.

15 A. De Alewine. Yes, ma'am.

16 Q. De Alewine. Okay.

17 MS. WILLIAMS: Ms. Sackel, I think those are the
18 all the questions I have for you. Thank you.

19 THE WITNESS: Thank you.

20 THE COURT: Any redirect?

21 MS. PATTERSON: Yes, ma'am.

22 I beg the Court's indulgence.

23 REDIRECT EXAMINATION

24 BY MS. PATTERSON:

25 Q. So when you were outside on the porch and you saw

1 Hugo, was that -- was he your main focus?

2 A. Yes, ma'am.

3 Q. So did you see if anybody else went back inside the
4 house?

5 A. I don't remember nobody passing by me going in the
6 house.

7 Q. Okay. Could someone else have went back inside the
8 house using the other door?

9 A. They might have. I'm not sure.

10 Q. Okay. And when you were actually inside -- when you
11 actually grabbed the kids and went back to the bathroom in
12 the back room to get down with them, did you -- do you know
13 who could have came inside the house then?

14 A. No, ma'am. I didn't pay no attention.

15 Q. And so you don't know if Ace or DJ or anybody else
16 came in the house when you were back there?

17 A. No, I didn't see anybody in there.

18 Q. Okay. And then -- but when you came back out while
19 the shooting was -- was going on, you saw DJ trying to get
20 back inside the house?

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

22 Q. And I think you said earlier you didn't see DJ with
23 a gun, so do you know where or when he got that gun?

24 A. I don't. I just seen him trying to un-jam it.

25 Q. Un-jam it?

1 A. Yes, ma'am.

2 MS. PATTERSON: Thank you.

3 MS. WILLIAMS: I have no further questions for
4 this witness.

5 THE COURT: Can I excuse Ms. Sackel from this
6 trial?

7 MS. PATTERSON: Yes, ma'am. Thank you.

8 THE COURT: You may be excused.

9 (Witness excused.)

10 MS. MAYES: The State calls Brad Beeler.

11 (Whereupon, Brad Beeler was duly sworn by the
12 Clerk of Court.)

13 THE CLERK: Thank you, sir. Have a seat, please.
14 Once you're seated, state your full name; spelling your
15 last.

16 THE WITNESS: My name's Brad and the last name is
17 Beeler, spelled B-E-E-L-E-R.

18 BRAD BEELER,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. MAYES:

22 Q. All right. Good afternoon. Tell us a little bit
23 about yourself. Where are you employed and in what
24 capacity?

25 A. I'm currently a special agent with the United States

1 Secret Service for the past twenty-three years.

2 Q. All right. And as a member of the United States
3 Secret Service, what type of background do you have in law
4 enforcement?

5 A. I have done protection for the president, vice
6 president, foreign heads of state, conducted various
7 financial crimes investigations, as well as specialized in
8 interview -- interviewing skills.

9 Q. And so that's what I want to talk about today and that
10 is your work in interviews. Is that also a part of the
11 law enforcement work that the United States Secret Service
12 does?

13 A. Yes, ma'am. My current assignment, we have a
14 congressional mandate to support cases involving crimes
15 against children.

16 Q. Okay. And does that include on the state and local
17 level?

18 A. That's correct.

19 Q. And can you tell us, Agent Beeler, were you involved
20 in the investigative process of this case, being the
21 homicide of Minor ?

22 A. Yes, ma'am.

23 Q. Because she was a child, eleven years of age?

24 A. Yes, ma'am.

25 Q. And what agency requested your assistance?

1 A. The Lexington County Sheriff's Office.

2 Q. All right. I want to take you now -- we have talked
3 about the date of this incident, being June 9th of 2021.
4 I want to take you now to two days later, which is gonna be
5 June 11th, and on June 11th, do you have information as to
6 what time you received that request to assist the Lexington
7 County Sheriff's Department in this investigation?

8 A. I believe it was after 4:00 that afternoon.

9 Q. All right. And specifically whose interview did they
10 request your assistance in?

11 A. With the defendant.

12 Q. The defendant in this case, Quayshaun Clark?

13 A. Yes, ma'am.

14 Q. And you say that you arrived here shortly after four?

15 A. I believe I got the phone call after four. I don't
16 believe I arrived at the sheriff's department until 5:30
17 or so.

18 Q. All right. So take us through the process of
19 assisting with an interview. Do you recognize this
20 detective here in the courtroom, Carleisha Gilliam, with
21 the Lexington County Sheriff's Department?

22 A. I do.

23 Q. And I believe you're also familiar with Sergeant
24 Adam Creech of the major crimes unit?

25 A. Correct.

1 Q. And where did you go to physically assist with this
2 interview of the defendant, Quayshaun Clark?

3 A. There was an interview room within the sheriff's
4 office.

5 Q. All right. And can you tell us during the course of
6 his contact there at the Lexington County sheriff's
7 department was he provided food?

8 A. Yes, he was.

9 Q. Drink?

10 A. Yes.

11 Q. Bathroom breaks when needed?

12 A. Yes.

13 Q. And what time did you first have your first contact
14 with Quayshaun Clark?

15 A. I believe it was approximately 6:12 that evening.

16 Q. All right. And during the course of that contact
17 with him at roughly 6:12, can you tell us whether or not
18 he was advised of what's known as his Miranda rights?

19 A. That is correct.

20 Q. And when we talk about Miranda rights, those are the
21 traditional rights that one may hear on TV?

22 A. Yes, ma'am.

23 Q. I'm gonna show you what is State's 174 and ask you
24 whether or not you recognize it?

25 A. I do.

1 Q. How so?

2 A. That is the form that I provided to the defendant that
3 evening.

4 Q. Okay. Do you recognize your own signature on this
5 form?

6 A. Yes, ma'am.

7 Q. And what is the date on the form?

8 A. 6-11-21.

9 Q. All right. And then can you tell us whether or not
10 you recognize the signature of the defendant, Quayshaun
11 Clark, at any location?

12 A. Yes, ma'am, within the signature block.

13 MR. WILLIAMS: We have no objection to that, Your
14 Honor.

15 THE COURT: It's admitted.

16 (State's Exhibit Number 174, Miranda consent form,
17 was admitted into evidence.)

18 BY MS. MAYES:

19 Q. Agent Beeler, I'm gonna start here at the top of the
20 form and ask you if you can take us through it just as
21 you did on that particular day, June 11th of last year,
22 advising the defendant, Quayshaun Clark, of his Miranda
23 rights.

24 A. I would have had this on a clipboard and I would have
25 read the first section out loud to the defendant. Before

1 I ask you any questions, you must understand your rights.
2 You have the right to remain silent. Anything you say can
3 be used against you in court or other proceedings. You
4 have the right to talk to a lawyer for advice before I
5 question you and have him with you during questioning. If
6 you cannot afford a lawyer and want one, a lawyer will be
7 appointed to you -- for you by the Court. If you decide
8 to answer questions now without a lawyer present, you will
9 still have the right to stop questioning at any time.

10 Q. All right. What are we seeing right here, these
11 markings on this form?

12 A. I affix those X's next to that because I want
13 everybody that I speak with to understand that even after
14 they sign this from that they can still revoke their waiver
15 at any point.

16 Q. All right. And by that, where you have you still will
17 have the right to stop questioning at any time, you would
18 have explained to the defendant that he could stop the
19 questioning if he chose to do so?

20 A. Correct, that this was a voluntary process.

21 Q. All right. And please continue.

22 A. At which point I would have handed the clipboard
23 to the defendant and he would have read the following
24 statement out loud. I have read the statement of my rights
25 and it has been read to me. I understand what my rights

1 are. I voluntarily waive my rights and I am willing to
2 answer questions at this time.

3 Q. And whose initials are located here?

4 A. Those are the defendant's initials.

5 Q. And whose signature is here?

6 A. The defendant's.

7 Q. Right here.

8 A. I'm sorry. That's my signature.

9 Q. Okay. And what about right here?

10 A. That's the defendant's.

11 Q. All right. Now, again, the date being June 11th,
12 what time are we looking at here and what, if anything,
13 can you tell us you have noted in that regard?

14 A. Correct. So I look off of my laptop. My laptop is
15 about ten to twelve minutes behind. It's never attached
16 to the Internet, so the approximate time was actually 6:13,
17 6:14 when that was actually notated.

18 Q. Okay. So that's gonna be about ten minutes slow based
19 on what you know now about your computer's real time?

20 A. Yes, ma'am.

21 Q. So this would be approximately 6:12?

22 A. Correct.

23 Q. Now just to clarify, you have been brought to the
24 sheriff's department to assist with this interview?

25 A. Yes, ma'am.

1 Q. Did you play any direct role in the crime scene
2 investigation?

3 A. No, ma'am.

4 Q. Did you play any direct role in the two days that
5 transpired between the 9th and the 11th in identifying
6 Quayshaun Clark as a suspect in this case?

7 A. No.

8 Q. All of that was worked down by the Lexington County
9 Sheriff's Department?

10 A. Yes.

11 Q. And ultimately by the time you're having this contact
12 with him on June 11th, has he been arrested and charged
13 with murder?

14 A. My understanding is he's been placed in custody. I
15 don't know if it was an arrest or not, but he was in
16 custody.

17 Q. And you understand that he actually is at the
18 Lexington County Detention Center and was in cuffs at some
19 point?

20 A. Yes, ma'am.

21 Q. And would that be consistent with the murder warrant
22 being served?

23 A. Yes, ma'am.

24 Q. And at this point in time for your interview, what
25 action do you take, if any, to make him more comfortable?

1 A. It was either myself or one of the detectives
2 immediately took his handcuffs off before my interaction.

3 Q. And would you also have been aware that he had
4 received food or dinner prior to this?

5 A. Yes, ma'am.

6 Q. And as this is taking place, Agent Beeler, at
7 6:12 PM, did you coerce Quayshaun Clark in any way in
8 order to participate in this interview with you?

9 A. No, ma'am.

10 Q. Did you threaten him in any way?

11 A. No, ma'am.

12 Q. Did you promise him anything in exchange for an
13 interview with you?

14 A. No, ma'am.

15 Q. Can you tell us based upon your observations whether
16 or not this waiver of his rights appeared to be freely
17 and voluntarily given?

18 A. Yes, ma'am. I feel as if it was.

19 Q. So at this point in the investigation, have you been
20 briefed on the general facts?

21 A. Very basic.

22 Q. Okay. Can you tell us whether or not you were aware
23 that at the scene rifle rounds had been recovered?

24 A. I was aware that rifle rounds had been recovered.

25 Q. And would ultimately be a subject matter of this

1 interview?

2 A. Yes, ma'am.

3 Q. And specifically what rifle rounds were you aware of
4 being at issue in this case?

5 A. I was told 7.62 caliber.

6 Q. All right. 7.62 being the rifle rounds?

7 A. Yes, ma'am.

8 Q. 7.62 by 39?

9 A. I don't know if it was by 39. I just heard 7.62.

10 Q. Okay. During this contact with Mr. Clark, what was
11 the first statement that he made to you regarding any
12 participation he had in this shooting at [REDACTED] Road?

13 A. His original statement, that he witnessed the
14 shooting, but had no active involvement in the shooting.

15 Q. So that's gonna be the first story?

16 A. Yes, ma'am.

17 Q. The first statement. And that's he had no active role
18 in the shooting?

19 A. Correct.

20 Q. Did not shoot. How, if at all, in the course of your
21 interview, Agent Beeler, does that statement change?

22 A. He stated he did, in fact, shoot a firearm that
23 evening.

24 Q. Okay. And this is all still during the course of the
25 same interview?

1 A. Yes, ma'am.

2 Q. So you indicated that it began around 6:12. Can you
3 tell us approximately what time this interview was going
4 to end?

5 A. I believe it took place about two hours, I believe,
6 that interaction.

7 Q. So over the course of a two-hour period?

8 A. Yes, ma'am.

9 Q. So he makes a second statement?

10 A. Yes.

11 Q. What can you tell us about the content of the second
12 statement?

13 A. He stated a commotion was going on across the trailer
14 park. He retrieved a FN nine millimeter from the glove box
15 of his vehicle. FN being the manufacturer, nine millimeter
16 being the caliber. He exited the vehicle and shot nine to
17 ten times at the individuals he perceived to be a threat.

18 Q. All right. So the statement is that he shot nine to
19 ten times with a FN nine millimeter handgun?

20 A. Yes, ma'am.

21 Q. All right. Did you at any point conclude that
22 interview?

23 A. I did at that point.

24 Q. And did you advise Detective Gilliam, as well as other
25 investigators, of the content of that statement?

1 A. Yes, ma'am.

2 Q. Now do you have contact with him again at any course
3 during the evening?

4 A. I do later that evening.

5 Q. And approximately what time do you have contact with
6 him again?

7 A. I believe that would have been an hour and twenty
8 minutes that they were speaking with the detectives, so
9 9:30 approximately that evening.

10 Q. Okay. So approximately 9:30 you're gonna have contact
11 with him again. Can you tell us whether or not those
12 Miranda warnings that you had previously advised had still
13 been in effect?

14 A. Yes, ma'am.

15 Q. Now you mention here that at any point in time he
16 could stop questioning. At any point did he request for
17 you to stop?

18 A. No, ma'am.

19 Q. Did he ask for an attorney at any point during the
20 course of this interview?

21 A. No.

22 Q. Did it still appear to you that his participation in
23 this interview was freely and voluntarily given?

24 A. Yes.

25 Q. During this interview, are you asking now anything

1 specific to what we spoke about before, being a rifle round
2 that you knew had been recovered from the crime scene?

3 A. Regarding whether or not he'd shot a 7.62 caliber
4 weapon.

5 Q. All right. Does the statement in any way change from
6 the first statement that he did not shoot at all?

7 A. Yes.

8 Q. To the second statement that he shot nine to ten times
9 with a FN nine millimeter handgun?

10 A. Yes, ma'am.

11 Q. What is his next statement that he makes?

12 A. He stated instead of a nine millimeter handgun that
13 he used a 7.62 caliber pistol that is commonly referred to
14 as a Draco.

15 Q. Did he say he shot that weapon?

16 A. Yes, he shot it approximately ten times in the
17 direction of the individuals that he perceived to be a
18 threat.

19 Q. Was he able to name anyone specific that he was
20 shooting at?

21 A. No.

22 Q. And he states he fired this weapon nine to ten times?

23 A. Correct.

24 Q. Do you have notes from that interview, Agent?

25 A. I do. I have a report, investigative report, and I

1 also have a sketch.

2 Q. Okay. I know you said that during the course of the
3 interview he describes this 7.62 caliber weapon as being
4 commonly referred to as a Draco. Is he able to give you
5 an exact model of weapon that this is in color?

6 A. He said it was mostly black in color.

7 Q. And what further description does he give?

8 A. As far as where he picked it up from and where he
9 dropped it, he said that he picked it up from an area in
10 which he saw another individual showing that weapon off
11 earlier in the evening. He said after shooting it, shortly
12 after the situation calmed down. He said he tossed it
13 towards the adjacent trailer.

14 Q. Okay. And I'm gonna stop you there and ask you to
15 refer to your notes and let me just ask you are your notes
16 all made generally contemporaneously with the event?

17 A. Yes.

18 Q. They're documented in some format close in time to the
19 interview or thereafter?

20 A. Yes, ma'am.

21 Q. As he's describing it as black in color, what type of
22 model does he give you?

23 A. He just called it a pistol version of an AK-47 that
24 other people would commonly refer to as a Draco. When I
25 asked him if he would call it a Draco, he said he did not

1 call it a Draco.

2 Q. Okay. And he called it an AK-47 pistol?

3 A. Correct.

4 Q. All right. And he tells you that he finds it nearby?

5 A. Correct.

6 Q. And that he then tosses it at the scene?

7 A. Yes, ma'am.

8 Q. Does he ever tell you that this is his weapon?

9 A. No.

10 Q. Does he ever tell you that he has it in his car while
11 he's at [REDACTED] Road?

12 A. No.

13 Q. He indicates to you that he finds it on the ground
14 somewhere?

15 A. It was either on the ground or in the close vicinity.

16 Q. Now as you're going into this interview, do you also
17 have a chance to talk with him about whether he had
18 adequate sleep within the last twenty-four hours?

19 A. I did.

20 Q. What does he tell you in that regard?

21 A. He told me he had twenty hours of sleep.

22 Q. Twenty hours of sleep leading up to this interview?

23 A. Yes.

24 Q. And do you ask him whether or not he's undergone any
25 type of traumatic events in the last twenty-four hours?

1 A. I did.

2 Q. And what was his response to that?

3 A. He stated he had not.

4 Q. No traumatic events?

5 A. No.

6 Q. I'm gonna show you another document and ask you
7 whether or not you recognize it.

8 MS. MAYES: This would be State's 5 replacing
9 Court's Exhibit 5, Your Honor.

10 THE COURT: Okay.

11 BY MS. MAYES:

12 Q. Do you recognize this?

13 A. I do.

14 Q. How so?

15 A. I asked if he would provide a sketch of the events
16 that happened on the 9th of June.

17 Q. Okay. And this is, of course, as the statement has
18 evolved from the first statement where he says that he did
19 not shoot at all?

20 A. Correct.

21 THE COURT: There's no objection, is there?

22 MR. WILLIAMS: No objection, Your Honor.

23 THE COURT: It's admitted.

24 (State's Exhibit Number 5, a sketch drawing, was
25 admitted into evidence.)

1 BY MS. MAYES:

2 Q. Agent Beeler, looking here at this overhead where we
3 have Lot 15, Lot 16 and then Lot 17 here, and here we have
4 a fork in the road, looking here at this diagram or this
5 sketch, can you tell us what is supposed to be represented
6 by these two circles?

7 A. Yes. He put that down as the trailers that were
8 behind the individuals that he thought were a threat to
9 him.

10 Q. Is that consistent with Lot 15 and 16?

11 A. According to that picture, it looks consistent.

12 Q. And then we see the fork in the road, here a fork in
13 the road, and then what is here?

14 A. So what's there was where his vehicle was parked and
15 where he had several associates and also where he fired
16 his 7.62 caliber weapon.

17 Q. So looking here, that would be Lot 7 on the aerial?

18 A. Yes, ma'am.

19 Q. And this is where he acknowledges firing the 7.62
20 rounds from?

21 A. Yes, ma'am.

22 Q. That he says were nine to ten shots?

23 A. Nine to ten shots.

24 Q. From the weapon he found nearby?

25 A. Yes, ma'am.

1 Q. What is represented here by these three circles and
2 this arrow?

3 A. Those were individuals that he perceived were a threat
4 to him.

5 Q. All right. And he's drawing this sketch the entire
6 time?

7 A. Yes.

8 Q. So these are to represent people he says are a threat
9 to him?

10 A. Yes, ma'am.

11 Q. Were those the people he claimed to be firing at?

12 A. Yes, ma'am.

13 Q. So looking back here at the aerial, he would have them
14 over the roadway in this area?

15 MR. WILLIAMS: Objection to leading.

16 THE COURT: I agree. Let's rephrase it.

17 BY MS. MAYES:

18 Q. Looking here at 5, and now at 12, can you tell us
19 where this would correlate?

20 A. It appears it would be on the same side of the road
21 as he was located, the defendant.

22 Q. All right. And do you have a pointer up there with
23 you?

24 A. Yeah.

25 Q. Okay. So looking here at the sketch and now here.

1 A. Okay.

2 Q. If you could --

3 A. I apologize, ma'am. Do you want me to show where the
4 defendant was?

5 Q. Yes.

6 A. I'm sorry. I missed that. He would have been in
7 this approximate area according to that drawing.

8 Q. Okay. And he has indicated that those three circles
9 would be on what side of the road looking here?

10 A. On the same side of the road as him.

11 Q. All right.

12 MS. MAYES: I beg the Court's indulgence.

13 BY MS. MAYES:

14 Q. And during this second interview and your subsequent
15 contact with him, what efforts did you make to -- what
16 efforts, if any, did you take for him to be comfortable?

17 A. During the first interview about halfway through, I
18 asked him if he needed to use the restroom. He stated he
19 did not. He also did not have handcuffs on during my
20 second interaction with him.

21 Q. Where did he say the gun was, the AK-47 pistol, when
22 he left the scene?

23 A. He tossed it to the side. So if you want me to
24 use the clicker, it would have been somewhere in that
25 location.

1 MS. MAYES: Thank you, Agent Beeler.

2 MR. WILLIAMS: May it please the Court?

3 THE COURT: Mr. Williams.

4 CROSS-EXAMINATION

5 BY MR. WILLIAMS:

6 Q. How are you doing, Agent Beeler?

7 A. Good, sir. Thank you.

8 Q. Good. So now you're Secret Service?

9 A. Yes, sir.

10 Q. That's kind of a big deal, isn't it, Secret Service?

11 We hear a lot about the Secret Service nowadays with things
12 going on on the TV?

13 A. Yes, sir.

14 Q. And you -- you were in the position. You guard the
15 president and do all kinds of stuff like that?

16 A. Yes, sir.

17 Q. So are there any special qualifications to be Secret
18 Service other than you have to go through a bunch of
19 schools, I guess, but are you like college-educated and
20 you have to have prior -- maybe other training like --
21 like, say, SLED training or some kind of law enforcement
22 training, I guess?

23 A. Not necessarily. I have a master's degree and
24 interned with the Secret Service and had an interest
25 obviously.

1 Q. How long have you been with the Secret Service?

2 A. Twenty-three years, sir.

3 Q. So you've had to deal with some pretty dangerous
4 people in your lifetime and people the country's been
5 interested in, I feel certain, haven't you?

6 A. Maybe so.

7 Q. So when you met this young man from
8 Batesburg-Leesville who has a high school education, did
9 you have to explain things to him a little differently?
10 Meaning, he clearly understood who you were and what you
11 wanted from him; is that right?

12 A. Yes, sir.

13 Q. All right. Well, as I understand it, you got down
14 there about -- was it about 6:12? Is that when you got
15 down there?

16 A. I was there a little bit before that, sir, but that's
17 when I first started interacting with the defendant.

18 Q. So you were down there and you actually got a chance
19 to talk to the detectives about exactly what they were
20 looking for?

21 A. No, sir.

22 Q. You didn't?

23 A. No, sir.

24 Q. Did you talk to them about what they had determined
25 so far?

1 A. I heard 7.62, I believe that nine millimeter. Very
2 limited case facts, sir.

3 Q. Okay. Did you understand that he was under arrest?

4 A. Yes, I did.

5 Q. So you did know he was under arrest?

6 A. In custody, arrest. I believed he was not free to
7 leave the sheriff's office.

8 Q. Well, those are -- those are two distinct things for
9 a Secret Service man to talk about. Under arrest means
10 he's been charged with something, don't they?

11 A. Once again, I think -- I'm not trying to say it's
12 semantics, but I did not -- he was not free to go.

13 Q. Would you say that Miranda is semantics?

14 A. Absolutely not, sir.

15 Q. No, it's not.

16 A. No, sir.

17 Q. So when you advise somebody about their Miranda
18 warnings, what you're trying to do is you're trying to
19 let them know that those are certain rights that you're
20 entitled to receive and it's okay to exercise those things
21 before you start talking to law enforcement?

22 A. That's correct, sir.

23 Q. So he's under arrest, which is maybe one step further
24 than just being in custody?

25 A. Everybody that I interview I read Miranda rights to

1 whether they are in custody, whether there's control and/or
2 if there's questioning.

3 Q. Okay. So you know that that's important?

4 A. I understand that's important, yes, sir.

5 Q. All right. So as you were detailing what you had done
6 in this particular case, I believe that you were -- you
7 were talking to him to begin and you were in, I guess it
8 was, Examination Room 2, which is at the Lexington County
9 Sheriff's Department; is that right?

10 A. I don't know what the room number was, sir. It's the
11 first room on the left off the hallway.

12 Q. All right. And as you walk in those sliding doors
13 and you go through the first door on the left, those rooms
14 are -- are scheduled -- they're all the way along the
15 left-hand side and there's actually recording devices there
16 in the walls and on TV's that they can record those various
17 interviews, right?

18 A. That's my understanding.

19 Q. But you didn't -- you didn't use those types of things
20 in terms of conducting your interview, did you?

21 A. Per policy we are not allowed to record our
22 interviews, sir.

23 Q. So you're in a room which afforded you the ability
24 to use recording and talk to him and ask him questions
25 and all that information would be recorded, as well as

1 how you considered Miranda and whether he was entitled to
2 something. That would have been recorded?

3 A. Once again, we are not allowed to record per policy.

4 Q. Now tell me why your policy would not allow to you
5 record such important things as the reading of Miranda
6 rights, what a man is entitled to receive as protection of
7 his rights?

8 MS. MAYES: Your Honor, may we approach?

9 THE COURT: You may.

10 (Proceedings held at the bench; not reported.)

11 BY MR. WILLIAMS:

12 Q. So let me take you another way. When you sit down
13 and you talk to the person you're interviewing, you have --
14 you have a worksheet and you talk to the man, you find out
15 something about him, right?

16 A. I do.

17 Q. And one of the things you're interested in obviously
18 is his education and his -- where -- what type of work he's
19 been doing and stuff like that?

20 A. (Nods head.)

21 Q. What did you find out about his employment history?

22 A. I believe he worked at a dairy farm, I believe he
23 worked at Little Caesars, conducted some odds jobs as well
24 as that.

25 Q. Yeah, a dairy farm and did manual labor maybe and

1 stuff like that?

2 A. Okay.

3 Q. So when you asked him about what -- about what
4 transpired that night at the first time that you talked to
5 him, when you asked him the first time he told you that he
6 was there, but he said that he didn't shoot a firearm; is
7 that right?

8 A. That is correct.

9 Q. What is the one thing -- let's just pick out the one
10 thing that is consistent in all three of those versions
11 that you say that he said. What is the one thing that's
12 consistent in all three of those things that he said in his
13 statements?

14 A. I don't know, sir.

15 Q. Well, didn't he tell you that what was consistent
16 was that he had been threatened in some way and that
17 individuals had come and tried to harm him and/or his
18 family and in the first version he says that he didn't
19 have a gun, but he says that he was threatened, doesn't he?

20 A. Not in the first statement.

21 Q. What did he say in the first statement?

22 A. He was at a party and a commotion broke out.

23 Q. Okay. So he said there was a commotion the first
24 time?

25 A. A commotion, yes, sir.

1 Q. And that period of time, that's the first statement,
2 then he moves onto the second statement and he talks about
3 that -- that he was threatened and he used a gun to shoot
4 at those individuals who he considered to be a threat?

5 A. He never said he was threatened. He was -- there
6 were shots in his vicinity that he perceived as a threat.
7 Whether those were addressed towards him or not, I do not
8 know.

9 Q. So if somebody was taking shots at you, would you
10 consider that a threat?

11 A. Well, I don't know. If they were shooting at me, I
12 would take cover and not shoot rounds --

13 Q. You wouldn't?

14 A. -- randomly at people, no, sir.

15 Q. But if you had no other way to get out, what -- what
16 are you taught in terms of threats? Do you continue firing
17 until the threat is alleviated? You take care to make sure
18 the threat is alleviated?

19 A. I take cover and concealment and try to identify the
20 threat before I just fire rounds off, sir.

21 Q. All right. And if those rounds continued, what would
22 you do? If rounds were coming through your -- wherever you
23 were or hitting people who were near you, what would you
24 do?

25 A. Too many variables in that situation, sir.

1 Q. Right. You think there are too many variables for
2 some guy that works as a dairy -- on a dairy farm when
3 something like that's going on?

4 A. I don't know, sir.

5 Q. So that's the second scenario that he gave you. So
6 what was the third scenario he gave you?

7 A. I'm sorry, that was -- you said that was the second
8 scenario? Are you talking about --

9 Q. I don't know. I -- I don't have a written thing to
10 look at. You'll have to tell me. You're the only one who
11 knows what was actually said.

12 A. The second scenario was the nine millimeter, sir.

13 Q. Okay.

14 A. Is that what you were referring to?

15 Q. Yes.

16 A. Okay. The next version of events was that he had an
17 AK-47 pistol that he fired in that direction.

18 Q. Fired in the direction of what?

19 A. What he perceived to be individuals that were a
20 threat.

21 Q. So, again, he is consistent that he was in some sort
22 of threat and he was firing a weapon at those individuals
23 who were attacking him and fam -- did he mention his
24 family, his children and stuff like that?

25 A. He did not mention his family and, once again, he

1 perceived as a threat, not that they were threatening him.

2 Q. Okay. But you knew enough about -- about the facts
3 of the case to know that there was -- there was numerous
4 rounds of gunfire that had been fired on that particular
5 day, didn't you?

6 A. Yes.

7 Q. So his statement was not inconsistent in regards to
8 what you knew about the case?

9 A. That he perceived a threat.

10 Q. Right.

11 A. So, once again, that's his mindset. I can't get into
12 his mindset.

13 Q. Right. But you knew that there were at least -- there
14 had been reports of gunfire between numerous people, didn't
15 you?

16 A. My understanding, yes.

17 Q. So somebody was -- that is consistent with somebody
18 firing at him?

19 A. My understanding is multiple rounds were fired.
20 That's all I had at that time.

21 Q. Okay. Now we talked about -- I guess he had three
22 different -- I don't know, three different stories, and
23 one of the things that you're concerned about I'm sure is
24 you said you wanted to make sure he had plenty to eat.
25 Is there any significance with the fact that you had him

1 handcuffed the first time, but after he was handcuffed he
2 wasn't handcuffed the second time? Was that after he got
3 something to eat?

4 A. I never had him in cuffs, sir.

5 Q. Was he handcuffed the first time that you talked to
6 him?

7 A. No, sir.

8 Q. What did you say about there being handcuffs the first
9 time and then handcuffs were taken off?

10 A. I don't know that I said anything, sir.

11 Q. Did he have handcuffs on when you first saw him?

12 A. I believe he did, sir.

13 Q. So when were the hand -- did you have the handcuffs
14 taken off when you were talking to him?

15 A. His handcuffs were off in the entire conversation with
16 me, sir.

17 Q. So his handcuffs were taken off and then did you offer
18 him food?

19 A. He already had been fed.

20 Q. What's the purpose of him being fed? Is that
21 significant in some way?

22 A. For the questions you're asking right now, I think
23 it's respectful to have somebody make sure that their basic
24 needs had been met.

25 Q. Is there a line of interrogation that talks about

1 getting the person you're trying to interview to be -- to
2 trust you and to make certain that they're happy and that
3 they'll go ahead and tell you anything that you want them
4 to tell you?

5 A. No, sir.

6 Q. There's not?

7 A. No, sir. Not the way you are phrasing it. We are
8 taught to treat people with respect and I think making sure
9 basic needs are met is respectful.

10 Q. Did he indicate he was real hungry?

11 A. I wasn't there for that, sir.

12 Q. All right. So after -- you knew he had eaten. When
13 you kept -- when you extended the interview, did you ask
14 him if he wanted something else to eat?

15 A. No, I know he already had ate.

16 Q. So you weren't worried about that?

17 A. I don't think that would be in my mindset, no.

18 Q. After he gave you the third statement, were you
19 prepared to accept that as sufficient interview techniques
20 to be used?

21 A. What -- I'm sorry, I'm lost on that part.

22 Q. After the third statement, did you feel like you
23 needed to get any more statements from him?

24 A. I feel as if that was the ground truth, so I don't
25 think there was any -- more need for anymore information.

1 Q. So you truly believed that that's exactly what
2 happened?

3 A. I feel he had shot an AK-47.

4 Q. Because of a threat?

5 A. Once again, he had shot an AK-47 pistol.

6 Q. Okay. Now he had also had had several questions being
7 asked from other investigators, hadn't he, before you ever
8 got involved?

9 A. Yes, sir.

10 Q. On at least -- I don't know, three or four times,
11 right?

12 A. I believe twice.

13 Q. All right, sir.

14 MR. WILLIAMS: I beg the Court's indulgence for one
15 moment, Your Honor.

16 THE COURT: Take your time.

17 MR. WILLIAMS: Your Honor, I think that's all I
18 have.

19 THE COURT: Any redirect?

20 MS. MAYES: Nothing further of Agent Beeler, Your
21 Honor.

22 THE COURT: May I excuse Special Agent Beeler?

23 MS. MAYES: Yes, Your Honor.

24 (Witness excused.)

25 THE COURT: All right. Let me ask before we call

1 reports on Facebook, TV, Internet, radio, any kind of
2 social media concerning this case?

3 FOREPERSON: No, ma'am.

4 THE COURT: If so, please raise your hand so I will
5 know.

6 Very good.

7 Anything from the State?

8 MS. MAYES: Nothing from the State, Your Honor.

9 THE COURT: Anything from the defense?

10 MR. WILLIAMS: Nothing from the defendant, Your
11 Honor.

12 THE COURT: Okay. Call your witness.

13 MS. MAYES: The State calls Nokia Tolen.

14 (Whereupon, Nokia Tolen was duly sworn by the
15 Clerk of Court.)

16 THE CLERK: If you'll have a seat up there in the
17 chair. State your name and spell your last name for
18 the record.

19 THE WITNESS: Yes, ma'am.

20 Nokia Tolen. Tolen, T-O-L-E-N.

21 NOKIA TOLEN,

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. MAYES:

25 Q. All right. Mr. Tolen, I'm gonna start with asking you

1 a few questions about yourself. How old are you?

2 A. I'm forty-three.

3 Q. And what general area of Lexington county do you live
4 in?

5 A. Batesburg-Leesville area.

6 Q. How long have you lived in the Batesburg-Leesville
7 area?

8 A. Off and on my whole life.

9 Q. Okay. In a town that size, growing up there your
10 whole life, how familiar are you with people in the area?

11 A. Very.

12 Q. Does that include people in the area of the Rocky Lane
13 Mobile Home Park?

14 A. Yes, ma'am.

15 Q. Now prior to the date of June 9th of last year when
16 the shooting occurred, were you already familiar with the
17 defendant in this case, Quayshaun Clark?

18 A. Yes, ma'am.

19 Q. What name did you know him by?

20 A. Ace.

21 Q. And do you know any relatives of Ace that you were
22 also familiar with?

23 A. Yes, ma'am.

24 Q. Who is that?

25 A. Donald Jackson.

1 Q. All right. And Donald Jackson, what name is he known
2 by?

3 A. DJ.

4 Q. DJ. I'm gonna take you to June 9th of 2021 before
5 the evening hours, we're gonna go late afternoon, what were
6 you doing in the late afternoon hours of June 9, 2021?

7 A. Coming home from work.

8 Q. And where were you working at the time?

9 A. Bentley's Pontoon.

10 Q. Okay. And what do you do next?

11 A. As I was riding, I seen DJ walking and he flagged me
12 down and asked me to give him a ride.

13 Q. Okay. So that's the DJ -- DJ, being Donald Jackson,
14 that you've already told us about?

15 A. Yes, ma'am.

16 Q. And you said that Donald Jackson is related to the
17 defendant in this case how?

18 A. Cousin.

19 Q. Okay. And you said you gave him a ride?

20 A. Yes, ma'am.

21 Q. And where did you-all go next?

22 A. We went to the ATM first and then we went to an area
23 out in Bethlehem for a moment and then we left from there
24 and went to a store in Monetta called Hartley's.

25 Q. All right. A store in Monetta and tell us the name of

1 that store again.

2 A. Hartley's.

3 Q. Hartley's. All right. Nokia, what happened when you
4 and DJ were at Hartley's store?

5 A. When we was at Hartley's store, I witnessed DJ come
6 out of the store having words with De Alewine.

7 Q. Okay. So at this store in Monetta, do you witness a
8 beef?

9 A. Yes, ma'am.

10 Q. And the beef is between DJ and who else?

11 A. De Alewine.

12 Q. De Alewine. And are words exchanged between the two
13 of them?

14 A. Yes, ma'am.

15 Q. DJ is in your car?

16 A. Yes, ma'am.

17 Q. And whose car is De Alewine in?

18 A. Var Pugh.

19 Q. All right. I'm gonna write that here. He is with
20 Var Pugh and who's driving that car?

21 A. Var.

22 Q. Okay. And did you see anyone else in the car at that
23 time other than Var Pugh and De Alewine?

24 A. Yes, ma'am.

25 Q. Do you know that other person?

1 A. No, ma'am.

2 Q. Okay. And then DJ is in the car with you, so I'm
3 gonna put with you, Nokia. And, Nokia, do you have a
4 nickname as well?

5 A. Yes, ma'am.

6 Q. What is that?

7 A. Nitro.

8 Q. Nitro. Okay. So DJ is with you, you-all are at the
9 store, and you witness a verbal altercation?

10 A. Yes, ma'am.

11 Q. What happens next?

12 A. Well, De was more the aggressor in the situation and
13 everything. DJ was walking off, he was coming to my car.
14 He got in the car and I asked him what was going on and he
15 was like the man is saying this and that and the third and
16 whatever and I say well, chill out for a second, I'm gonna
17 go try to talk to him and break down this.

18 Q. All right.

19 A. So I walked over to the car and tried to talk to De
20 and De was like man, F that --

21 MR. WILLIAMS: Objection to hearsay, Your Honor.

22 THE COURT: All right. I agree.

23 MS. MAYES: We'll -- we'll revisit that, Your Honor.
24 I can rephrase.

25 THE COURT: Thank you.

1 BY MS. MAYES:

2 Q. So, Mr. Tolen, you won't be able to repeat what you
3 heard, but I'll ask you like this. Were you able to calm
4 the situation?

5 A. No, ma'am.

6 Q. Okay. And from there where -- is it obvious to you
7 that the beef is going to continue?

8 A. Yes, ma'am.

9 Q. And you're -- you have personal knowledge of this?

10 A. Yes, ma'am.

11 Q. Based upon your personal knowledge, where would the
12 beef continue?

13 A. At DJ's house.

14 Q. All right. So next you go to DJ's house and what's
15 the general area of that?

16 A. That's Batesburg.

17 Q. Batesburg. Okay. And while you're at DJ's house,
18 tell us what mood DJ is in.

19 A. DJ was agitated because of how De --

20 MR. WILLIAMS: Objection to speculation, Your Honor.

21 MS. MAYES: I'm asking what he observed. I can
22 rephrase that.

23 THE COURT: If you will rephrase that.

24 BY MS. MAYES:

25 Q. What did you see about his demeanor?

1 A. He was upset.

2 Q. Okay.

3 THE COURT: Thank you.

4 BY MS. MAYES:

5 Q. And does anyone come to the house while you are there?

6 A. Yes.

7 Q. Who is that?

8 A. De and Var.

9 Q. Okay. So Var and De come to that location. And can
10 you tell us whether or not words are exchanged there?

11 A. Yes, ma'am.

12 Q. And as words are exchanged there, are you continuing
13 to observe DJ's demeanor or mood?

14 A. Yes, ma'am.

15 Q. All right. And how long would you say you're at DJ's
16 house after De Alewine leaves?

17 A. About two, two and a half hours.

18 Q. All right. So you're there for about two and a half
19 hours with DJ. Now is alcohol being consumed?

20 A. Yes, ma'am.

21 Q. Do you know if DJ was smoking anything?

22 A. No, ma'am.

23 Q. So can you tell us whether or not over the course of
24 this two and a half hours as alcohol is being consumed
25 whether or not he remained in that same mood that you have

1 described?

2 A. Yes, ma'am.

3 Q. And eventually does someone come over?

4 A. Yes, ma'am.

5 Q. Who comes over?

6 A. Hugo.

7 Q. All right. And Hugo's real name is what?

8 A. DeCarlos.

9 Q. DeCarlos. What's his last name, if you know?

10 A. Chatman.

11 Q. All right. So DeCarlos Chatman comes over there?

12 A. Yes, ma'am.

13 Q. And throughout this time, are you able to observe
14 whether or not DJ is on the phone?

15 A. Off and on he was.

16 Q. All right. So you observed him on the phone during
17 that period of time?

18 A. Yes, ma'am.

19 Q. Did you know specifically who he was talking to?

20 MR. WILLIAMS: Objection, Your Honor. Specu --
21 sorry.

22 MS. MAYES: That's the question.

23 BY MS. MAYES:

24 Q. Do you know specifically who he was talking to?

25 A. No, ma'am.

1 Q. Now based on your personal knowledge, what you
2 yourself know, where is the beef going to continue?

3 A. Rocky Lane.

4 Q. Rocky Lane. What do you mean by that when you say
5 Rocky Lane? What is that location?

6 A. That's on [REDACTED] Road in Batesburg.

7 Q. Is that the mobile home park where this occurred?

8 A. Yes, ma'am.

9 Q. On [REDACTED] Road. Now how does DJ get to [REDACTED] Road?

10 A. With me.

11 Q. All right. Do you know approximately what time you
12 arrived?

13 A. Nine, close to ten. Something like that. I don't
14 know. It was late.

15 Q. Okay. So it's you -- are you still driving?

16 A. Yes, ma'am.

17 Q. All right. So you're driving. DJ's with you?

18 A. Yes, ma'am.

19 Q. You mentioned Hugo being at the house. Hugo had come
20 over?

21 A. At DJ's house, yes, ma'am.

22 Q. Okay. Did Hugo get to [REDACTED] Road with you or some
23 other way?

24 A. Some other way.

25 Q. Does he have his own vehicle?

- 1 A. He has his girlfriend's vehicle.
- 2 Q. Okay. So I'm gonna put arrived in girlfriend's car.
- 3 Does that sound accurate?
- 4 A. Yes, ma'am.
- 5 Q. Who else, Mr. Tolen, is in your car with you and DJ?
- 6 A. Kay Norris.
- 7 Q. Kay Norris. Would you happen to know Kay Norris' full
- 8 name?
- 9 A. No, ma'am.
- 10 Q. But you know him as Kay?
- 11 A. Yes, ma'am.
- 12 Q. Now as you-all are coming to Rocky Lane, who in this
- 13 vehicle do you know was armed?
- 14 A. Kay.
- 15 Q. Okay. And armed with what? What type of --
- 16 A. It was a handgun.
- 17 Q. A handgun. What do you see when you-all arrive at
- 18 Rocky Lane or [REDACTED] Road?
- 19 A. Var Pugh's car.
- 20 Q. I'm gonna show you a photograph and let you tell us
- 21 where you are observing this. I'm gonna show you what is
- 22 State's 12 already in evidence. As you're coming through,
- 23 Mr. Tolen, if you could show us how you came into Rocky
- 24 Lane.
- 25 A. (Witness complies.)

1 Q. Okay. Now in the path that you showed us, you passed
2 by 15 and 16?

3 A. Yes, ma'am.

4 Q. What did you see as you're coming in this direction?

5 A. I seen Var Pugh's car --

6 Q. All right.

7 A. -- over by --

8 Q. Var Pugh's car. Can you show us here the general area
9 where you saw Var Pugh's car?

10 A. (Witness complies.)

11 Q. Right about there. Okay. Now you said you're
12 familiar with a lot of folks in Batesburg. Do you happen
13 to know what was going on in this area of 15 and 16 on that
14 night?

15 A. A graduation party.

16 Q. Okay. And how do you know that?

17 A. Because two of my little cousins was celebrating their
18 graduation.

19 Q. All right. So you had two cousins here involved in
20 this graduation ceremony -- or celebration?

21 A. Yes, ma'am.

22 Q. And was that taking place inside Lot 16 or outside of
23 Lot 16?

24 A. Outside.

25 Q. And did that extend to this area around 15, being the

1 home of Comilla Jackson?

2 A. Yes, ma'am.

3 Q. And you mentioned you had two cousins who were
4 actually part of that. Can you tell us their names?

5 A. Deterious Wigfall and Demontrell Wigfall.

6 Q. And Var Pugh's car you see in that general area. Now
7 did you see Var Pugh himself?

8 A. No, ma'am.

9 Q. And just to clarify, Var Pugh is the person who had
10 driven De Alewine at the store?

11 A. Yes, ma'am.

12 Q. What happens next?

13 A. I stopped and spoke to my little cousin and told him
14 that he needed to leave from down there because I had a bad
15 feeling.

16 Q. All right. So I want to stop you right there. Where
17 are you when you speak with your little cousin?

18 A. Right in there.

19 Q. Okay. And you tell him what?

20 A. He needs to leave because I had a bad feeling about --
21 about what's gonna happen down there.

22 Q. Okay. Where do you go next?

23 A. To Lot 7.

24 Q. And at Lot 7, do you have friends and associates
25 there?

1 A. Yes, ma'am.

2 Q. Who all are you friends with at Lot 7?

3 A. Pretty much everybody.

4 Q. Okay. I'm gonna show you some photographs that are
5 already in evidence. This being 74, 21, 22, and 36. Does
6 that look like the Lot 7 you know?

7 A. Yes, ma'am.

8 Q. Now was there a party or anything going on at Lot 7?

9 A. Yes, ma'am.

10 Q. And what was the purpose of that party?

11 A. A birthday party.

12 Q. And do you recall who it was for?

13 A. Shawanda Lites.

14 Q. Okay. And you know Shawanda Lites as well?

15 A. Yes, ma'am.

16 Q. All right. Looking here at 36, when you arrive were
17 there cars in the area?

18 A. There was a few on the side when I got there.

19 Q. And now I want to show you what is State's 79. Do you
20 recognize that location?

21 A. Yes, ma'am.

22 Q. Is that a fair and accurate home of Shawanda Lites?

23 I'm sorry, Taleka Lites.

24 A. Yes, ma'am.

25 Q. At Lot 7?

1 A. Yes, ma'am.

2 MS. MAYES: State's 79 for evidence.

3 THE COURT: Any objection?

4 MR. WILLIAMS: No objection, Your Honor.

5 THE COURT: It's admitted.

6 (State's Exhibit Number 79, a photograph, was
7 admitted into evidence.)

8 BY MS. MAYES:

9 Q. So looking here at State's 79, Mr. Tolen, this would
10 be whose home?

11 A. Taleka's.

12 Q. All right. And we see a small porch here. Can you
13 tell us whether or not there's also a porch on the other
14 side of that home?

15 A. Yes, ma'am.

16 Q. Are both porches used and accessible?

17 A. Yes, ma'am.

18 Q. Who all do you remember being in this area when you
19 pulled up?

20 A. The only person that really stood out to me when I
21 pulled up was DeRoyce because that's who DJ went to talk to
22 first when we got there.

23 Q. Okay. We're just gonna use this to put names of
24 persons that we know are at various locations. I think you
25 had indicated that at Lot 16 outside was the graduation

1 celebration. You mentioned Demontrell Wigfall. Did you
2 see anyone else outside there other than Var Pugh's car?

3 A. There was a crowd of people on both sides.

4 Q. Okay. And then when you arrive outside Lot 7, you
5 mentioned that DeRoyce was outside. Do you know DeRoyce's
6 last name?

7 A. Lites.

8 Q. Okay. I'm gonna put here that Nitro is Nokia.
9 Quayshaun is Ace.

10 All right. I want to back up a little bit. You had
11 already mentioned that Hugo had been at DJ's house with
12 you guys earlier.

13 A. Yes, ma'am.

14 Q. Who asked Hugo to come to Lot 7?

15 MR. WILLIAMS: Objection. Calls for hearsay, Your
16 Honor.

17 MS. MAYES: I asked who, if he knows.

18 MR. WILLIAMS: It's still calling for hearsay.

19 MS. MAYES: He knows the answer and it's not
20 something that he heard.

21 THE WITNESS: I did.

22 THE COURT: Well, don't answer just yet.

23 Let me see the lawyers for a second.

24 (Proceedings held at the bench; not reported.)

25 THE COURT: Okay. The objection's withdrawn.

1 Go ahead, Ms. Mayes.

2 BY MS. MAYES:

3 Q. So your testimony has been that DJ and Kay Norris
4 arrive with you?

5 A. Yes, ma'am.

6 Q. Who asked Hugo or DeCarlos Chatman to come to Lot 7?

7 A. I did.

8 Q. Okay. And where were you when you had asked Hugo to
9 come to Lot 7 as well?

10 A. DJ's house.

11 Q. Okay. And you talked about arriving and you see Var
12 Pugh's car. Did you actually see Var Pugh or De Alewine
13 there?

14 A. No, ma'am.

15 Q. But you saw the car?

16 A. Yes, ma'am.

17 Q. Now when you pull into Lot 7, what type of mood or
18 demeanor was DJ in when he gets out of the car at Lot 7?

19 A. His demeanor pretty much didn't change.

20 Q. Describe it.

21 A. He was upset about how --

22 MR. WILLIAMS: Objection. Speculation. Hearsay.
23 Any number of things.

24 MS. MAYES: What are you observing?

25 THE COURT: Let me hear from the State. He's --

1 this is what he's observing.

2 What's your argument, Ms. Mayes, before he answers?

3 MS. MAYES: Yes, Your Honor. I can rephrase it,
4 but I think it's gonna be clear.

5 BY MS. MAYES:

6 Q. Was he in his normal state or something different?

7 A. Something different.

8 Q. Okay. And how is he when he gets out of the car?
9 Does he just walk out of the car?

10 A. He jumps out and started talking to DeRoyce.

11 Q. All right. And he jumps out and starts talking to
12 DeRoyce. Now do you have personal knowledge as to whether
13 or not DJ is armed with a weapon at this point?

14 A. No, ma'am.

15 Q. But you knew that Kay Norris was?

16 A. Yes, ma'am.

17 Q. Do you have personal knowledge as to whether or not
18 Hugo was armed with a weapon? Had you --

19 A. No, ma'am.

20 Q. What weapon does Hugo ordinarily -- what weapon do you
21 know him to have?

22 A. A 22 revolver.

23 Q. All right. And when you arrive at Lot 7, what happens
24 next?

25 A. After DJ spoke to DeRoyce, he went in the house.

1 Q. All right.

2 A. And then they came out the house. DJ came out, then
3 Ace came behind him, and then everything went from there.

4 Q. Okay. I'm gonna ask you more about that. Now you
5 told us about Kay Norris having a handgun. Did you have
6 eyes on Kay Norris and where Kay Norris went?

7 A. No, ma'am.

8 Q. But eventually you see who go inside?

9 A. DJ.

10 Q. All right. And what -- where are you at? I'm just
11 gonna show you this photograph right here, State's 79, and
12 ask you are you at this porch or the other porch?

13 A. That porch.

14 Q. So you're at this porch. Have shots happened yet?

15 A. No.

16 Q. During the time that you were out there, do you ever
17 see anybody from 15 or 16 cross over?

18 A. No, ma'am.

19 Q. And as you're there outside Lot 7, have you heard any
20 shots yet?

21 A. No, ma'am.

22 Q. What do you see before the shots?

23 A. I see DJ come out the house yelling across the road.

24 Q. All right. When you say DJ comes out and he's
25 yelling across the road, let me show you that one more

1 time. Looking at this, can you show us which direction
2 you observed him to be yelling?

3 A. (Indicating.)

4 Q. In that area?

5 A. Yes, ma'am.

6 Q. Can you tell us whether or not anyone there appears
7 to be yelling back?

8 A. There was a lot of noise, so I couldn't really say for
9 sure.

10 Q. But DJ is yelling towards this direction?

11 A. Yes.

12 Q. What happens next?

13 A. After DJ gets finished yelling, I heard some shots and
14 then the next thing I heard explosions.

15 Q. Okay. When DJ came out, who was he with?

16 A. Ace came out behind him.

17 Q. When Ace comes out, what, if anything, do you see on
18 him?

19 A. He had a gun in his hand.

20 Q. What kind of gun?

21 A. A rifle. Assault rifle.

22 Q. I'm gonna add that to the board because you are seeing
23 them come from Lot 7 outside; is that accurate?

24 A. Yes, ma'am.

25 Q. And when Ace comes out, where is he when you first see

1 him with the gun?

2 A. On the porch.

3 Q. And is this before the shots have started?

4 A. Yes, ma'am.

5 Q. Where do you hear the first shots?

6 A. From in front of us. From where the area we was at,

7 it was before us.

8 Q. Now at this point in time I know you said you asked

9 Hugo to come, but is Hugo within your eyesight at this

10 point in time?

11 A. No, ma'am.

12 Q. You can't see Hugo from where you are?

13 A. No, ma'am.

14 Q. Can you tell us whether or not the shots you hear are

15 consistent with this area here?

16 A. Not for sure. I just knew it comes from before us.

17 Q. Okay. It came from?

18 A. In front of us.

19 Q. Okay. In front of you. And that would be at Lot 7?

20 A. (Nods head.)

21 Q. Is that a yes or a no?

22 A. Yes, ma'am.

23 Q. What happens next?

24 A. Shooting. Shots are fired, then I heard a lot -- a

25 lot of loud gunshots, and I just froze.

1 Q. Okay.

2 A. And once the shooting stopped, I grabbed a gun from
3 my cousin Nash and I left with DJ and Kay Norris in the
4 car.

5 Q. Okay. When you said your cousin Nash, are you
6 referring to Nash from outside Lot 7?

7 A. Yes, ma'am.

8 Q. And had you observed him with a weapon, too?

9 A. Yes, ma'am.

10 Q. And you said that when you left you left with DJ and
11 with Kay Norris?

12 A. Yes, ma'am.

13 Q. I want to go back to this photo here. When you first
14 see Ace come out with the big gun, where do you see him at?

15 A. On the porch.

16 Q. Can you look at this and tell us where that would be?

17 A. (Indicating.)

18 Q. And where are you about this time?

19 A. About right there.

20 Q. Okay. And you indicate that while the shooting is
21 going on what do you do?

22 A. I stay still.

23 Q. Are you focussed on anyone else at that point in time?

24 A. I'm looking straight ahead.

25 Q. Okay. Where did you hear what sounded like the big

1 gun?

2 A. From behind me.

3 Q. Okay. For identification I'm gonna show you a
4 photograph for ID only at this time. This is gonna be
5 State's 25, previously Court's 25.

6 Looking here at State's 25 for ID, can you tell us
7 whether or not you recognize what's shown in this photo?

8 A. That's an assault rifle.

9 Q. Can you tell us whether or not this appears consistent
10 with what you saw?

11 A. Something like it.

12 Q. Okay. That's for identification only at this time.

13 Was it clear to you whether or not the gun that you
14 saw Ace with here was a handgun versus a large gun?

15 A. Yes, ma'am.

16 Q. How so?

17 A. It was bigger. Way bigger than a handgun.

18 Q. Okay. Can you describe about the size of it?

19 A. About that long.

20 Q. All right. Now you have said Ace, but I'm gonna ask
21 you do you see the person you know as Ace in the courtroom
22 today?

23 A. Yes, ma'am.

24 Q. Where is he seated?

25 A. The defendant.

1 MS. MAYES: Your Honor, if the record may reflect
2 he's identified the defendant.

3 THE COURT: It does.

4 BY MS. MAYES:

5 Q. Mr. Tolen, you have associates as you've testified
6 at 7 and 16?

7 A. Yes, ma'am.

8 Q. And you testified you left?

9 A. Yes, ma'am.

10 Q. Did you come back?

11 A. Yes, ma'am.

12 Q. Why?

13 A. Because my little cousin was there and I came back to
14 check on him and make sure everything was all right.

15 Q. Okay. You came back to check on Mr. Wigfall here?

16 A. Yes, ma'am.

17 Q. When you came back, where did you drop off DJ and
18 Kay Norris?

19 A. His house.

20 Q. Did you see -- after the shooting stopped, did you see
21 what happened to Ace?

22 A. No, ma'am.

23 Q. But when you came back, was Ace still there?

24 A. No, ma'am.

25 Q. Tell us what happened when you came back.

1 A. When I came back, I see De Alewine still there and I
2 told him you're the MF'er that got all this stuff started
3 and I was about to approach him and actually intended to
4 fight in front of the police, but somebody called my name
5 to the left.

6 Q. Okay. And you can't say what anybody said to you.

7 A. When they called my name, I just -- I looked way and
8 I turned back around and he was gone.

9 Q. Okay. And that would have been in what area?

10 A. In between 15 and 16.

11 Q. Okay. Can you show us with your laser?

12 A. (Witness complies.)

13 Q. All right. So that's the general area after the
14 shooting stopped that you saw Mr. Alewine?

15 A. Yes, ma'am.

16 Q. Okay. And what do you discover when you come back?

17 A. At first I discovered that my car had been shot twice
18 and I was upset about my car and everything and I was
19 complaining about my car, getting hysterical about my car
20 and everything, and that's when Ms. Jay said your car, and
21 then she said something I couldn't understand and then I
22 seen a group of people charge at me, so I went to stand my
23 ground and one of my friends grabbed me and told me what --

24 MR. WILLIAMS: Objection, Your Honor. What one
25 friend tells him.

1 MS. MAYES: All right. So let me ask you this.

2 THE COURT: You can't -- I'm gonna tell you,
3 Mr. Tolen, you can't say what somebody else told you,
4 that's hearsay, and the jury is to disregard that.

5 THE WITNESS: Okay.

6 BY MS. MAYES:

7 Q. So as you are here you discover that your car had been
8 shot?

9 A. And I also discovered that a little girl had been
10 killed.

11 Q. That's when you learned --

12 A. Yes, ma'am.

13 Q. -- that Minor was killed?

14 A. Yes, ma'am.

15 Q. What did you do next?

16 A. I was in shock for a moment because I was like -- I
17 didn't know that it had happened and everything and Officer
18 Chandler was out there and somebody told me she was good
19 people to talk to.

20 Q. Okay. Did you make a decision as to whether or not
21 you wanted to stay and talked with law enforcement?

22 A. I stayed.

23 Q. And as you stayed and talked with law enforcement, did
24 you tell them what had occurred at Lot 7?

25 A. Yes, ma'am. I told them how it started and how it

1 came to be right now.

2 Q. All right. And you indicated earlier that your cousin
3 Nash also had had a gun out at Lot 7?

4 A. Yes, ma'am.

5 Q. Were you able to retrieve that gun from your cousin
6 Nash?

7 A. Yes, ma'am.

8 Q. And can you tell us what you did with that gun?

9 A. I turned it into the police department.

10 Q. If you had had access to any of the other guns used
11 in this case, Mr. Tolen, would you have turned those over
12 as well?

13 A. Yes, ma'am.

14 Q. What you have testified to today regarding witnessing
15 Ace with the big gun, can you tell us whether or not you
16 gave that information to law enforcement?

17 A. Yes, ma'am.

18 Q. And prior to you hearing those shots right here, had
19 anyone from Lot 15 or Lot 16 come over across the road?

20 A. Not to my knowledge.

21 Q. Okay. And at that point that you're here, are you
22 able to actually visualize Hugo?

23 A. No, ma'am.

24 Q. He was not in your line of sight anymore?

25 A. No, ma'am. I didn't see him the whole time I was down

1 there.

2 Q. Okay. So from where you are here, would you be able
3 to witness someone standing here?

4 A. No, ma'am.

5 Q. But from where you are here, are you able to witness
6 persons coming from out of the house and down the porch?

7 A. Yes, ma'am.

8 MS. MAYES: I beg the Court's indulgence.

9 THE COURT: Take your time.

10 BY MS. MAYES:

11 Q. I want to go back to when you-all are at DJ's house
12 leading up to this. Can you tell us during this two and
13 a half hours that you-all are hanging out at DJ's house
14 approximately what time would that be? Is it nighttime
15 already?

16 A. Yes, it's -- when we pulled up at DJ's house, it was
17 getting ready to get dark.

18 Q. Okay. And you-all remained there for about two and a
19 half hours?

20 A. Yes, ma'am.

21 Q. And then once you-all left there, did you-all go
22 straight to Rocky Lane?

23 A. Yes, ma'am.

24 MS. MAYES: Nothing further.

25 MR. WILLIAMS: May it please the Court?

1 THE COURT: Yes, sir, Mr. Williams.

2 CROSS-EXAMINATION

3 BY MR. WILLIAMS:

4 Q. Good morning, Mr. Tolen. How are you?

5 A. I've had better days.

6 Q. You've had worse days, too, haven't you?

7 A. Yes, sir.

8 Q. That's true with life normally. So, Mr. Tolen --

9 A. Yes, sir.

10 Q. -- let's go ahead and get this out of the way right up
11 top. You've been convicted of a violent offense, burglary
12 second, a violent offense, haven't you?

13 A. Yes, sir.

14 Q. And you were sentenced to fifteen years?

15 A. Yes, sir.

16 Q. And when were you sentenced to that?

17 A. March 26, 2011.

18 Q. March 26, 2011?

19 A. Yes, sir.

20 Q. You were sentenced to a fifteen-year offense, right?

21 A. Yes, sir.

22 Q. And did you max it out?

23 A. Yes, sir. I also pled guilty, too, and wrote a
24 statement incriminating myself and they gave me fifteen
25 years.

1 Q. Uh-huh. So you did the right thing by owning up to
2 it is what you're telling me?

3 A. Basically.

4 Q. Basically. But you know what that means though, that
5 also means that you're not supposed to possess firearms,
6 doesn't it?

7 A. Yes, sir.

8 Q. So you've admitted here today --

9 A. Yes, sir.

10 Q. -- that you had a firearm, didn't you?

11 A. Yes, sir.

12 Q. And you remember when -- when you had that -- well,
13 we'll go through it slowly. We'll go through it slowly.
14 Let me ask you about that day. Let me ask you about that
15 day of June the 9th. Was it June the 9th?

16 A. Yes, sir.

17 Q. You were driving and you got -- were you working that
18 day?

19 A. Yes, sir.

20 Q. And where were you working at?

21 A. Bentley's Pontoon.

22 Q. Say that again.

23 A. Bentley's Pontoon.

24 Q. Oh, you mean off the Interstate?

25 A. Yes, sir.

1 Q. And is that out there towards Lexington?

2 A. Yes, sir.

3 Q. Okay. So to get home, you would have got on I-20
4 and you would have gone that way or would you have gone
5 Number 1 Highway?

6 A. Old Two Notch.

7 Q. Old Two Notch, which is -- which basically if you were
8 going from Springdale, you could kind of take Old Two Notch
9 all the way up to Batesburg, right?

10 A. Yes, sir.

11 Q. So you took Old Two Notch and did you go by your house
12 before you went to --

13 A. No, sir.

14 Q. All right.

15 A. I was on my way home.

16 Q. So where do you live?

17 A. At the time I was staying at [REDACTED] Plumber Street.

18 Q. All right. That's in Batesburg?

19 A. Yes, ma'am. Yes, sir. I'm sorry.

20 Q. Maybe some days. So when you were on the way, you
21 said you saw -- was it Donald Jackson?

22 A. Yes, sir.

23 Q. Now you know him well, right?

24 A. I'm familiar with him. I don't -- I can't say I know
25 him well.

1 Q. Is he -- you knew his name was Donald Jackson?

2 A. Yes. He has a baby by my little cousin.

3 Q. He has a baby by your cousin?

4 A. Yes, sir.

5 Q. You remember when you came back -- when you came back
6 to the scene and -- and you were telling the police officer
7 what all happened? Do you remember that?

8 A. Yes, sir.

9 Q. You know all that stuff is recorded on a camera. You
10 knew that, right?

11 A. Yes, sir.

12 Q. As a matter of fact, you've looked at that -- that
13 video camera of your -- of your interaction with the police
14 officer, haven't you?

15 A. No, sir.

16 Q. Well, there was a police officer there by the name of
17 Mountzouros and that was the person you were talking to
18 when you came back there. Do you remember what state of
19 mind you were in when you were up there talking to the
20 police officer? That's the first police officer you talked
21 to on the scene.

22 A. I was intoxicated.

23 Q. A lot intoxicated, weren't you?

24 A. Yes, sir.

25 Q. You were standing there holding an Ultra beer. Do

1 you remember holding an Ultra beer or do you even remember
2 that?

3 A. Yes, sir.

4 Q. Okay. How long had you been drinking?

5 A. When I had got off work, we had been drinking.

6 Q. So how many beers do you think you drank -- and you
7 got off work at what time?

8 A. 4:30.

9 Q. And what time was it that you were talking to this
10 officer out there on the scene?

11 A. I have no idea of the time, sir.

12 Q. Do you know how many beers you drank in that time
13 period?

14 A. Probably about eight. Probably about eight.

15 Q. Eight?

16 A. Yes, sir.

17 Q. When did you start drinking?

18 A. When I got in the car with DJ when we was coming from
19 Hartley's.

20 Q. Did you-all pick up a little extra beer there?

21 A. That's where we picked up the beer from.

22 Q. And DJ -- DJ actually bought some beer for you?

23 A. Yes, sir.

24 Q. Or that was part of the deal for, I guess,
25 transportation, but you said you really didn't need that --

1 you told the officer you didn't really need that, he was --
2 you know, it was a good thing to do?

3 A. He asked me -- offered to put gas in the car, I had a
4 full tank, I told me he could --

5 Q. A little beer would be okay. Did you smoke any
6 marijuana?

7 A. Not at that time.

8 Q. When did you smoke your marijuana?

9 A. When I got back down there.

10 Q. When you got back down there. You've got to help me
11 out? When you --

12 A. When I got back to the scene.

13 Q. When you got back to the scene?

14 A. Yes, sir.

15 Q. Had you been at the scene earlier?

16 A. Yes, after -- when the shooting happened.

17 Q. So --

18 A. I wasn't there but a few minutes when the incident
19 occurred.

20 Q. So are you saying you didn't smoke any marijuana when
21 you were down there the first time, but you smoked it the
22 second time before you started talking to the police
23 officer?

24 A. No, it was after I talked to the police officer.

25 Q. Okay. So you hung around there after the police

1 officer had left the scene?

2 A. I stayed there pretty much all night until that
3 morning my cousin took me to they house because I couldn't
4 get my car.

5 Q. All right. So you were trapped down there, if you
6 will?

7 A. (Nods head.)

8 Q. So you decided you'd smoke some marijuana down there,
9 right?

10 A. Sat in the car.

11 Q. Do you remember -- when you talked to the first police
12 officer down there about what transpired, do you remember
13 what you called DJ when you were trying to explain to him
14 what his name was?

15 A. Cuz?

16 Q. How about Donovan?

17 A. Donovan?

18 Q. Do you remember calling him Donovan Jackson and then
19 called him Donald Jackson? Do you remember that?

20 A. I really didn't know his name then -- right then. The
21 only thing I knew was DJ.

22 Q. So when you were talking to the police officer who is
23 -- has a baby by your cousin, you were telling that police
24 officer the guy's name was Donavon Jackson.

25 A. They said not to speak on hearsay, so I can't tell you

1 how I came by the name.

2 Q. How you came by the name? Somebody told you the name?

3 A. I just knew DJ.

4 Q. When did you learn it was Donald Jackson or Donavon
5 Jackson?

6 A. At the police station.

7 Q. So somebody told you who to say it was; is that right?

8 A. No, sir.

9 Q. Well, you've already said all you knew him by was DJ.

10 A. When they put a picture in front of me with his name,
11 that's kind of a clear-coated. I know -- I knew who the
12 man in the picture is.

13 Q. So basically what you're saying is when you first
14 talked to the police officer you didn't know what his name
15 was?

16 A. No, sir.

17 Q. Donald or Donavon or whatever?

18 A. I just know DJ.

19 Q. Okay. And you remember that discussion when you were
20 telling them what all transpired, you said you knew who got
21 this thing started, right?

22 A. Yes, sir.

23 Q. Who was that?

24 A. De Alewine.

25 Q. All right. You knew De Alewine, right?

1 A. I knew of him. I know his momma.

2 Q. I got you. So that's the person you were blaming for
3 it, right?

4 A. Yes, sir.

5 Q. And as the conversation went further on with the
6 police officer and he asked you about who was involved in
7 the shooting, you said I know and I'm gonna get him, right?

8 A. Yes, sir.

9 Q. What all did you say? You said -- you said it's
10 different, but you didn't offer the name of the person,
11 you said you were just gonna get him, right?

12 A. I told them De Alewine at the beginning. That's who
13 started it. That's who I wanted.

14 Q. But you -- so you didn't say that somebody else was
15 involved in the actual shooting?

16 A. I don't remember that, sir.

17 Q. So let's go back again. When you -- when the two of
18 you-all left the -- what was the name of the place where
19 you-all stopped to get the beer?

20 A. Hartley's.

21 Q. Hartley's. Where's that?

22 A. In Monetta.

23 Q. Okay. So Hartley's in Monetta is nowhere near on the
24 way to going to your house, is it?

25 A. No, sir.

- 1 Q. So where did you see DJ?
- 2 A. What's that -- Pine Street.
- 3 Q. You've lived in Batesburg all your life.
- 4 A. Pine Street.
- 5 Q. Is it Pine Street?
- 6 A. Yes, sir.
- 7 Q. All right. Where is that in location to, say,
- 8 Highway Number 1?
- 9 A. About a skip and a hop. It crosses over.
- 10 Q. It crosses over?
- 11 A. Yes, sir.
- 12 Q. So how do you get to Monetta on Pine Street?
- 13 A. I picked him up, I gave him a ride to the ATM, he
- 14 asked me for a --
- 15 Q. The ATM. All right.
- 16 A. He asked me for a ride, I gave him a ride to the ATM.
- 17 I took him to the ATM.
- 18 Q. All right. Hold on. Hold on. I know you want to
- 19 get this over with, but we want to enjoy our time here
- 20 while we're here today. So you give him a ride to the
- 21 ATM machine. Did you go up on Highway Number 1 up in the
- 22 parking lot there? Is that the ATM you went to?
- 23 A. I went to -- yes, over by Pizza Hut.
- 24 Q. Over by the Pizza Hut. So anybody that knows about
- 25 Batesburg knows where the Pizza Hut is. So you went in

1 that parking lot and you-all got some -- he got some money
2 out of the ATM machine?

3 A. Yes, sir.

4 Q. I got you. And you know -- did you know that when you
5 get money out of those machines they actually record stuff?

6 A. Yes.

7 Q. Who the person is?

8 A. Yes, sir.

9 Q. What time it happens?

10 A. Yes, sir.

11 Q. So about what time would that have been?

12 A. It was close to -- a little bit after five it should
13 have been.

14 Q. All right. So then after he gets his money, then you
15 take him somewhere else?

16 A. Yes, sir.

17 Q. Where do you -- where do you take him now?

18 A. He said he had to go see a friend out in Bethlehem.

19 Q. At where?

20 A. Bethlehem.

21 Q. Bethlehem. You didn't go to -- you didn't go across
22 the ocean or anything like that?

23 A. No.

24 Q. Where's Bethlehem?

25 A. It's -- it's hard to describe. It's like --

1 Q. Well, you live there.

2 A. -- it's like on the outskirts of Batesburg. As a
3 matter of fact, it's little bit below Rocky Lane. Instead
4 of passing -- turning down [REDACTED] Road, you keep straight
5 for about like a half a mile and then you make a right.
6 That's Bethlehem there.

7 Q. So which road are you going down, 178, or are you
8 going down 391?

9 A. 391.

10 Q. So you're going down 391, which is -- if you were
11 going to Rocky Lane from where you were, 391 is the easiest
12 way to go there, isn't it?

13 A. Well, 391 is quicker.

14 Q. Okay. You passed -- you passed [REDACTED] Lane on 391
15 and you go a little bit further down and you take a right
16 is what you're saying?

17 A. Yes, sir.

18 Q. To Bethlehem?

19 A. Yes, sir.

20 Q. Now is Bethlehem the name of the road?

21 A. No, it's the name to an area.

22 Q. So there's a community down there by the name of
23 Bethlehem?

24 A. (Nods head.)

25 Q. So whose house do you go to in Bethlehem?

1 A. It's some of his people's. I don't know who they
2 were. He just asked me to take him there.

3 Q. So what do you do when you get there?

4 A. I pull up, park the car, he get out, he goes in the
5 house, he sit in there for a minute, then he come back out
6 and then he's like hey, what do I owe you, some gas money
7 or do you want me to get you a couple beers. I looked at
8 my gas tank, I said well, I'm almost full, you can get me a
9 couple of beers.

10 Q. So --

11 A. And then he said --

12 Q. Hold up. Hold up. Let's talk about when he goes to
13 Bethlehem. He's not visiting the manger or anything. When
14 he goes there, who does he see at Bethlehem?

15 A. I don't know who he sees. He goes in the house. I
16 sit out in the car.

17 Q. How long is he in the house?

18 A. About like five minutes.

19 Q. All right. Did he come back out with something?

20 A. Not -- his hands was empty when he came out.

21 Q. So he just had to talk to somebody, didn't he?

22 A. I guess.

23 Q. You don't know?

24 A. I don't know.

25 Q. Did he ask you to wait there?

1 A. Yeah, he told me to give him a ride and I'll take him
2 back home when he finished because he had to go to work
3 that night.

4 Q. So he had some business to do in Bethlehem?

5 A. I guess.

6 Q. So you get him back, you put him in the car. Well,
7 you didn't put him in the car. He got in by himself. He's
8 a little guy, isn't he?

9 A. Yes, sir.

10 Q. And you're a big guy? You could have put him in the
11 car, couldn't you?

12 A. (No verbal response.)

13 Q. So he gets in the car and then where do you go?

14 A. Once he asked me about the gas situation, I told him
15 to get a couple of beers. He said well, since we're over
16 in this area, we might as well go to Hartley's.

17 Q. And that -- and that really is an easy place to get to
18 from there. It's cheaper beer up there, isn't it?

19 A. It's quicker from Hartley's.

20 Q. And you pull up to that location and he goes in or do
21 you go in with him?

22 A. He goes in.

23 Q. All right. And do you see the other guys pull up in
24 the parking lot?

25 A. Yes, they pull up to the gas tanks.

1 Q. What kind of car were they driving?

2 A. It was like the dark blue car. A Toyota, I think.

3 Q. A dark blue Toyota?

4 A. I think that's what it is.

5 Q. Who's driving that car?

6 A. Var Pugh.

7 Q. Now you know Var Pugh?

8 A. Yes, ma'am. Yes, sir.

9 Q. That's cool. That's all right. So you made the
10 comment earlier that you knew, referring to Mr. Hugo, that
11 you knew that he normally carries a 22 caliber, right?

12 A. Yes, sir.

13 Q. What kind of gun does Var Pugh carry?

14 A. I don't know, sir.

15 Q. Have you ever seen Var Pugh with a gun before?

16 A. No, but I've heard he has some, but I don't know.

17 Q. What kind of gun have you heard he's had?

18 MS. MAYES: Objection to hearsay.

19 MR. WILLIAMS: I with -- I withdraw it, Your Honor.

20 THE COURT: It is hearsay.

21 Jury, disregard that.

22 Go on, Mr. Williams.

23 BY MR. WILLIAMS:

24 Q. So he's driving. Who all is in the car with Var Pugh?

25 A. De Alewine and another gentleman that I don't know who

1 he was.

2 Q. What did he look like?

3 A. Slim, dark skin.

4 Q. Okay.

5 A. I can't really tell how tall he was because he was
6 sitting down.

7 Q. Okay. So there's some kind of argument going on and
8 then you don't -- you don't -- DJ gets in the car and
9 you-all just leave, right?

10 A. When DJ walks to the car, DJ -- he's talking junk to
11 DJ while he's walking out the store.

12 Q. Who is?

13 A. De Alewine.

14 Q. Where is De Alewine talking junk to him?

15 A. Coming out the store.

16 Q. Where is De Alewine?

17 A. He went in the store and they was both in the store
18 and words was exchanged inside the store and they came out
19 the door and he was talking to DJ. While he was walking
20 off, DJ was saying words over his shoulder. De was like
21 following --

22 Q. All right. So they're talking words and then DJ gets
23 in the car?

24 A. Yes, sir.

25 Q. Did you get out of the car to talk to those guys?

1 A. Yes, sir.

2 Q. And you did that because you're older?

3 A. Yes, sir.

4 Q. You're bigger?

5 A. Older. And I felt like they had a little respect for
6 me and I thought I could neutralize the situation.

7 Q. Because Var Pugh is somebody you know and he is the
8 driver of the car and you know him fairly well?

9 A. Yes, sir.

10 Q. And you figured that if you tell him that everything's
11 gonna be okay or to chill, then everything would be all
12 right?

13 A. Figured.

14 Q. Is that because you -- you partied with Var Pugh
15 before?

16 A. His uncle is my best friend and I know his mother.

17 Q. Okay. And you know Var Pugh, too?

18 A. Yes, sir.

19 Q. So -- but that didn't work, so you just leave and you
20 go to whose house?

21 A. DJ's house.

22 Q. Where does DJ live?

23 A. DJ stay by the old Piggly Wiggly.

24 Q. Right. He lives in a house that's been like rebuilt
25 six times right next to the railroad tracks, right?

- 1 A. Yes, sir.
- 2 Q. And do you go in with him?
- 3 A. Well, actually we didn't go to his house. We went to
- 4 the apartment downstairs. It's like a duplex.
- 5 Q. Right. It's been put together. Who put that thing
- 6 together? Do you know who did that?
- 7 A. (Shakes head.)
- 8 Q. All right. So you go downstairs and what are you
- 9 doing down there?
- 10 A. Well, DJ explained to them what's going on, what
- 11 happened at the store.
- 12 Q. And you decide that you're gonna go to Rocky Lane?
- 13 A. No. Var and them pulled up, De got out of the car.
- 14 Q. And there was some kind of dispute there. You don't
- 15 have to say what anybody said, but there was some kind of
- 16 dispute at that house, right?
- 17 A. Yes.
- 18 Q. Then you-all stayed there a little while longer?
- 19 A. Yes, sir.
- 20 Q. Two and a half hours?
- 21 A. Yes, sir.
- 22 Q. So what time are we now?
- 23 A. We're pushing 9:00, closing in on ten.
- 24 Q. It was dark?
- 25 A. (Nods head.)

1 Q. So when that exhibit was shown to you earlier and you
2 identified this as Lot 7 and you were asked the question
3 dealing about cars and stuff like that, you said there was
4 some cars there, but obviously it didn't look like this
5 when you got there, did it?

6 A. No, sir.

7 Q. And we know that because it's daylight, right?

8 A. Yes, sir.

9 Q. So tell me how many cars are parked and where.

10 A. When I pulled up, you have cars -- about three -- four
11 cars over here and I had one space and I pulled in. It was
12 a space where the steps was open, so I pulled up there.

13 Q. But before you actually pull up, when you drive down
14 the road, you say you see -- what's his name?

15 A. Demontrell.

16 Q. I thought you saw somebody's car. Was it --

17 A. I saw Var Pugh's car.

18 Q. Yeah, they're you go. That's a hard name. How do you
19 spell his first name, V-A-R?

20 A. I guess.

21 Q. Okay. But you pronounce it Var Pugh?

22 A. (Nods head.)

23 Q. Is he a big dude?

24 A. No, sir.

25 Q. And you see his car there and that's that blue car?

1 A. Yes, sir.

2 Q. Where's it parked? You've got your little thing?

3 A. There's ain't nothing up here.

4 THE COURT: You don't have anything up there.

5 MR. WILLIAMS: That would be a trick, wouldn't it?

6 BY MR. WILLIAMS:

7 Q. Okay. Let me see if I can put this up there. There
8 you go.

9 All right. Okay. You see --

10 A. Over in this area.

11 Q. It's moving a lot.

12 A. I've got bad nerves.

13 Q. There you go. All right. You're messing with me,
14 right? Can you hold it a little bit steadier?

15 A. (Witness complies.)

16 Q. Okay. So it's right below the bush, right?

17 A. Yeah.

18 Q. I got you. So you pull up and you see his car there.
19 Is it parked directly in or is it parked sideways?

20 A. Sideways. Like facing out towards the road.

21 Q. So -- I didn't say that well. Is it facing towards
22 the dirt road or is it facing towards [REDACTED]?

23 A. The dirt road.

24 Q. The dirt road.

25 A. Actually it was like kind of pointing -- facing

1 towards the dirt road and then leading up towards [REDACTED]
2 Road.

3 Q. Okay. It's kind of like pulled in? Is the front of
4 the car pulled in facing the dirt road?

5 A. Yes, sir.

6 Q. Okay. So when you do that, DJ, Donavon, whatever his
7 name is, Donald, gets out of the car, your car, and who is
8 in the car with you?

9 A. Kay Norris.

10 Q. And Kay Norris is who?

11 A. Kay Norris.

12 Q. You don't know -- how do you know Kay Norris?

13 A. I have so many people that say that I'm kin to him.
14 He say I was his cousin. I just went with it.

15 Q. I guess what I'm trying to figure out is how did
16 Kay Norris get in your car coming from his house going down
17 to --

18 A. He was -- he was at up at DJ's place.

19 Q. So he was at DJ's place before you got there or did he
20 get there later?

21 A. Before.

22 Q. So he was waiting on you-all?

23 A. No, he was downstairs.

24 Q. He was downstairs. Is that his apartment there?

25 A. No, it's a friend of his.

- 1 Q. So he's down there. Was his friend there?
- 2 A. Yes, sir.
- 3 Q. So there was more people there than just DJ and -- and
- 4 who -- what's the guy's name you took down there?
- 5 A. Kay.
- 6 Q. Kay Norris. There was somebody -- who else was down
- 7 there?
- 8 A. It was me, Justin, Kay and DJ.
- 9 Q. Justin Kay?
- 10 A. Me, Justin, Kay Norris.
- 11 Q. Justin. Who is Justin?
- 12 A. That's the guy that stay there.
- 13 Q. Okay. Did he go with you-all?
- 14 A. No, sir.
- 15 Q. So you get in the car, you're taking Donald Jackson
- 16 down to the mobile home park, and it's you and who?
- 17 A. DJ and Kay Norris.
- 18 Q. You knew that there was some sort of graduation or
- 19 some sort of birthday party down at Lot 7, didn't you?
- 20 A. Yes, sir.
- 21 Q. So how did you know about there being a birthday party
- 22 down at Lot 7?
- 23 A. Through DJ.
- 24 Q. So because you and DJ -- DJ's related to the people
- 25 down at Lot 7, right?

1 A. Yes, sir.

2 Q. So he would -- did he suggest why don't you-all go
3 down there?

4 A. No, sir.

5 Q. Who suggested that you-all go down there?

6 A. After the altercation at his house?

7 Q. Yeah.

8 A. Oh, that was where we were planning on going once he
9 got in the car earlier that day.

10 Q. I guess what I'm asking, when I go to a party, I wait
11 until I have an invite. I wait until somebody calls me up,
12 sends me a card, says hey, you're invited, and sometimes
13 they put that thing called RSVP on the bottom. So who
14 invited you and then who invited you to gather up these
15 people and bring them down to that location?

16 A. DJ invited me to come down there.

17 Q. Well, DJ doesn't live there, does he?

18 A. No, sir. It was his people. That's how you do in
19 Batesburg.

20 Q. So he was authorized to invite you to the party is
21 what you thought?

22 A. That's how we do in Batesburg.

23 Q. Did you talk to the owners of the mobile -- of the
24 trailer down there at Lot 7 and get permission to come down
25 there?

1 A. No, sir.

2 Q. So if the owners didn't want DJ down there, then
3 you've just helped --

4 A. Invited.

5 Q. -- you just helped somebody go down there that they
6 didn't want there, right?

7 A. Yes, sir.

8 Q. As a matter of fact, under your theory, it turns out
9 that that was a problem, wasn't it?

10 A. (Nods head.)

11 Q. I'm sorry, I didn't hear that answer.

12 A. Yes, sir.

13 Q. So you gather up these guys and you bring them down
14 there to a party that you weren't invited except by one of
15 these guys who's gonna cause the problem is what you're --
16 what you're telling me, right? That's true?

17 A. Pretty much.

18 Q. Okay. So when you get down there, he jumps out, he
19 goes and talks to somebody and then he gets back in the car
20 and then you-all ride back down to Lot 7, right?

21 A. No, sir.

22 Q. What do you do?

23 A. I get -- I stopped and talked to someone. We didn't
24 get out of the car until we pulled into Lot 7.

25 Q. Okay. But where is DJ?

1 A. In the car with me.

2 Q. So he gets out of the car, talks to somebody, gets
3 back in the car? How does DJ get out of the car? Does he
4 not get out of the car at all until you get to Lot 7?

5 A. He didn't get out of the car at all until we get to
6 Lot 7.

7 Q. Who did you talk to?

8 A. I talked to Demontrell Wigfall.

9 Q. That's your cousin, right?

10 A. Yes, sir.

11 Q. Are they both males or one a male and one a female?

12 A. Both males.

13 Q. 18-year-old guys, right?

14 A. Yes, sir.

15 Q. Just graduated from high school?

16 A. Yes, sir.

17 Q. And you tell them there's gonna be trouble, you-all
18 need to leave?

19 A. I told him I had a bad feeling about this and you need
20 to get out here.

21 Q. Well, the question I've just been aching to ask you is
22 why if you made that comment to them, why didn't you take
23 your car, turn your car around and drive your warm body
24 back to where you live with these people who are in your
25 car?

1 A. Because that's where they wanted to go and I was
2 fixing to leave. I didn't have a chance to leave. Once
3 I pulled up, he got out of the car, a few minutes later
4 everything broke loose. And it's a good thing my cousin
5 didn't leave because he might would have got hit in the
6 process trying to get out of there.

7 Q. Okay. So you drive on down to Lot 7 and you park your
8 car. Where do you park your car?

9 A. On the back side of Lot 7.

10 Q. Can you show me with this? You've got your little --

11 A. (Indicating.)

12 Q. All right. You say the back side. Let's make sure
13 we're talking about the back and the front. And -- and you
14 know why I'm asking that question, don't you?

15 A. Yes, sir.

16 Q. Because a lot of times people use the back door for
17 people to come to their house and they call the back door
18 the front door, correct?

19 A. (Nods head.)

20 Q. And that's why I'm asking the question. You knew I
21 was going there, didn't you?

22 A. (Nods head.)

23 Q. So you pull -- show me again.

24 A. (Witness complies.)

25 Q. Now is that the back side or is that the front side of

1 the house?

2 A. Back.

3 Q. You call it the front porch or the back porch?

4 A. The back porch.

5 Q. So the front would be on this side?

6 A. Yes, sir.

7 Q. Even though you don't get to the house going in the

8 front way, do you?

9 A. (Shakes head.)

10 Q. I mean --

11 A. No, sir.

12 Q. For you to come upon this trailer, you actually see

13 the --

14 A. The back of it first.

15 Q. -- the back of the trailer as the front of the

16 trailer?

17 A. (Nods head.)

18 Q. Okay. So you go there and you park on the back side

19 of the trailer?

20 A. Yes, sir.

21 Q. And whose car is down there on the back side of the

22 trailer?

23 A. Mine's and Ace's and two others.

24 Q. So there are four cars there?

25 A. (Nods head.)

1 Q. Show me on this -- you know what we're gonna do? Can
2 I ask you -- well, it won't help I don't guess. That thing
3 is shaking all over the place.

4 MR. WILLIAMS: Can I ask him to step down?

5 THE COURT: Absolutely. Step down.

6 (Whereupon, the witness steps down from the witness
7 stand.)

8 BY MR. WILLIAMS:

9 Q. And this is a small deal, but what I want you to do --
10 have you got your little thing? You need that. I don't
11 think that would work. I want you to show me -- let's see
12 if we -- I guess everybody can see. I want you to show me
13 where your car is parked.

14 A. Close to the trailer.

15 Q. All right. What kind of car are you driving?

16 A. A 2013 white Chevy Impala.

17 Q. Before it got shot up?

18 A. Yes, sir. The brakes just went out on it.

19 Q. Okay. Maybe you've got insurance. So which way is it
20 parked?

21 A. In nose first.

22 Q. I got you. So you were right next to the porch; is
23 that right?

24 A. Yes, sir.

25 Q. I mean, right next to the porch?

1 A. (Nods head.)

2 Q. There's no other vehicle between you and the porch, is
3 there?

4 A. No, sir.

5 Q. Where is -- you call him Ace, but where is Quayshaun?
6 Let's call him -- Ace or Quayshaun, where is his car
7 parked?

8 A. Off on the side.

9 Q. Can you show me here? No, no. Show me here. We're
10 reflecting it.

11 A. Okay. Like right here.

12 MS. MAYES: Your Honor, if the record may reflect,
13 he is depicting the back side of Lot 7.

14 THE COURT: It does.

15 THE WITNESS: Backed right there in Lot 7.

16 MS. MAYES: And if he could state that loud enough.
17 His response, I think, was --

18 THE WITNESS: Back by the steps.

19 THE COURT: His back is turned to the jury and I'm
20 scared the jury can't hear him.

21 MR. WILLIAMS: Yeah, turn that way.

22 BY MR. WILLIAMS:

23 Q. All right. So speak up.

24 A. Parked by the steps.

25 Q. All right. But your car is parked there also, right?

1 So --

2 A. He's beside the steps. I'm in front of the steps.

3 Q. You're in front of the steps, so show what you mean
4 by showing in front and beside the steps.

5 A. (Indicating.)

6 Q. Well, you've got to turn when you do it. I don't know
7 how we're gonna do this, but go ahead and do the best you
8 can.

9 A. This is the back steps.

10 Q. All right.

11 THE COURT: Can you-all hear? Let me ask the jury,
12 can you-all hear?

13 I've got one juror that's having problems hearing.

14 MR. WILLIAMS: I've got it. I've got it, Judge.

15 BY MR. WILLIAMS:

16 Q. Now turn that way and speak.

17 A. That's the side, that's the front.

18 Q. Okay. So where is your car parked?

19 A. In the front.

20 Q. Your car is parked back -- well, really kind of backed
21 up to the steps, right?

22 A. No, I drove it towards the steps.

23 Q. Toward the steps. How close to the steps do you get?

24 A. About right there.

25 Q. I can't see that with that hand.

- 1 A. Oh.
- 2 Q. There you go. How many feet is between the tail end
3 of your car and that front step?
- 4 A. I'm not at the tail end of my car, it's the front end
5 of my car.
- 6 Q. How far -- you've got me now. How far from the front
7 of your car is it to the step?
- 8 A. Probably about twenty, thirty.
- 9 Q. From the front of your car?
- 10 A. Yeah. I'm like right here. I wasn't directly on the
11 steps, I was right here.
- 12 Q. So the tail end of your car is out in the road?
- 13 A. No.
- 14 Q. How much -- how much distance is in there? How much
15 distance is it from the porch to the road?
- 16 A. You can actually put two cars there.
- 17 Q. In front? In front of each other?
- 18 A. Yeah.
- 19 Q. Okay. And beside that, you say on the other side,
20 where is Quayshaun's car?
- 21 A. Right here beside me.
- 22 Q. And he is exactly beside the porch; is that right?
- 23 A. (Nods head.)
- 24 Q. You have to answer --
- 25 A. Yes, sir.

1 Q. Okay. So how much space is there to walk up and down
2 the porch?

3 A. Plenty.

4 Q. Okay. Where are the other two cars?

5 A. Here.

6 Q. So they're aligned perpendicular to the road and
7 parallel to yours and Quayshaun's car?

8 A. Yes.

9 Q. Are there any other cars there?

10 A. On the other side.

11 Q. On the --

12 A. On the front side.

13 Q. On the front side. Okay. Did you see those cars when
14 you pulled in?

15 A. I seen some of them, but I didn't see all of them.

16 Q. All right. Now we've talked about -- well, you've
17 talked about Hugo Chatman.

18 A. Yes, sir.

19 Q. Do you know what kind of car he drives?

20 A. At the time there was an Escort, burgundy.

21 Q. A burgundy Escort?

22 A. I think it's an Escort. A four-door like Escort-type.
23 Focus.

24 Q. A Focus?

25 A. Yeah.

1 Q. A Ford Focus, which is a little car?

2 A. (Nods head.)

3 Q. All right. You can have your seat. Thank you, sir.

4 A. (Witness complies.)

5 Q. So when you get there, that particular car is in the
6 front yard?

7 A. No, I don't see his car.

8 Q. So you --

9 A. Oh, it must have been in the front yard because they
10 say he was there.

11 Q. They said? Must have? Let me just ask you about what
12 you saw. You didn't see it there?

13 A. No.

14 Q. Okay. So you know Yamira, don't you, Sackel? Known
15 as Ya-Ya? A skinny girl.

16 A. I can't say that I do.

17 Q. Okay. So you didn't see her there, right?

18 A. I don't know who she is, so.

19 Q. Well, tell me who you saw there at Lot 7 then.

20 A. At Lot 7 when I got there, I seen DeRoyce, I seen DJ,
21 and Kay was in the car with me. There was a few people
22 milling about, you know. Like you said, you already
23 established I had been drinking. I wasn't paying attention
24 to people. I was paying attention to the person I was
25 talking to because after DJ got finished talking to

1 DeRoyce, he went in the house and I was sitting there
2 talking to DeRoyce.

3 Q. Okay. So when you got there, where was Quayshaun?

4 A. I didn't see him.

5 Q. You didn't see him?

6 A. No, sir.

7 Q. What about when you went inside the house, did you see
8 him?

9 A. I didn't go inside the house.

10 Q. So you never went inside the house?

11 A. No.

12 Q. So you didn't see him sitting there in the car?

13 A. No, sir.

14 Q. Okay. So let's keep going I guess. So you go ahead
15 and DJ goes into the house and what's the next thing that
16 you hear or see?

17 A. DJ coming out of the house talking junk.

18 Q. DJ comes out of the house and does he go off the
19 porch?

20 A. Yes, sir.

21 Q. Where does he go?

22 A. He shoots past my car talking junk and shortly after
23 that shots started ringing out.

24 Q. All right. So where does he go?

25 A. He came down, he went on the driver's side of my car

1 talking, and after that --

2 Q. Whoa, whoa. Slow down.

3 A. Okay.

4 Q. So he goes on the driver's side of your car?

5 A. When he walked -- when he came down the stop, he went
6 down the driver's side of my car screaming across the way.

7 Q. So he goes across that little road right there?

8 A. I didn't see him go across. I just seen him when he
9 went past my car. After he went past my car with his hands
10 up in the air like this right here talking, the next thing
11 I know shots started firing.

12 Q. So do you observe how far he walked or anything like
13 that?

14 A. No, sir.

15 Q. So you don't know where he got to?

16 A. No, sir.

17 Q. All you know is that he passed you?

18 A. Yes, sir.

19 Q. Because you were sitting in your car?

20 A. No, I was standing outside my car.

21 Q. Talking to?

22 A. DeRoyce.

23 Q. So DeRoyce would be someone who would have seen a lot
24 going on, too, right?

25 A. Yes, sir.

1 Q. How do you say his name?

2 A. DeRoyce.

3 Q. DeRoyce? Do you know what his full name is?

4 A. DeRoyce Lites.

5 Q. Okay. So you see him -- do you turn when you see
6 him go?

7 A. Yes, I turned forward. I was trying to figure out
8 where he was going.

9 Q. Okay. But you -- you actually see Ace walk out of the
10 house?

11 A. Yes.

12 Q. All right. And where does Ace go?

13 A. Ace stands on top of the steps.

14 Q. When Ace walked out of the house, did he have a girl
15 standing beside him?

16 A. Yes.

17 Q. Describe her.

18 A. She's kind of brown skinned, a little bit up to his
19 shoulder.

20 Q. Did you know that girl?

21 A. I'm not really familiar with her, but I'd seen her
22 before.

23 Q. You had seen her before?

24 A. Yes, sir.

25 Q. Okay. Is she -- how old does she look?

1 A. She look like she's in her twenties.

2 Q. Okay. And you didn't know who she was?

3 A. No, sir.

4 Q. You said she came out with him?

5 A. A little bit behind him. A couple of steps behind

6 him.

7 Q. So she comes out after him and where does Ace go?

8 A. Ace, he didn't go nowhere. He stood on top of the

9 steps.

10 Q. The whole time?

11 A. Well, what I'm saying is when -- when DJ came by, I

12 see Ace back here on the steps, I turn this way. That's

13 the last time I seen him.

14 Q. So you never saw Ace again?

15 A. No.

16 Q. As far as you know he's still on that porch?

17 A. Pretty much.

18 Q. Okay. Now you said you heard shots?

19 A. Yes, sir. I never seen no shots.

20 Q. You never saw Ace --

21 A. I didn't see nobody shooting.

22 Q. Okay. Now we've already talked about that, after the

23 shooting goes over. Do you -- where do you -- do you run

24 and hide or what do you do when this shooting's going on?

25 A. I stayed there. I stood stock still.

1 Q. You just stood there the whole time?

2 A. Yes, sir.

3 Q. You never moved? You didn't hide behind a car or
4 anything?

5 A. No, sir.

6 Q. Okay. So did you observe the number of people from
7 Lot 15 and 16 that were firing weapons?

8 A. Sir, everything was in a trance to me. Like I said,
9 when I froze, I was looking straight ahead. I'm hearing
10 all kind of noise going on, shooting and everything. I
11 did not move. I didn't really register anything until the
12 shooting stopped and when the shooting stops, that's when I
13 got to moving.

14 Q. But you didn't see anything?

15 A. (Shakes head.)

16 Q. So you never saw Hugo with a gun either, did you?

17 A. No, sir.

18 Q. You didn't see Hugo firing anything, did you?

19 A. No, sir.

20 Q. All you heard was a bunch of noise?

21 A. Yes, sir.

22 Q. Did you ever see Hugo?

23 A. Down there in the trailer park?

24 Q. Yeah.

25 A. No, sir.

- 1 Q. You never even saw him there?
- 2 A. No, sir.
- 3 Q. You never even heard him?
- 4 A. No, sir.
- 5 Q. Do you know what Hugo's voice sounds like?
- 6 A. Yes, sir.
- 7 Q. And you didn't hear that?
- 8 A. No, sir.
- 9 Q. So do you think that had to do with the excitement
- 10 of the moment? I'm talking about what you think about
- 11 yourself and how you feel. Do you think that had to do
- 12 with the moment or do you think it had anything to do with
- 13 all the alcohol you'd had to drink?
- 14 A. What you mean?
- 15 Q. Well, you -- you were in a trance?
- 16 A. (Nods head.)
- 17 Q. You didn't see anything?
- 18 A. I -- it had to be the moment.
- 19 Q. Okay. Because you've been that drunk before and you
- 20 could remember stuff, right?
- 21 A. Yes, sir.
- 22 Q. Okay. So when it stopped, what was the first thing
- 23 you did?
- 24 A. I took the gun from Nash and I left.
- 25 Q. Where was Nash?

- 1 A. In front of -- beside the front of my car.
- 2 Q. So would he have been close to the road?
- 3 A. No, he was right beside my car.
- 4 Q. Oh, I got you. So he was beside your car?
- 5 A. The front -- the front end bumper. He was right there
- 6 by the front end of my car.
- 7 Q. And you pulled in, right?
- 8 A. Yes, sir.
- 9 Q. Was he on the left side or the right side?
- 10 A. That would be the right side. Passenger side.
- 11 Q. So would he have been next to Ace's car?
- 12 A. Close to it.
- 13 Q. All right. So was he still standing there?
- 14 A. He was squatting down.
- 15 Q. Did he have anything in his hands?
- 16 A. Yes.
- 17 Q. What did he have in his hands?
- 18 A. A 380.
- 19 Q. And you recognized it as a 380?
- 20 A. No, sir. I just recognized it as a gun.
- 21 Q. And how do you know it's a 380?
- 22 A. Because I took it from him.
- 23 Q. After you took it from him is when you -- then you
- 24 realized it's a 380, right?
- 25 A. No, sir.

1 Q. Well, when did you learn it was a 380?

2 A. After the -- the test results came back that wasn't
3 none of the shell casings from that gun found at the scene.

4 Q. So somebody told you it was a 380?

5 A. Yes, sir.

6 Q. Would that be law enforcement?

7 A. Yes, sir.

8 Q. So law enforcement has told you what kind of gun it
9 was and they're the -- you've been -- law enforcement's
10 told you about what results came back from shells and stuff
11 like that?

12 A. No, sir.

13 Q. Well, you said law enforcement told you it was a 380.

14 A. Yes, sir. They said they didn't find no shell casings
15 from that gun at the scene. They didn't find no 380 shell
16 casings at the scene from that gun.

17 Q. And was that when you first turned it in or was that
18 later on when you were talking to them?

19 A. That was when I -- about a couple of days after the
20 fact.

21 Q. A couple of days they let you know that?

22 A. (Nods head.)

23 Q. So when you first turned it in, they didn't tell you
24 that?

25 A. No, sir.

1 Q. So -- but you were concerned that that gun was used,
2 right?

3 A. Yes, sir.

4 Q. So you went to go hide the gun for your cousin, right?

5 A. No, I took it from my cousin.

6 Q. Well, why did you take it from him?

7 A. Because -- just reaction.

8 Q. Just reaction. Why didn't you just let him keep that
9 gun?

10 A. Because of trying to take care of my little cousin.

11 Q. So you tried to hide the gun?

12 A. No.

13 Q. You were trying to keep your cousin out of trouble,
14 weren't you?

15 A. (No verbal response.)

16 Q. I can't read that shrug. You'll have to say it. Just
17 say -- say the word.

18 A. I can't really say that. I just -- like I said, I
19 just started responding. I wasn't thinking at the time.

20 Q. But you were thinking enough to know that you couldn't
21 have it in your possession, weren't you?

22 A. Yes, sir.

23 Q. So not only --

24 A. When everything clicked in, I realized this ain't for
25 me.

1 Q. So you were trying to protect your cousin, you took
2 the gun and you didn't want to get caught in that, so you
3 took the gun to somebody else, didn't you?

4 A. Yes, I passed it off to someone.

5 Q. Who did you pass it off to?

6 A. Jeremiah Israel.

7 Q. And where does Jeremiah live?

8 A. Batesburg. What's that -- I can't even think of the
9 street name right now.

10 Q. That's okay, it's not that important, but you went to
11 his house, right?

12 A. No, sir.

13 Q. How did you deliver the gun to Jeremiah Israel?

14 A. I put it in the truck -- in his trunk at the scene.

15 Q. Whoa. You just took a gun that was gonna get your
16 cousin in trouble, you knew you couldn't have it, so you
17 just threw it in some other dude's truck?

18 A. I didn't throw it. I let him know that I was putting
19 it in there.

20 Q. Oh, you told him you were gonna put a gun that might
21 have been used in all this shooting in somebody else's
22 truck and he said oh, that's okay with me?

23 A. I ain't said that -- all that. I just told him I
24 needed to put a gun in his car.

25 Q. Was there a lot of that going on that night, people

1 hiding stuff and running off here and doing this?

2 A. I couldn't tell you. Probably so.

3 Q. Probably so. Okay. Maybe moving some of those shells
4 around?

5 A. Could be.

6 Q. So you went back to that guy later on, right?

7 A. Yes, sir.

8 Q. Israel? Is that his last name, Israel?

9 A. Yes, sir.

10 Q. You went back to see him when?

11 A. The next morning I went and picked it up and went to
12 the police station.

13 Q. You went and turned it in?

14 A. Yes, sir.

15 Q. You started thinking, oh, maybe I better turn this
16 thing in?

17 A. (Nods head.)

18 Q. And you did?

19 A. (Nods head.)

20 Q. Okay.

21 A. At the time I didn't know a little girl had got
22 killed.

23 Q. And it became more important, didn't it?

24 A. Yes, sir.

25 Q. You saw -- well, you didn't see anybody shooting,

1 right?

2 A. No, sir. It just looked like somebody shooting where
3 he was.

4 MR. WILLIAMS: If I could have two more seconds,
5 Your Honor, I think I'm about done.

6 THE COURT: Yes, sir. Take your time.

7 BY MR. WILLIAMS:

8 Q. Okay. Just a couple more questions. Not many.

9 That night when you were talking to the police
10 officer, at no point in time did you ever mention the name
11 Quayshaun or Ace, did you?

12 A. No, sir.

13 Q. Now Nash is your cousin?

14 A. Yes, sir.

15 Q. And DJ is your cousin's baby's father, right?

16 A. Yes, sir.

17 Q. And Demontrell is your cousin?

18 A. Yes, sir.

19 Q. What relation is Quayshaun to you?

20 A. I have no idea.

21 Q. As far as you know, he's no relation?

22 A. Yes, sir.

23 Q. Why did you ask Hugo to go to Lot 7 with you?

24 A. Because he's familiar with the people that was all
25 instigating the situation. I was hoping that he might be

1 able to help me neutralize the situation.

2 Q. I got you. And yet you never saw him there, but you
3 saw his car there?

4 A. I never seen his car there.

5 Q. You never saw his car there?

6 A. No. I just knew he -- he was there because I told him
7 to be there.

8 Q. You never saw him there, you didn't see his car there,
9 but you knew he was gonna be there because you told him to
10 be there?

11 A. That's how good our friendship is.

12 Q. That's how what is?

13 A. How good our friendship is. At least I think it is.

14 Q. Sometimes friendship gets you in trouble, doesn't it?

15 A. Yes, sir.

16 MR. WILLIAMS: Your Honor, that's all the questions
17 I have.

18 THE COURT: Any redirect?

19 MS. MAYES: Yes, Your Honor.

20 REDIRECT EXAMINATION

21 BY MS. MAYES:

22 Q. And I'm gonna show you a photograph, Mr. Tolen, of
23 an aerial view. This is State's 85 and it is going to be
24 a duplicate of this large photo, but it is more clear.

25 MR. WILLIAMS: Without objection, Your Honor.

1 THE COURT: Okay.

2 BY MS. MAYES:

3 Q. I'm gonna let you look at this with the naked eye. Do
4 you see Lot 7 in State's 85 in evidence?

5 A. Yes.

6 MR. WILLIAMS: Without objection, Your Honor.

7 THE COURT: Thank you.

8 (State's Exhibit Number 85, a photograph, was
9 admitted into evidence.)

10 BY MS. MAYES:

11 Q. All right. So looking here at this photo, Mr. Tolen,
12 does -- how many porches are at Lot 7?

13 A. Two.

14 Q. All right. And where are those porches looking here
15 at State's 85? If you could show us on your -- with your
16 laser.

17 A. One on this side and one about there.

18 Q. All right. And then just to clarify, which porch are
19 you at when you see the defendant with the big gun?

20 A. That porch.

21 Q. That porch. And is that the same area that you
22 indicated you had parked?

23 A. Yes, ma'am.

24 Q. And is that the same area that you indicated you had
25 witnessed someone come out of the house?

1 A. Yes, ma'am.

2 Q. Who were the people you witnessed come out of the
3 house on that side?

4 A. DJ and Ace.

5 Q. All right. Now when they come out, can you tell us
6 whether or not the defendant already had the gun at that
7 point?

8 A. Yes, ma'am.

9 Q. And where did he have it?

10 A. In his hands.

11 Q. Had the shooting started at that point?

12 A. No, ma'am.

13 Q. And where you are here, are you able to see the people
14 -- any person on this porch?

15 A. No, ma'am.

16 Q. And from where you are here, are you able to see any
17 person standing in this area --

18 A. No, ma'am.

19 Q. -- in front of the mobile home? So from where you are
20 when the shots ring out, where do you see Ace?

21 A. Behind me.

22 Q. And when you heard shots coming, where did you hear
23 the shots coming from?

24 A. In front of me.

25 Q. The first shots?

1 A. Yes, ma'am.

2 Q. And you indicated that the first shots, looking here
3 at this, State's '85, would be what general area?

4 A. About right up in there.

5 Q. All right. Now where are you when you hear the shots
6 come from the gun behind you?

7 A. Right there.

8 Q. All right. Now looking at this scene where you are
9 out here beside the porch, are you able to see Kay Norris?

10 A. No, ma'am.

11 Q. You had indicated that Kay Norris had gotten there
12 with you and that he was armed?

13 A. Yes, ma'am.

14 Q. So you have at least one armed person that you already
15 know about when you arrive?

16 A. Yes, ma'am.

17 Q. Were you armed?

18 A. No, ma'am.

19 Q. Do you know whether or not DJ was armed at that point?

20 A. No, ma'am.

21 Q. If DJ becomes armed at some point during this, do you
22 know where or when he became armed?

23 A. No, ma'am.

24 Q. I believe you indicated on cross-examination you never
25 actually saw Hugo?

1 A. No, ma'am.

2 Q. But you had asked him to be there?

3 A. Yes, ma'am.

4 Q. And based upon your communications with him, I believe
5 on cross-examination you said your understanding is that
6 Hugo would be there?

7 A. Yes, ma'am.

8 Q. Now you were asked about the gun that you took from
9 Nash, your cousin Nash. I believe he's also on the board
10 right here. So Nash is on the board as being outside
11 Lot 7. Where did you see Nash at Lot 7? Inside or
12 outside?

13 A. Outside.

14 Q. And where did you see him with the gun?

15 A. Stooped down by the front -- or the end of my car,
16 passenger side.

17 Q. All right. And was that before or after the shooting
18 had started?

19 A. After -- in the midst is when he got down.

20 Q. All right. And what made you think he may have fired
21 that gun?

22 A. Because of the stance he was in.

23 Q. All right. But did you know for sure whether or not
24 he had fired?

25 A. No, ma'am.

1 Q. And ultimately who got that gun from him?

2 A. I did.

3 Q. Where were you when you got the gun?

4 A. I came over to the passenger side of my car where he
5 was at.

6 Q. Okay. And you told us what you did with that gun
7 on cross-examination. When you met with the police that
8 night, did you have an agreement that you would come to
9 the sheriff's department and provide more details?

10 A. Batesburg police station.

11 Q. Okay. And when you came to the Batesburg police
12 station, did you actually meet with detectives from
13 Lexington County?

14 A. Yes, ma'am.

15 Q. Including Sergeant Adam Creech?

16 A. I don't think I met with him. I think I talked to him
17 on the phone.

18 Q. Okay. And I believe when you were out here this
19 night, do you remember whether or not you met with any
20 officers?

21 A. Hampton Taylor.

22 Q. Major Taylor. And so was there an agreement that you
23 would do a formal interview?

24 A. Yes, ma'am.

25 Q. And when you did that formal interview, did you make

1 arrangements to turn that 380 firearm over?

2 A. Yes, ma'am.

3 Q. And did you do so?

4 A. Yes, ma'am.

5 Q. Is that the only firearm that you had knowledge of
6 what happened to?

7 A. Yes, ma'am.

8 Q. And can you tell us whether or not on that following
9 day, I think Mr. Williams asked you on cross-examination
10 when you talked about Ace, do you recall whether or not you
11 gave an interview on that following day, being June 10th?

12 A. Yes, ma'am.

13 Q. And can you tell us whether or not you informed law
14 enforcement about Ace having the big gun?

15 A. Yes, ma'am.

16 Q. Had you known the person you know as Ace, the
17 defendant in this case, prior to the night of June 9th?

18 A. Yes, ma'am.

19 Q. You had seen him before?

20 A. Yes, ma'am.

21 Q. You knew him by face and name?

22 A. Yes, ma'am.

23 Q. Is there any doubt in your mind whatsoever, Mr. Tolen,
24 as to the identity of the person you saw with the big gun?

25 A. No, ma'am.

1 MS. MAYES: I beg the Court's indulgence.

2 THE COURT: Take your time.

3 BY MS. MAYES:

4 Q. And you see him with this gun before or after the
5 shots begin?

6 A. Before.

7 MS. MAYES: Nothing further.

8 MR. WILLIAMS: Only one question, Your Honor.

9 THE COURT: Okay, Mr. Williams.

10 RECROSS EXAMINATION

11 BY MR. WILLIAMS:

12 Q. The conversation that you had on this night where the
13 shooting occurred when you took the gun and took -- took
14 these people away from the scene and you came back and you
15 had a conversation with the police officer, we talked about
16 a police officer by the name of Mountzouros or something,
17 Mountzouros or something like that, but I think you just
18 said the person you actually talked to --

19 A. Was Hampton Taylor.

20 Q. Hamp?

21 A. Hampton Taylor.

22 Q. Hampton Taylor?

23 A. Yes, sir.

24 Q. And he was the one that you actually made those
25 comments to about Donavon and Donald and all that other

1 stuff?

2 A. Yes, sir.

3 MR. WILLIAMS: That's all the questions I have,
4 Your Honor.

5 Oh, no. I've got one more.

6 BY MR. WILLIAMS:

7 Q. Do you know the gun you left with -- was it Israel?

8 A. Yes, sir.

9 Q. The gun you put in his truck --

10 A. Yes, sir.

11 Q. -- did you put it in a paper bag maybe?

12 A. No, sir.

13 Q. Did you just throw it in his truck without any
14 covering on it?

15 A. Yes, sir.

16 Q. So when you got the gun from Israel -- did you get it
17 from Israel or did you just pick it up from his truck?

18 A. I picked it up from behind his house.

19 Q. You picked it up from behind his house?

20 A. Yes, sir.

21 Q. Was it in any type of paper bag or anything like that?

22 A. Yes, a paper bag and a plastic bag, I think.

23 Q. So when you dropped it off, it was not in --

24 A. Anything.

25 Q. -- in anything, but when you picked it up it was in a

1 paper bag and a plastic bag?

2 A. Yes, sir.

3 Q. And you didn't open it up from then on, right?

4 A. No, sir.

5 MR. WILLIAMS: That's all the questions I have,
6 Your Honor.

7 THE COURT: Okay.

8 I'm gonna -- Mr. Foreman, ladies and gentlemen of
9 the jury, I know you want a break, so at this time I'm
10 gonna excuse you-all, let you-all go back to the jury
11 room, but before I do that may I excuse Mr. Tolen?

12 MS. MAYES: Yes, Your Honor.

13 THE COURT: From the trial of this case?

14 MS. MAYES: Yes, Your Honor.

15 THE COURT: You're excused, Mr. Tolen.

16 (Witness excused.)

17 THE COURT: I need to stretch, too.

18 Remember, Mr. Foreman, ladies and gentlemen,
19 there's no talking about this case amongst yourselves
20 or anyone else just yet, okay?

21 Thank you.

22 Let's take a fifteen-minute break. We'll come
23 back, let's say, at 11:00.

24 (Whereupon, the jury retires to the jury room at
25 10:45 AM.)

1 THE COURT: All right. Court's in recess until
2 11:00.

3 (Recess taken at 10:45 AM.)

4 (Back on the record at 11:05 AM.)

5 BAILIFF: Remain seated. Court's back in session.

6 THE COURT: All right. Is everybody ready?

7 MS. MAYES: Yes, Your Honor.

8 THE COURT: All right. The let's bring the jury
9 in.

10 (Whereupon, the jury returns to the courtroom at
11 11:07 AM.)

12 THE COURT: All right. Mr. Foreman, we're gonna
13 try to get through as many witnesses as we can before
14 lunch and we -- I plan to break for lunch around one
15 just to let you-all know.

16 FOREPERSON: Yes, ma'am.

17 THE COURT: Okay. Call your next witness.

18 MS. MAYES: The State calls Greg Mirdo.

19 (Whereupon, Gregory Mirdo was duly sworn by the
20 Clerk of Court.)

21 THE CLERK: If you'll have a seat up there and
22 state your name and spell your last name for the record.

23 THE WITNESS: It's Gregory Mirdo, M-I-R-D-O.

24 GREGORY MIRDO,

25 having been duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MS. MAYES:

3 Q. Good afternoon, Mr. Mirdo. Tell us a little bit about
4 yourself. Where are you employed?

5 A. I'm director of compliance for Palmetto State Armory.

6 Q. All right. Palmetto State Armory. Tell us what
7 company that is.

8 A. We are a firearms manufacturer.

9 Q. And as a firearms manufacturer, can you tell us
10 whether or not you actually have a manufacturing plant here
11 in Lexington county?

12 A. We do. We have one here and a couple of other
13 locations.

14 Q. All right. And by that, does Palmetto State Armory
15 actually produce their own makes and models of firearms?

16 A. Yes, we do.

17 Q. And can you tell us whether or not Palmetto State
18 Armory produces and manufacturers a version of the
19 traditional AK-47?

20 A. Yes, we do.

21 Q. I'm gonna ask you to pull the microphone a little bit
22 closer to you. And can you tell us whether or not that
23 type of Palmetto State Armory-manufactured AK-47 is made
24 here in the Lexington county plant?

25 A. Yes, they are.

1 Q. As well as other locations?

2 A. Yes.

3 Q. And can you tell us whether or not you have any retail
4 stores in the Lexington county area?

5 A. We do have one in Lexington county.

6 Q. And where is that one located?

7 A. It's gonna be on Fernandina Road.

8 Q. All right. Can you tell us whether or not you were
9 selling that particular firearm during the timeframe of
10 2020?

11 A. Yes.

12 Q. All right. I'm gonna show you a couple of items and
13 ask you whether or not you're familiar with them.

14 MS. MAYES: First, Your Honor, as to previous
15 Court's Exhibit 23, now to be State's Exhibit 23,
16 being a firearms transaction record. These are offered
17 pursuant to the State's notice of evidence pursuant to
18 SC Code 19-5-520.

19 THE COURT: Any objection?

20 MS. WILLIAMS: Your Honor, may we approach?

21 THE COURT: You may.

22 (Proceedings held at the bench; not reported.)

23 THE COURT: All right. Then it's admitted without
24 objection once you lay the foundation.

25 MS. MAYES: All right.

1 BY MS. MAYES:

2 Q. I'm gonna show you what is State's 23 offered pursuant
3 to SC Code 19-5-520. Can you tell us whether or not this
4 is an ordinary business record?

5 A. Yes, this is an AFT 4473.

6 Q. Okay. Is this required for the purchase of a firearm
7 from your facility?

8 A. Yes, any firearm that is purchased through an FFL,
9 which we are, we have to fill out a 4473. The customer
10 fills it out and then we have to -- we have a section as
11 well.

12 Q. All right. Now as to that particular document, I'm
13 gonna ask you whether or not there is a name affiliated
14 with the purchase of that firearm?

15 A. Yes.

16 Q. Who is the person filling out the paperwork in order
17 to purchase that firearm from Palmetto State Armory?

18 A. The person in question is Quayshaun Clark.

19 Q. Can you spell that for us, please?

20 A. Yes. Q-U-A-Y-S-H-A-U-N. Clark, C-L-A-R-K.

21 Q. All right. And I'm gonna ask you now to move to the
22 next page, which is gonna show the actual transaction date
23 when that firearm would have been received, actually
24 provided to the customer.

25 A. The actual receipt date would be on March 28th of

1 2020.

2 Q. March 28, 2020?

3 A. Yes, ma'am.

4 Q. And at what retail store was this particular firearm
5 purchased?

6 A. According to this form, it was purchased at the
7 Fernandina location.

8 Q. Of Palmetto State Armory?

9 A. Yes, ma'am.

10 Q. Now what type of weapon was purchased?

11 A. It's a -- the model number is going to be -- it's
12 gonna be an AKP-7. Excuse me, it's an AK-P7.

13 Q. All right. The AK-P7, what type of caliber weapon is
14 this?

15 A. This particular one is a 7.62 by 39.

16 Q. Okay. So that's a rifle caliber weapon?

17 A. That is correct.

18 Q. But it's actually termed a pistol for what reason?

19 A. This particular weapon is a pistol due to the barrel
20 length and it does have a brace, a triangle side-folding
21 brace, on the back. According to ATF it is designated as a
22 pistol.

23 Q. All right. Obviously you being a Palmetto State
24 Armory employee -- how long have you worked there?

25 A. Five years.

1 Q. All right. You're familiar with the different aspects
2 and regulations concerning firearms?

3 A. Yes, I am.

4 Q. When we talk about an AK-P7, why is it called an AK-P7
5 as opposed to the traditional AK-47?

6 A. AK-47 is a general term that defines the -- basically
7 the action of the firearm, the different components. The
8 "P" on this particular model denotes that it is a pistol.
9 An AK-47 traditionally is a rifle, but there's many
10 different variations, many of which are pistols.

11 Q. Okay. So I'm gonna ask you next whether or not this
12 particular transaction was able to be traced by you at
13 Palmetto State Armory for an actual purchase receipt?

14 A. Yes, it was.

15 Q. I'm gonna show you what is previously Court's 24, but
16 now State's 24, and ask you whether or not you're familiar
17 with this document?

18 A. Yes, this would be the transaction receipt for the
19 serial number on this form.

20 Q. All right. So just to clarify, when that weapon, the
21 AK-P7, was purchased through Palmetto State Armory and the
22 required documentation, the firearms transaction record
23 from ATF was filled out, it did have a serial number?

24 A. That is correct.

25 Q. And you were able to use that serial number to trace

1 the actual receipt?

2 A. Yes, ma'am.

3 Q. Through your company?

4 A. Yes.

5 Q. Now is each serial number unique for a firearm?

6 A. Yes.

7 Q. And when you were able to pull the receipt, what, if
8 anything, can you tell us was purchased and on what date?

9 A. On -- this specific transaction was from March 28th
10 of 2020 at 12:14 PM. There was one Palmetto State Armory
11 rifle bag, one box of PMC 7 by 62 -- 7.62 by 39 ammunition,
12 one -- one Magpul PMAGs, 30 round magazine, and the actual
13 gun that is on this form, which is Serial Number [REDACTED] 3735.

14 Q. Okay. So you mentioned a bag also accompanied this
15 purchase?

16 A. Yes, ma'am.

17 Q. And describe that bag for us, what you know about that
18 bag.

19 A. It's a black rifle bag. Basically it's 36 inches
20 long. It has, I want to say, two or three external pouches
21 and a divider on the inside. It's made for range use.

22 Q. And what color is it?

23 A. It's black.

24 Q. And what type of fabric or material?

25 A. Nylon.

1 Q. And what was the cost of this transaction?

2 A. The entire transaction?

3 Q. Yes.

4 A. The total was \$933.01.

5 Q. And what was the sales price for the AK-P7 7.62
6 caliber weapon?

7 A. It was \$779.99.

8 Q. 779.99?

9 A. Yes, ma'am.

10 Q. Now you mentioned the unique serial number. What is
11 meant by a SKU number?

12 A. The SKU number would be -- every company's gonna have
13 their own annotation of what that item is. For our company
14 it was 5165490608. I took the serial number from this
15 transaction and traced it back to this exact SKU, so that
16 is the SKU for this serial number.

17 Q. By tracing this SKU, were you then able to pull an
18 identical firearm from Palmetto State Armory?

19 A. Yes, I found we still manufacture that firearm.

20 Q. Okay. I'm gonna show you what is State's 25, 128,
21 and 97, and ask you if you're familiar with what is
22 depicted in these photographs?

23 A. That would be the AK-P7.

24 Q. And who pulled this particular firearm for the purpose
25 of photographing it?

1 A. I pulled it based upon the SKU from our distribution
2 warehouse.

3 Q. Because you know it to be identical to the one
4 purchased by Quayshaun Clark on that date?

5 A. That is the identical weapon to the serial number and
6 the SKU.

7 Q. All right.

8 MS. MAYES: 128, 97, and 25 for evidence.

9 THE COURT: Any objection?

10 MS. WILLIAMS: No objection, Your Honor.

11 THE COURT: They're admitted.

12 Can you give me the exhibits numbers again, please?

13 MS. MAYES: Yes, Your Honor. 25 is State's for
14 identification, previously identified by Nokia Tolen,
15 so we would ask permission at this time to change the
16 ID marking to an exhibit.

17 THE COURT: Okay. Done.

18 MS. MAYES: Also, Your Honor, 128 and 97.

19 THE COURT: Thank you.

20 (State's Exhibit Numbers 25, 97 and 128,
21 photographs, were admitted into evidence.)

22 BY MS. MAYES:

23 Q. And as to State's 25, looking here, is this -- is
24 this identical to the weapon purchased on March 28, 2020,
25 by Quayshaun Clark?

1 A. Yes, ma'am.

2 Q. And what are we looking at here in terms of the box?

3 A. Inside the box would be the firearm and one additional
4 -- or one magazine. It will have a safety manual with it,
5 as well as a chamber flag, I can see the orange chamber
6 flag, and there will be a tag on the trigger guard just
7 describing the weapon a little bit for the consumer.

8 Q. All right. And then looking at 128, you mentioned an
9 owners manual and, of course, we're looking at it here in
10 a different version. If you could explain that?

11 A. That is the -- that's the same gun from the last
12 photograph, but the brace has been folded down, it's
13 designed to fold, and it does have the detached magazine
14 as you can see, and it's got the manual.

15 Q. All right. And that would be the owners manual?

16 A. That's the owners manual for all the AK's, yes, ma'am.

17 Q. And does it have operating instructions?

18 A. Yes, ma'am.

19 Q. As well as safety instructions?

20 A. Yes, ma'am.

21 Q. Can you tell us whether or not that is included in the
22 transaction of this firearm from Palmetto State Armory?

23 A. By law all new firearms come with a safety manual.

24 Q. I'm gonna show you 97 in evidence from a different
25 view. You mentioned a clip before. How many rounds does

1 this clip hold for the Palmetto State Armory AK-P7?

2 A. That is a thirty round magazine.

3 Q. Okay. Now I'm gonna show you State's 135.

4 You mentioned previously the manual that will
5 accompany this sale. I'm gonna show you what is
6 State's 135.

7 A. Okay.

8 Q. Do you recognize this?

9 A. Yes.

10 Q. And you have previously seen it. You actually -- who
11 provided this to law enforcement?

12 A. I believe we did.

13 Q. And you're familiar with it?

14 A. Yes.

15 Q. And this would be the manual that would have come with
16 the sale?

17 A. Yes.

18 MS. MAYES: State's 135 for evidence, Your Honor.

19 THE COURT: Any objection?

20 MS. WILLIAMS: Without objection, Your Honor.

21 THE COURT: I'd admitted.

22 (State's Exhibit Number 135, an AK-P7 owners manual,
23 was admitted into evidence.)

24 MS. MAYES: Nothing further of Mr. Mirdo.

25 THE COURT: Ms. Williams.

1 MS. WILLIAMS: I apologize, Your Honor. I don't
2 believe I have any questions for this witness.

3 THE COURT: Okay. Anything else, Ms. Mayes?

4 MS. MAYES: Nothing further, Your Honor.

5 THE COURT: Can I let -- is it Mr. Mirdo?

6 THE WITNESS: Mirdo, yes, ma'am.

7 THE COURT: Mirdo. Can I excuse Mr. Mirdo?

8 MS. MAYES: Yes, Your Honor.

9 THE COURT: Mr. Mirdo, thank you for coming.
10 You're excused.

11 THE WITNESS: Thank you.

12 (Witness excused.)

13 MS. MAYES: The State calls Sergeant Joe Hart.

14 (Whereupon, Michael "Joe" Hart was duly sworn by
15 the Clerk of Court.)

16 THE CLERK: If you'll have a seat up there. If
17 you'll state your name and spell your last name for the
18 record.

19 THE WITNESS: My name is Sergeant Michael Hart,
20 H-A-R-T.

21 MICHAEL "JOE" HART,
22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. MAYES:

25 Q. Good morning. Tell us a little bit about yourself.

1 Where are you employed and in what capacity?

2 A. I'm currently employed at Lexington County Sheriff's
3 Department as a sergeant in the major crimes division.

4 MS. MAYES: I beg the Court's indulgence.

5 THE COURT: Take your time.

6 BY MS. MAYES:

7 Q. You mentioned a sergeant in major crimes. How long
8 have you been with major crimes?

9 A. I've been with major crimes for five and a half
10 years. Just recently promoted to sergeant. The last five
11 and a half years have been as investigator and senior
12 investigator.

13 Q. All right. While working as an investigator with the
14 Lexington County Sheriff's Department, can you tell us
15 whether or not you were involved in the response out at
16 [REDACTED] Road on the night of June 9th?

17 A. I was not involved in the response to the scene, no,
18 ma'am, but the team who did respond was on call that
19 weekend, so the autopsy was scheduled in Charleston and so
20 I responded to the autopsy to keep them from having to be
21 out of the county.

22 Q. And you're referring to the autopsy for 11-year-old
23 Minor ?

24 A. Yes, ma'am.

25 Q. Did you actually attended that autopsy yourself,

1 Sergeant?

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

3 Q. I'm gonna show you an item and ask you whether or not
4 you recognize this, being State's 127?

5 A. Yes, ma'am, I do.

6 Q. When you go to an autopsy in a homicide case, what is
7 the routine and protocol regarding recovery of evidence?

8 A. So we go to the autopsy, we explain to the pathologist
9 details of the case so they know exactly what type of
10 evidence they would be looking for, looking to document,
11 and as they perform the autopsy we're able to see through a
12 glass window what's going on in the room. As they recover
13 evidence, they will display it to us from inside the room
14 and then they will package it and they'll bring it back out
15 to us after they complete the autopsy and we will sign for
16 the evidence and then return it back to our evidence
17 custodians at the sheriff's department.

18 Q. And is there a window where you can view the autopsy
19 as it's taking place?

20 A. Yes, ma'am, there is.

21 Q. Sergeant Hart, are you familiar with how and -- or the
22 location of Minor gunshot wound?

23 A. Yes, ma'am. I know that it was in her head. I
24 couldn't tell you exactly the entrance area, but I know
25 that it was in her head, yes, ma'am.

1 Q. Okay. And can you tell us whether or not a
2 projectile, a bullet, was recovered from her head during
3 the course of that autopsy?

4 A. Yes, ma'am, it was.

5 Q. And who retrieved that evidence?

6 A. The pathologist retrieved the evidence. She showed
7 it to me because I'd already told her I wanted to see it
8 to see if it was consistent with what we knew the evidence
9 was on the scene and then it was packaged and then handed
10 to me after it was sealed.

11 Q. And you're present and observing this as it occurs?

12 A. Yes, ma'am.

13 Q. And it is given to you sealed?

14 A. Yes, ma'am.

15 Q. Now do you tamper with that evidence or change it in
16 any way?

17 A. No, ma'am. I generally put it -- I put the sealed
18 evidence into another envelope and then seal it again when
19 we put in our evidence.

20 Q. Can you tell us whether or not it remained sealed
21 while it was in your custody?

22 A. Yes, ma'am, it did.

23 Q. And ultimately submitted to the Lexington County
24 Sheriff's Department evidence custodian?

25 A. Yes, ma'am, it was.

1 Q. And subsequently submitted to the State Law
2 Enforcement Division for firearms analysis?

3 A. Yes, ma'am, it was.

4 Q. Sergeant Hart, I'm gonna show you some photographs.

5 MS. MAYES: This is gonna be previously Court's
6 Exhibit Number 1, now offered as State's Exhibit
7 Number 1, Your Honor, as well as State's 119.

8 BY MS. MAYES:

9 Q. Can you tell us whether or not these photographs are
10 a fair and accurate depiction of State's 127?

11 A. Yes, ma'am.

12 Q. And can you tell us whether or not there is a lab
13 number, a State Law Enforcement lab number, associated
14 with these photographs in 119 and 1? An L-21 number.

15 A. Yes, ma'am, there is.

16 Q. What is the L-21 number as to State's 1 and State's
17 119?

18 A. L-2111554.

19 Q. Can you tell us whether or not in State's 127, being
20 that projectile recovered from autopsy, whether or not
21 there is a State Law Enforcement Division number associated
22 with it as well?

23 A. Yes, ma'am, there is.

24 Q. What is that number?

25 A. L-2111554.

1 MS. MAYES: For evidence, Your Honor, would be
2 127 -- or for identification at this time State's 127,
3 and for evidence State's 1 and State's 119, being the
4 photographs.

5 THE COURT: All right. Any objection?

6 MS. WILLIAMS: Your Honor, we're gonna object to
7 the -- well, she said one was ID, but for --

8 THE COURT: 127 is for ID only.

9 MS. WILLIAMS: Your Honor, we're also gonna object
10 to the photographs at this time. I think it stills
11 lacks on foundation, Your Honor.

12 MS. MAYES: He has testified, Your Honor, that
13 the photographs are a fair and accurate representation
14 of State's 127.

15 MS. WILLIAMS: Your Honor, do you --

16 THE COURT: Why don't you-all approach the bench.
17 I mean, he was present.

18 (Proceedings held at the bench; not reported.)

19 BY MS. MAYES:

20 Q. Now you've testified, Sergeant Hart, you take this
21 evidence directly from who?

22 A. I take it directly from the pathologist at the -- at
23 MUSC.

24 Q. During the course of the autopsy for Minor ?

25 A. Yes, ma'am.

1 Q. And what, if anything, did you observe when you looked
2 at the bullet?

3 A. I observed it to be consistent with a caliber that the
4 casings were located for on the scene.

5 Q. All right. So I want to ask you a little bit more
6 about that. In addition to your service weapon, are you a
7 gun owner?

8 A. Yes, ma'am, I am.

9 Q. And through your experience in the major crimes
10 division, you're familiar with weapons?

11 A. Yes, ma'am.

12 Q. What can you tell us about your observations as to
13 the caliber of bullet that you observed and retrieved from
14 autopsy?

15 A. Based on my experience with firearms and my
16 professional capacity at the sheriff's department and
17 professional capacity with four years in the Marine Corps
18 infantry, I recognized it to be consistent with a 7.62
19 caliber projectile.

20 MS. WILLIAMS: Your Honor, we're gonna object to
21 that due to lack of foundation. Also he's not qualified
22 to --

23 MS. MAYES: He does not have to be an expert to give
24 that --

25 THE COURT: I don't think he has to be an expert

1 to say that he looked at the bullet and it was a 7.62
2 caliber, but I'll be glad to hear from you, Ms. Mayes,
3 if there's anything else.

4 MS. MAYES: Your Honor, that is the extent of it
5 and this would be an observation he's making himself,
6 so it does not require expertise.

7 THE COURT: Okay. I think it's -- she's correct.
8 I'm gonna allow it.

9 Go ahead, Ms. Mayes.

10 MS. MAYES: Nothing further of Sergeant Hart.

11 THE COURT: All right. Ms. Williams.

12 MS. WILLIAMS: I have no questions for this witness,
13 Your Honor.

14 THE COURT: Okay. Can I excuse Sergeant Hart?

15 MS. MAYES: Yes, Your Honor.

16 THE COURT: Thank you, Sergeant, for coming.

17 (Witness excused.)

18 MS. MAYES: The State calls Detective Cody Weyandt.

19 (Whereupon, Cody Weyandt was duly sworn by the
20 Clerk of Court.)

21 THE CLERK: Have a seat up there. If you'll state
22 your name and spell your last name for the record.

23 THE WITNESS: My name is Cody Weyandt, W-E-Y-A-N-D-T.

24 CODY WEYANDT,

25 having been duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MS. MAYES:

3 Q. All right. And I'm just gonna ask you to move your
4 microphone a little bit closer to you. Tell us a little
5 bit about yourself and how long you have been with the
6 Lexington County Sheriff's Department.

7 A. I have been with the Lexington County Sheriff's
8 Department for five years now. Currently I am assigned
9 as a narcotics investigator with the Lexington County
10 Multiagency Agency Narcotics Enforcement Team. Prior to
11 that I was crime scene investigator, as well as a patrol
12 deputy.

13 Q. While working as a crime scene investigator, can
14 you tell us whether or not you had involvement in the
15 processing of the scene at [REDACTED] Road?

16 A. I did.

17 Q. And as a result of that, are you actually involved in
18 the collection of evidence from that scene?

19 A. Yes, I was.

20 Q. Can you tell us whether or not you also photograph
21 your findings as you go?

22 A. I do.

23 Q. As well as issue a report?

24 A. Yes, ma'am.

25 Q. We have an area that is gonna include several mobile

1 homes. Were you responsible for processing any particular
2 area?

3 A. I was. I was tasked with processing the scene at
4 Lot 7.

5 Q. All right. So looking here, you were responsible for
6 Lot 7?

7 A. Yes, ma'am.

8 Q. Can you tell us whether or not you have other CSI
9 officers at the scene?

10 A. Yes, ma'am. Sergeant Brenda Snelgrove and CSI Keith
11 Browning were both at the scene as well.

12 Q. Okay. Snelgrove -- who is your sergeant?

13 A. Brenda Snelgrove was my sergeant at the time.

14 Q. All right. And Snelgrove would have been at the scene
15 throughout this time as well?

16 A. Yes, ma'am.

17 Q. Take us through the process, Detective, for what
18 occurs while you are working this scene as a CSI officer,
19 crime scene investigation officer.

20 A. I responded to the scene and spoke with Sergeant
21 Brenda Snelgrove. She was the primary CSI on the case.
22 She -- because of the expansiveness of the scene, we broke
23 it up into three parts. I was tasked with Lot 7, provided
24 a search warrant for Lot 7 by the investigator, I took
25 photographs -- overall photographs of the area around

1 Lot 7, then began processing the individual evidence that
2 was located in front of the trailer.

3 Q. All right. I want to talk with you a little bit more
4 about that. Let's take a look at State's 79 already in
5 evidence. Do you recognize this location?

6 A. Yes, ma'am.

7 Q. Now crime scene tape, can you tell us whether or not
8 it would have been already up at Lot 7, as well as other
9 areas here at the crime scene prior to your arrival?

10 A. It was. When I arrived on-scene, there was a very
11 large amount of crime scene tape pretty much encompassing
12 the entire area of those two trailers.

13 Q. And what is its purpose?

14 A. It's to control access to the crime scene and not
15 allow people to move freely within that area.

16 Q. All right. So going back to this particular
17 photograph, what, if any, observations do you make as you
18 do your initial walkthrough?

19 A. As I'm doing my initial walkthrough of the area in
20 front of the trailer, there are multiple cartridge cases --
21 expended cartridge cases located on the ground all around
22 the vehicles in front of the trailer.

23 Q. All right. And you were able to see those just from
24 doing a walkthrough?

25 A. Yes, ma'am.

1 Q. Do you have a laser with you up there?

2 A. Yes, ma'am, I do.

3 Q. Can you give us a general description of where you
4 are observing shell casings?

5 A. In this picture where these yellow evidence markers
6 are at, those would be cartridge cases. There are
7 cartridge cases alongside the trailer over here past the
8 picture a little bit, as well as on top of some of these
9 vehicles.

10 Q. Okay. Now if vehicles were at the scene when the
11 crime scene tape was put up, did they remain there at the
12 scene?

13 A. They did.

14 Q. And they're also inspected for any potential evidence
15 that may be on them or in them?

16 A. Yes, ma'am.

17 Q. Can you tell us, Detective Weyandt, what you actually
18 observed regarding shell casings? And I want to be
19 specific here. How many shell casings did you recover
20 there at Lot 7?

21 A. If I can refer to my report, in total it would have
22 been twenty expended cartridge cases.

23 Q. And of that twenty total, can you tell us whether --
24 or what calibers were involved?

25 A. Recovered were 7.62 by 39.

1 Q. All right. So I'm gonna slow you down right there.
2 The 7.62 by 39 caliber. Can you tell us whether or not
3 that's a rifle caliber?

4 A. That is a rifle caliber, yes.

5 Q. How many shell casings did you observe of that
6 caliber?

7 A. Fifteen.

8 Q. Now do you also as your collecting them make any notes
9 regarding the headstamps or headstamp markings?

10 A. I did while I was there. All of the headstamps were
11 similar stamped with the caliber of the weapon, the 7.62
12 by 39, as well as TulAmmo, which is the manufacturer of it.

13 Q. All right.

14 MS. MAYES: I beg the Court's indulgence. I'm
15 gonna show you what is State's 91.

16 BY MS. MAYES:

17 Q. I'm gonna show you State's 91 and ask you how many
18 photographs there are?

19 A. Fifteen.

20 Q. All right. And these fifteen photographs in
21 State's 91, are they a fair and accurate representation
22 of the 7.62 caliber shell casings that you recovered from
23 Lot 7?

24 A. Yes, ma'am.

25 Q. Now I'm gonna show you what is State's 141 and ask

1 you if you are familiar with what is contained within that
2 package?

3 A. Yes, ma'am. I'm familiar with this.

4 Q. All right. Can you tell us what is contained in that
5 package?

6 A. It is the fifteen 7.62 by 39 cartridge cases that were
7 recovered by me.

8 Q. The same ones depicted in State's 91, being the
9 fifteen photographs?

10 A. Yes, ma'am.

11 MS. MAYES: For evidence at this time, Your Honor,
12 State's 91.

13 THE COURT: Any objection?

14 MS. WILLIAMS: No objection, Your Honor.

15 THE COURT: They're admitted.

16 (State's Exhibit Number 91, photographs, was
17 admitted into evidence.)

18 MS. MAYES: And State's 141 being the actual shell
19 casings.

20 THE COURT: Any objection?

21 MS. WILLIAMS: Your Honor, are these for ID?

22 MS. MAYES: They're being offered as evidence. They
23 were collected by this officer. I can lay a further
24 foundation.

25 MS. WILLIAMS: If you would lay a further foundation,

1 please.

2 THE COURT: Go ahead, Ms. Mayes.

3 BY MS. MAYES:

4 Q. Can you tell us, Detective, when you're collecting
5 these items, what, if anything, you do with them?

6 A. When they're collected, they're placed into an
7 envelope, labeled with the case number and the date, my
8 name, the address they were collected at, as well as sealed
9 with evidence tape, dated and initialled by me.

10 Q. All right. And once you seal them, what do you do
11 with them?

12 A. They're then submitted into evidence.

13 Q. Are these recognizable to you because of any
14 individual markings or unique markings on the headstamp?

15 A. Yes, ma'am.

16 Q. How so?

17 A. They're TulAmmo brand, as well as the caliber that was
18 observed at the scene.

19 Q. All right. I believe you said that's TulAmmo brand?

20 A. Yes, ma'am.

21 Q. An you spell that, please?

22 A. T-U-L-A-M-M-O.

23 Q. Okay. And do you have a headstamp there in front of
24 you?

25 A. Yes, ma'am, I do.

1 Q. Can you refer to exactly what the headstamp says?

2 A. It says TulAmmo, 7.62 by 39.

3 Q. And are those the same items you collected at Lot 7
4 while you were working the scene following this shooting?

5 A. Yes, ma'am.

6 MS. MAYES: For evidence, Your Honor, 141.

7 THE COURT: Any objection?

8 MS. WILLIAMS: Your Honor, if he could explain
9 where they have been since he collected them.

10 THE COURT: Ms. Mayes.

11 MS. MAYES: Yes, Your Honor. These would be
12 non-fungible. This is non-fungible evidence already
13 identified by the witness.

14 THE COURT: I'll be glad to hear from you,
15 Ms. Williams.

16 MS. WILLIAMS: Without objection, Your Honor.

17 THE COURT: Thank you. It's admitted.

18 (State's Exhibit Number 141, shell casings, was
19 admitted into evidence.)

20 BY MS. MAYES:

21 Q. All right. So looking here at this particular
22 headstamp from 141, as I hold it up, these are the markings
23 that you're referring to?

24 A. Yes, ma'am.

25 Q. And that's where it notes the caliber?

1 A. Yes, ma'am.

2 Q. As well as the manufacturer of this particular ammo,
3 which you've indicated was the TulAmmo?

4 A. Yes, ma'am.

5 Q. Now in addition to these fifteen casings that are
6 7.62, what other casings did you find and what caliber?

7 A. The three nine millimeter expended cartridge cases.

8 Q. So I'm gonna stop you right there. You said nine
9 millimeter?

10 A. Yes, ma'am.

11 Q. Three of those?

12 A. Yes, ma'am.

13 Q. Now is there any particular headstamp associated
14 with those three nine millimeter caliber shell casings you
15 recovered?

16 A. Yes, ma'am. They have a manufacturer marking of GFL.

17 Q. GFL. And what else did you recover?

18 A. I also recovered two 40 caliber expended cartridge
19 cases.

20 Q. All right. And what, if anything, did you note about
21 the headstamp on the two 40 caliber?

22 A. The headstamp had a manufacturer marking NFCR.

23 Q. NFCR?

24 A. Yes, ma'am.

25 Q. And you found two of those?

1 A. Yes, ma'am.

2 Q. I'm gonna show you what is State's 103 and 100 and
3 ask you whether or not you recognize what is depicted in
4 these photographs. And, first of all, who took those
5 photographs?

6 A. I did. I do recognize these.

7 Q. And based upon your knowledge of the scene, do these
8 show both the 40 caliber casings you recovered, as well as
9 the nine millimeter casings that you recovered?

10 A. Yes, ma'am, they do.

11 Q. And specifically as to 103, which caliber are these?

12 A. Those are the nine millimeter cartridge cases.

13 Q. All right. And as to 100, which caliber are these?

14 A. 40 caliber.

15 Q. And now I'm gonna show you 170 and 143 and ask you if
16 you're familiar with these items?

17 A. Yes, ma'am, I am.

18 Q. All right. And can you tell us whether or not these
19 are the specific shell casings you recovered from Lot 7?

20 A. Yes, ma'am, they are.

21 Q. And if you could, please, take a look at the
22 headstamps on each. Is that consistent with your testimony
23 regarding the 40 caliber NFCR?

24 A. Yes, ma'am.

25 Q. And as to State's 170, is that consistent with the

1 headstamp of GFL for the nine millimeter casings?

2 A. Yes, ma'am.

3 Q. And how did you go about packaging these?

4 A. They were packaged individually inside a small
5 envelope with a label documenting what it was, where it's
6 collected, the case number and the date, sealed with
7 evidence tape and then initialled and dated by me.

8 Q. And is your name borne on each of these as well?

9 A. Yes, ma'am, it is.

10 Q. And you sealed this evidence for submission to what
11 location?

12 A. To our evidence room to then be sent to SLED's crime
13 lab.

14 Q. And did it remain sealed up to the point of time that
15 it was submitted to the State -- to the Lexington County
16 Sheriff's Department?

17 A. Yes, ma'am.

18 MS. MAYES: 170 and 143 for evidence, Your Honor,
19 as well as 100 and 103.

20 THE COURT: Any objection?

21 MS. WILLIAMS: No objection, Your Honor.

22 THE COURT: They're admitted.

23 (State's Exhibit Number 170 and 143, shell casings,
24 and State's Exhibit Number 100 and 103, photographs, were
25 admitted into evidence.)

1 BY MS. MAYES:

2 Q. Looking here at 103, being the nine millimeter, I
3 believe you said that there were three of those?

4 A. Yes, ma'am.

5 Q. Then looking at 100, being the 40 caliber NFCR, there
6 are two of those?

7 A. Yes, ma'am.

8 Q. And then being the 7.62, there were fifteen of those?

9 A. Yes, ma'am.

10 Q. And looking here at State's 91, that would be the
11 first one?

12 A. Yes, ma'am.

13 Q. We can count as we go.

14 A. Yes, ma'am.

15 Q. What do you see in this one?

16 A. The 7.62 round.

17 Q. Okay. And where is it shown in this photograph?

18 A. In the middle in the -- near -- in the frame of the
19 marker.

20 Q. What are we looking at here?

21 A. That is a 7.62 expended cartridge case that was
22 located under the cowl of the -- one of the vehicles in the
23 yard.

24 Q. And here?

25 A. A 7.62 expended cartridge case that was on top of a

1 vehicle.

2 Q. And the last one?

3 A. And another -- an additional 7.62 expended cartridge
4 case that was located in the yard.

5 Q. Now did you prepare a diagram, Detective, to depict
6 where you're finding these items along the way?

7 A. Yes, ma'am.

8 Q. I'm gonna show you what is 101 and ask you if you're
9 familiar with this item?

10 A. Yes, ma'am.

11 Q. All right. And who prepared this particular item?

12 A. That particular diagram, I believe, was by Sergeant
13 Snelgrove.

14 Q. Okay. The CSI supervisor at the scene?

15 A. Yes, ma'am.

16 Q. Can you tell us whether or not it's a fair and
17 accurate depiction of the items that you found in the scene
18 and their location?

19 A. Yes, ma'am.

20 Q. As well as the calibers recovered?

21 A. Yes, ma'am.

22 Q. Looking here at 101, I'm gonna go back to that photo
23 that we have of the scene in general.

24 THE COURT: Is 101 already in evidence?

25 MS. MAYES: It's without objection, Your Honor.

1 MS. WILLIAMS: Without objection.

2 THE COURT: Okay. It's admitted then.

3 (State's Exhibit Number 101, a diagram, was
4 admitted into evidence.)

5 BY MS. MAYES:

6 Q. So looking here at the scene where we see a porch?

7 A. Yes, ma'am.

8 Q. Now, first of all, let me ask you this. When you
9 arrive and you're processing the scene, was Quayshaun Clark
10 still there?

11 A. No, ma'am.

12 Q. Had -- was it obvious to you that there had previously
13 been numerous vehicles in this area?

14 A. Yes, ma'am.

15 Q. And other than the vehicles that we see here, how many
16 vehicles were now present at the scene once you're actually
17 arriving to process it?

18 A. There were a total of two vehicles in the yard at that
19 scene that I worked.

20 Q. All right. So looking at 101, those would be the two
21 vehicles. Can you identify those vehicles for us?

22 A. Yes, ma'am. There is a Jeep parked right here midway
23 down the trailer, as well as a Honda that was parked off to
24 the corner a little bit.

25 Q. All right. What is the red depicting in this diagram?

1 A. The fifteen 7.62 by 39 expended cartridge cases.

2 Q. So red's the 7.62. What is depicted by the purple?

3 A. The nine millimeter expended cartridge cases.

4 Q. And what is depicted by the orange up here, which are
5 a nine and a ten?

6 A. The two 40 caliber cartridge cases.

7 Q. The NFCR?

8 A. Yes, ma'am.

9 Q. Now as you're standing there at Lot 7, are you able
10 to visualize the line of sight at -- towards Lot 15 and
11 Lot 15?

12 A. Yes, ma'am.

13 Q. That's apparent to you as you stand here?

14 A. Yes, ma'am.

15 Q. I'm gonna show you some photographs already in
16 evidence; the first being a 22, a vehicle; next being 21.
17 Does that appear to be consistent with those steps there at
18 Lot 7?

19 A. Yes, ma'am.

20 Q. And now Lot 7's view towards 15 and 16 as depicted in
21 36?

22 A. Yes, ma'am.

23 Q. What can you tell us in this regard?

24 A. This is the general area of where I was doing my
25 processing and stuff. Lots 15 and 16 are visible in the

1 background. The -- there's a couple of different reference
2 points that are seen and the actual landmarks on the
3 trailers as far as the doors and windows and stuff.

4 Q. All right. So I'm gonna ask you a little bit more
5 about that. Looking here at 104, 105, and 106, I'm gonna
6 ask you whether or not these are all crime scene photos
7 taken from the Lexington County Sheriff's Department?

8 A. Yes, ma'am, they are.

9 Q. And do these photographs depict Lot 15 and Lot 16?

10 A. Yes, ma'am.

11 Q. As well as the unique markings that you previously
12 mentioned?

13 A. Yes, ma'am.

14 Q. Are these a fair and accurate representation of the
15 scene at 15 and 16 as it was on the night of June 9th?

16 A. Yes, ma'am.

17 THE COURT: They're admitted without objection?

18 MS. WILLIAMS: Yes, Your Honor.

19 THE COURT: Thank you.

20 (State's Exhibit Number 104, 105 and 106,
21 photographs, were admitted into evidence.)

22 BY MS. MAYES:

23 Q. So first looking here, Detective, if you could, this
24 area here is which lot?

25 A. Lot 7.

1 Q. All right. And this being from State's 36, being a
2 Snapchat video still shot, which lot are we looking at here
3 and what unique markings do you see?

4 A. I believe that's going to be 16 and there is -- the
5 trailer tongue is visible, as well as a satellite dish
6 right here, what appears to be a satellite dish, and then a
7 small very thin bush that is beside the trailer tongue
8 right there and the window on the end of the trailer.

9 Q. All right. I'm show you State's 104 and ask you if
10 you can further show us here looking at 16 what those
11 unique markings are here in this photograph?

12 A. So this is gonna be that bush, the satellite dish, the
13 visible trailer tongue and the window on the end of the
14 trailer.

15 Q. And, again, where they would be in this photograph?

16 A. That's gonna be this area right here.

17 Q. The bush and the trailer tongue?

18 A. Yes, ma'am.

19 Q. Now as to Lot 15, what, if anything, do you note?

20 A. There are a number of landmarks on the end. There's
21 a window, an air-conditioning unit with a wooden support,
22 and the stairs leading into the residence.

23 Q. And is there any type of plant life in that photograph
24 as well?

25 A. There's a large bush that is located right there

1 behind the Snapchat angle.

2 Q. I'm gonna show you State's 105 in evidence and ask you
3 looking here at Lot 15 where you see those unique markings?

4 A. This is gonna be the window, the AC unit with the
5 wooden support, and then the steps leading into the entry
6 door to the residence.

7 Q. All right. And another view of Lot 15?

8 A. And that is gonna be the big bush at the end of the
9 trailer.

10 Q. As you previously described looking here in State's 36
11 at the AC unit, the steps and the bush?

12 A. Yes, ma'am.

13 Q. And I believe that State's 74 may also depict some of
14 those markings. If you could tell us what we're looking at
15 here?

16 A. That's gonna be Lot 15 right there. There's the large
17 bush, the window, AC unit with the wooden support, and the
18 entry door with the wooden steps.

19 Q. All right. Now I want to go back to the evidence
20 that you recovered there from the scene, including the
21 ammunition that is 7.62. You're familiar in this case
22 with the type of ammunition that is used, the TulAmmo?

23 A. Yes, ma'am.

24 Q. What, if anything, can you tell us about that
25 particular type of ammunition?

1 A. It is a relatively inexpensive round. It is steel
2 cased with a Berdan primer. It's basically Russian surplus
3 that's been put into circulation.

4 Q. And you mentioned the steel jacket?

5 A. Yes.

6 Q. And already in evidence is State's 135, being the
7 AK-47 operation manual.

8 A. Yes, ma'am.

9 Q. Now in addition to your service weapon, are you a gun
10 owner?

11 A. I am.

12 Q. Does that include multiple firearms?

13 A. Yes, ma'am.

14 Q. Including rifle caliber?

15 A. Yes, ma'am.

16 Q. This item already in evidence, what, if anything --
17 you've had an opportunity to review this and examine it as
18 well?

19 A. Yes, ma'am.

20 Q. For comparison to the ammunition you found at the
21 scene?

22 A. Yes, ma'am.

23 Q. What, if anything, can you tell us is known about the
24 range of fire for this weapon?

25 A. A 7.62 caliber has a maximum effective range of

1 approximately 400 meters.

2 Q. 400 meters?

3 A. Yes, ma'am.

4 Q. And 400 meters translates to how far in feet or yards?

5 A. Approximately 1200 feet.

6 Q. That's an approximation?

7 A. (Nods head.)

8 MS. MAYES: I beg the Court's indulgence.

9 THE COURT: Take your time.

10 BY MS. MAYES:

11 Q. And based on that operations manual already in
12 evidence, how many rounds per minute does that firearm
13 produce?

14 A. The rate of fire for this weapon per the spec sheet
15 in the back of the manual is forty rounds per minute.

16 Q. At a range of 400 meters?

17 A. Yes, ma'am.

18 MS. MAYES: Nothing further.

19 THE COURT: Ms. Williams.

20 MS. WILLIAMS: May it please the Court?

21 CROSS-EXAMINATION

22 BY MS. WILLIAMS:

23 Q. Good after -- well, good afternoon, CSI Weyandt. Is
24 that correct?

25 A. Yes, ma'am.

1 Q. Are you okay with me calling you CSI Weyandt? Is that
2 correct?

3 A. Yeah, that's fine. I'm a detective, an investigator.

4 Q. I want to get it right. I apologize.

5 All right. Detective Weyandt, what time did you get
6 to the scene?

7 A. If I may refer to my report?

8 Q. Please do.

9 A. I -- I arrived on-scene at approximately 12:33 AM.

10 Q. 12:33 AM. And, again, do you know what time the
11 shooting took place?

12 A. I am not aware of the actual time of the shooting.
13 I just know when I was called.

14 Q. It was sometime before?

15 A. Yes, ma'am.

16 Q. Okay. And you -- you stated that when you arrived
17 on-scene the crime scene tape was already up; is that
18 correct?

19 A. Yes, ma'am.

20 Q. So at 12:33 AM the crime scene tape was up?

21 A. Yes, ma'am.

22 Q. Okay. And you were in charge of Lot 7?

23 A. Yes, ma'am.

24 Q. If I can get you to review some photographs for me,
25 and tell me if you recognize them. They are Defendant's 5

1 through 10.

2 MS. WILLIAMS: May I approach?

3 THE COURT: You may.

4 (Defendant's Exhibit Number 5 through 10 were
5 marked for identification.)

6 THE WITNESS: Yes, ma'am.

7 BY MS. WILLIAMS:

8 Q. So you do recognize them?

9 A. Yes, ma'am.

10 Q. Did you take these photographs?

11 A. Yes, ma'am.

12 MS. WILLIAMS: Your Honor, Defendant's 5 through 10
13 for -- are submitted into evidence without objection.

14 THE COURT: Granted. They're submitted.

15 (Defendant's Exhibit Number 5 through 10,
16 photographs, are admitted into evidence.)

17 BY MS. WILLIAMS:

18 Q. All right. If you can just walk me through them,
19 please, sir. What is Defendant's 5 a photograph of?

20 A. It's a photograph of Lot 7 from further back walking
21 up the road towards the scene.

22 Q. Okay. So what -- are you closer to [REDACTED] Road or to
23 the back end of the mobile home park when you take this
24 photo?

25 A. Closer to [REDACTED] Road, I believe.

1 Q. Okay. So heading into the trailer park?

2 A. Yes, ma'am.

3 Q. Okay. And looking at Defendant's 6, can you describe
4 what you see?

5 A. It's Lot 7 as I'm getting closer to the residence.

6 Q. Okay. And then what -- is this the crime scene tape
7 we've all talked so much about?

8 A. Yes, it is.

9 Q. Okay. Defendant's 7, can you, please, describe that
10 for them?

11 A. That's the driveway of Lot 7 by the -- the trailer is
12 basically to my back.

13 Q. Okay. And, again, this is another angle of the crime
14 scene tape. It goes to this tree --

15 A. Yes, ma'am.

16 Q. -- and it appears to go to a telephone pole; is that
17 correct?

18 A. I believe it was a power pole or something like that,
19 but, yes, ma'am.

20 Q. A utility pole?

21 A. Yes, ma'am.

22 Q. All right. Thanks. Okay. We're gonna look at
23 Defendant's 8 and is this that same lot?

24 A. It is.

25 Q. Okay. And are these markers where you found shell

1 casings?

2 A. Yes, ma'am.

3 Q. Did you place those markers?

4 A. I did.

5 Q. Okay. Looking in the back of your photograph, what
6 is this right -- well, goodness. What is this right here?
7 Do you see the light?

8 A. It's a bit glary.

9 Q. There we go. All right. Can you see what this is?

10 A. The driveway.

11 Q. The driveway. Okay. And can you see is this the
12 crime scene tape in the back?

13 A. It is.

14 Q. Okay. And who do you see behind that crime scene
15 tape?

16 A. There were subjects standing outside of it. It was
17 unknown to me who they were.

18 Q. Unknown civilians?

19 A. Yes.

20 Q. Defendant's 9. What are we looking at?

21 A. That is the corner of the trailer of Lot 7.

22 Q. Okay. And is this the corner that is closest to the
23 driveway?

24 A. Yes. The driveway runs parallel to the trailer just
25 to the right.

1 Q. Right here?

2 A. Yes, ma'am.

3 Q. And then here, is this the main road in the mobile
4 home park?

5 A. It is.

6 Q. Okay. And, again, what do we see right there?

7 A. The crime scene tape tied to the tongue of the
8 trailer.

9 Q. Okay. The final one, Defendant's 10. Is this just
10 another photograph of the general area that you were
11 looking at?

12 A. It is.

13 Q. Okay. And, again, is that -- that shows the crime
14 scene tape again going to the utility pole?

15 A. Yes, ma'am.

16 Q. And then who do we see -- well, there we go. Come on.
17 All right. What do we see behind that crime scene
18 person?

19 A. Unknown persons.

20 Q. Additional people?

21 A. Yes.

22 Q. Detective Weyandt, did your search warrant give you
23 leave to search the entirety of Lot 7?

24 A. It did.

25 Q. Was part of the lot not marked off by crime scene

1 tape?

2 A. The back side of the lot I would guess would -- well,
3 it was tied to --

4 Q. Well, it wasn't marked off, was it?

5 A. No, ma'am.

6 Q. Okay. Did you take any photographs of the outside of
7 the building behind that crime scene tape?

8 A. I did not.

9 Q. I'm stealing exhibits. So we've already established
10 that the crime scene tape curved over half the lot and you
11 had a search warrant to search the whole lot, but you
12 didn't search the back lot?

13 A. I did.

14 Q. You did?

15 A. Yeah. There was a -- there was a walkthrough done
16 back there. Nothing of significance was located back
17 there.

18 Q. Okay. And so you didn't take any photographs of the
19 sides of the walls back there or any pictures back there?

20 A. No, ma'am.

21 Q. And this was an area that wasn't marked off by crime
22 scene tape?

23 A. No, ma'am.

24 Q. Okay. And people were walking around back there?

25 A. Yes, ma'am.

1 Q. Okay. And this is after 12:30 AM? Or -- well, yeah,
2 after 12:30 AM?

3 A. Yes, ma'am.

4 Q. Okay. Did you go inside Lot 7?

5 A. I did.

6 Q. Did you take any photographs inside of Lot 7?

7 A. I don't believe I did.

8 Q. Okay. Did you ever see any indication that anything
9 had hit Lot 7?

10 A. There was a possible bullet defect on the exterior of
11 the trailer.

12 Q. Did you take a photo of that possible bullet defect?

13 A. I did.

14 Q. Okay. So you would have submitted it and it would
15 have been in the package submitted to --

16 A. Yeah, it was in my pictures.

17 Q. Okay.

18 MS. WILLIAMS: Your Honor, I think that's all the
19 questions I've got.

20 THE COURT: Any redirect?

21 MS. MAYES: Briefly, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. MAYES:

24 Q. So looking at this entire area, this overview, can
25 you tell us the general area in which the crime scene tape

1 would have covered?

2 A. The general area of the crime scene tape was basically
3 a loop right here for -- that went from about here to
4 around 16 and 15 and then back up here to the corner of 7.

5 Q. All right. Does that include this entire area in
6 between, including the road and the fork in the road?

7 A. Yes, ma'am.

8 Q. As well as this area here coming into Lot 7?

9 A. Yes, ma'am.

10 Q. And can you tell us if -- if any evidence had been
11 observed, would it have been collected?

12 A. If anything was observed, it would have been
13 collected, yes, ma'am.

14 MS. MAYES: Thank you, sir.

15 MS. WILLIAMS: Just a couple more, Detective. I
16 appreciate your patience.

17 THE WITNESS: That's fine.

18 RECROSS EXAMINATION

19 BY MS. WILLIAMS:

20 Q. Let me get a pen. All right. So we're looking at
21 State's 85 and -- since it's up here. We just established
22 that the crime scene tape came from a tree about here; is
23 that correct?

24 A. Yeah, it looped around a tree right about here.

25 Q. One of these trees, we're not quite sure from this --

1 in this area, and then went to a utility pole back here?

2 A. Yes, ma'am.

3 Q. And then came over here to the building?

4 A. Yes, ma'am.

5 Q. And then started right here at the tongue to start
6 going back; is that correct?

7 A. Yes, ma'am.

8 Q. Okay. So this area was not in the crime scene tape;
9 is that correct?

10 A. It was not.

11 MS. WILLIAMS: Thank you. No further questions.

12 THE COURT: Can I excuse the detective?

13 MS. MAYES: Yes, Your Honor.

14 (Witness excused.)

15 THE COURT: Mr. Foreman, is the jury okay?

16 FOREPERSON: Yes, ma'am.

17 MS. MAYES: The State calls Detective Adam Holt.

18 (Whereupon, Adam Holt was duly sworn by the Clerk
19 of Court.)

20 THE CLERK: If you'll have a seat up there. If
21 you'll state your name and spell your last name for the
22 record.

23 THE WITNESS: Yes, ma'am.

24 My name is Investigator Adam Holt. That's H-O-L-T.

25 ADAM HOLT,

1 having been duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MS. MAYES:

4 Q. All right. And tell us a little bit about yourself.

5 Where are you employed?

6 A. I'm employed at the Lexington County Sheriff's

7 Department.

8 Q. All right. And what division are you with there?

9 A. I am with the crime reduction unit.

10 Q. All right. And can you tell us whether or not you
11 had the opportunity to assist team members in the arrest of
12 Quayshaun Clark?

13 A. I did.

14 Q. And what date did that occur?

15 A. That happened 6-11-2021.

16 Q. Okay. I'm gonna show you a photograph and ask you
17 whether or not you recognize it, being State's 118. Now
18 were you alone or were other members of the sheriff's
19 department present?

20 A. Other members of the sheriff's department were
21 present.

22 Q. Does that include body cam?

23 A. Yes, it does.

24 Q. I'm gonna show you a photograph and ask you whether
25 or not it's a fair and accurate representation of the

1 events on that day?

2 A. It is.

3 Q. And what is the time depicted in this particular
4 photograph.

5 A. 15:16 hours.

6 Q. And that would translate to what in civilian time?

7 A. 3:16 PM.

8 Q. 3:16 PM on the 11th?

9 A. Correct.

10 MS. MAYES: Without objection, Your Honor.

11 THE COURT: Okay. What number is that one?

12 MS. MAYES: 181.

13 THE COURT: Thank you.

14 (State's Exhibit Number 181, a photograph, was
15 admitted into evidence.)

16 BY MS. MAYES:

17 Q. Looking here at 181, where was Quayshaun located?

18 A. Inside of the residence.

19 Q. And what is that street address?

20 A. That is [REDACTED] Spring Hill Road.

21 Q. And you said this was approximately 3:16 PM?

22 A. Correct.

23 MS. MAYES: Thank you, Detective. Nothing further.

24 MS. WILLIAMS: No questions for this witness, Your
25 Honor.

1 THE COURT: Can I let Detective Holt be excused?

2 MS. MAYES: Yes, Your Honor.

3 THE COURT: Thank you.

4 (Witness excused.)

5 MS. MAYES: The State calls Detective Cameron
6 Sherban.

7 (Whereupon, Cameron Sherban was duly sworn by the
8 Clerk of Court.)

9 THE CLERK: Have a seat up there. If you'll state
10 your name and spell your last name for the record.

11 THE WITNESS: My name is Cameron Sherban. Last
12 name, S-H-E-R-B-A-N.

13 CAMERON SHERBAN,

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. MAYES:

17 Q. All right. And tell us a little bit about yourself.
18 Where are you employed?

19 A. I'm currently employed with the Lexington County
20 Sheriff's Department. I'm in the major crimes unit at that
21 department.

22 Q. And how long have you been in major crimes?

23 A. I've been in the major crimes unit for four years now.

24 Q. I'm gonna show you what is Court's 18 that I'm now
25 remarking as State's 18 and ask you whether or not you're

1 familiar with this item?

2 A. Yes, ma'am.

3 Q. How so?

4 A. This is a DVD recording of some surveillance footage
5 that I got. I have initialled it there and have reviewed
6 it.

7 Q. All right. And you say that you retrieved this
8 surveillance footage. Where did you get it from?

9 A. I retrieved it from a citizen, his home security
10 system cameras. That is Mr. Kneece, Mr. Michael Kneece.
11 It was at 456 Kendall Drive in Batesburg, South Carolina.

12 Q. And can you spell that for us, please?

13 A. The street?

14 Q. Yes.

15 A. Kendall, K-E-N-D-A-L-L, Drive.

16 Q. And that's Batesburg?

17 A. Yes, ma'am.

18 Q. All right. Can you tell us how you went about
19 recovering this particular item to secure that it is not
20 altered or changed in any way?

21 A. Whenever I went to the address and met with
22 Mr. Kneece, he provided the video to me. He showed it to
23 me first, showed me what he had, and then I was -- tried
24 to figure out how we would actually get it from him. I
25 have a USB that's given to me by the sheriff's department,

1 we use it for picking up video and things like that as we
2 need, plugged it into his USB drive on his device, and I
3 was with him the whole time while it was downloaded to
4 my drive and then taken to the sheriff's department for
5 evidence.

6 Q. Can you tell us whether or not throughout that process
7 it remained in its original format?

8 A. Yes, it did.

9 Q. Without any changes being made by you or Mr. Kneece?

10 A. That's correct. It was actually -- I think we got
11 about two hours' worth of video just to make sure we got
12 the entire scene and some afterward and some before.

13 Q. All right. And can you tell us when you observed this
14 video does it also have audio?

15 A. Yes, it does. It has audio and video and it is in
16 color.

17 Q. All right. And can you tell us whether or not based
18 on the audio you were able to identify anything that
19 appeared to have -- appeared to sound like gunshots?

20 A. Yes, there did appear to be gunshots. Going into just
21 the audio, there was the sound of crickets and all that
22 from like a summer night and then you can hear voices in
23 the background and then you can hear gunshots in the video.

24 Q. All right. Now were you also able to verify a date
25 and time for this particular item?

1 A. Yes, I was. The date and time is timestamped in the
2 video and we did verify that the time was working. I think
3 at one point I walked outside just to kind of wave at the
4 camera and go back and look and make sure it was at the
5 right time.

6 Q. And the date and time was verified to be accurate?

7 A. Yes, it was. It was accurate.

8 Q. And the date and time of the audio as you're hearing
9 it, can you tell us whether or not that also corresponded
10 with the night of June 9, 2021, just prior to 10:35 PM?

11 A. That's correct. The shots actually start on the video
12 at 10:34 and 30 seconds.

13 Q. Okay. And you're familiar with the time that the
14 first 9-1-1 call was placed in this case?

15 A. Yes, I am.

16 Q. Being approximately 10:35 PM?

17 A. Yes, ma'am.

18 Q. So having verified all of that, were you able to
19 successfully download that audio and video?

20 A. Yes, I was. I was able to download it to that USB
21 drive and then take that and put it into our evidence
22 system at the sheriff's department.

23 MS. MAYES: For evidence, Your Honor, State's 18.

24 MR. WILLIAMS: Without objection, Your Honor.

25 THE COURT: It's admitted.

1 (State's Exhibit Number 18, an audio/video
2 recording, was admitted into evidence.)

3 BY MS. MAYES:

4 Q. Now before we play this, I think you indicated that
5 you have notes regarding times that you're hearing shots
6 occur?

7 A. Yes, I do.

8 Q. And what times do you hear shots occur on this audio?

9 A. The very first shots that I hear occur 10:34:30. That
10 would be PM. The shots continue throughout. There's some
11 pauses and delays, but they continue throughout until about
12 10:34:55.

13 MS. MAYES: Permission to publish, Your Honor.

14 THE COURT: Yes, ma'am. Go ahead.

15 (Whereupon, State's Exhibit Number 18 was played.)

16 BY MS. MAYES:

17 Q. So what are we looking at here?

18 A. This camera would be -- he's got -- that's his
19 driveway. That's the front of his house facing Kendall
20 Drive, which also faces south, which is towards where the
21 incident location would be. This is a video camera, of
22 course, facing his driveway. He uses it to check to see
23 if people are driving by his house and whatnot. It records
24 24/7 for him. And, again, facing that front area of his
25 house towards Kendall Drive.

1 Q. All right. Okay. Now I notice or I recall that you
2 testified you noticed crickets and sounds of that nature?

3 A. Yes. It sounds like a summer night, so it doesn't
4 sound like it's doctored in any way. It has just summer
5 night sounds and then in the background you can also hear
6 voices until the gunshots and even after and then further
7 after that you'll hear sirens later on, too.

8 Q. Okay. So I want to ask you a little bit about what
9 you are observing from this audio prior to shots ringing
10 out.

11 A. Just observing the cars that are there. What you can
12 see is there -- I don't believe any cars drive by. There's
13 nothing that drives by. It's just the night and then you
14 can hear voices in the background.

15 Q. All right. Now how close in proximity is this
16 location, Kendall Drive, where this video and audio was
17 retrieved to the crime scene at [REDACTED] Road?

18 A. It's gonna be approximately 1500 feet. It's a few
19 football fields away.

20 Q. Okay. And the voices that you say that you heard --
21 that are able to be heard in this audio, what can you tell
22 us about them?

23 A. Some of the voices sound a little higher pitched like
24 female voices. You can actually also hear some lower
25 pitches that sound like male voices as well.

1 (Video continues playing.)

2 Q. And you say that in the version you downloaded you can
3 continue on until you hear the sound of sirens arriving?

4 A. Yes, ma'am. At about 10:48:25 is when sirens can be
5 heard in the distance, which corresponds to when we were
6 getting the calls to go out there to the scene.

7 Q. Okay. Detective Sherban, were you able to listen to
8 that audio and approximate the number of gunshots that you
9 hear?

10 A. Yes, ma'am.

11 Q. How many gunshots total were you able to count?

12 A. So total, it was about 48. As you -- you can hear,
13 a lot of them kind of ring out together. I can't give an
14 exact number, but it sounds about 48 shots.

15 MS. MAYES: Thank you. Nothing further.

16 MR. WILLIAMS: May it please the Court?

17 THE COURT: Absolutely, Mr. Williams.

18 CROSS-EXAMINATION

19 BY MR. WILLIAMS:

20 Q. Good afternoon. How are you doing?

21 A. I'm good.

22 Q. Your rank, is it major, captain, detective?

23 A. Just detective.

24 Q. Detective. All right, Detective. So you're with
25 major crimes obviously, so you are -- that's a special

1 group of people that deal with crimes that are of some
2 significance basically, right? That's why it's called
3 major crimes?

4 A. Yeah, we deal with anything from murders to assaults
5 and such.

6 Q. All right. And you were chosen to handle -- to be in
7 major crimes because of your expertise being on the force
8 and things like that maybe?

9 A. I just tested for a position. My actual position is
10 Internet Crimes Against Children, but I do assist on the
11 special victims unit and then we also get callouts like
12 this as well.

13 Q. All right. Well, in terms of -- how long have you
14 been with major crimes?

15 A. Four years now.

16 Q. All right. And in those four years, you've had the
17 opportunity to find numerous ways to discover evidence and
18 that's what you were doing in this particular case. One of
19 them is finding -- you took this off of one of those little
20 bell things on a house, right? One of those little --

21 A. It's not a -- it's not a doorbell camera. It's his
22 own security system that he's -- that he's run up and
23 everything and he's able to -- to use that and get that
24 downloaded and put that on the drive.

25 Q. All right. So when did you become involved in this

1 case?

2 A. The night of the incident on the -- I believe it was
3 the 9th of -- yeah, on the 9th of June. That night.

4 Q. Did you go down to the scene?

5 A. I did. I went to the scene.

6 Q. All right. What time did you arrive at the scene?

7 A. I don't remember exactly what time I arrived at the
8 scene. I would need to go back and look at the CAD. I
9 don't have the CAD notes for that.

10 Q. All right. Were you one of the first ones to arrive?

11 A. No, I was not.

12 Q. How many people were there when you got there?

13 A. Detectives or deputies?

14 Q. Detectives.

15 A. Okay. There were probably four detectives from our
16 agency. I know Batesburg-Leesville PD had one or two of
17 their officers out there.

18 Q. All right. How many people were actually down there
19 mulling around?

20 A. Oh, there were probably twenty to forty people just
21 around the area.

22 Q. How did you get your instructions to go to the
23 location of where this camera was located?

24 A. My sergeant, Sergeant Adam Creech, he called me and
25 asked me to go. I actually obtained search warrants for

1 the residences, all the -- each lot that was there, and
2 then I got those signed by a judge and then I made my way
3 over to crime scene.

4 Q. So there were some things that were going on before
5 you actually went out to find this house that you found?
6 Meaning, you had the -- you got the information about where
7 -- the areas you wanted to search from Adam Creech who's
8 like -- he's your superior there?

9 A. Yes, he is.

10 Q. And he told you to get search warrants together and to
11 find a judge and get a judge to sign it so that you-all --
12 so they could search that, right?

13 A. Yeah, that was to search the crime scene.

14 Q. All right. When did you find out that you were gonna
15 look at this house that had the security system? How did
16 you arrive at that decision?

17 A. This had been called into us. Somebody -- Mr. Kneece
18 had made a call into the sheriff's department saying that
19 he believed he had some video that he could share with us.

20 Q. So this is another situation where a citizen is
21 letting you know, just like some of the citizens that were
22 out there that night and picking up shells and stuff or
23 showing people where shells are, letting you know that they
24 have information, voluntarily coming forth with information
25 about some sort of crime scene?

1 A. Yes. I believe he -- he either knew that this had
2 gone on and he went back and looked or he -- he volunteered
3 it, yes.

4 Q. All right. Now I guess the reason I ask you that
5 question is you didn't have to go through the process of
6 elimination of looking at some stupid map and then going
7 up there and ringing on every dad-burned doorbell to find
8 out if they had a security system. You had somewhere to
9 start because you had someone call you and say look, I
10 heard it, I've got some information that may help you?

11 A. That's correct, yes.

12 Q. So do you know what time he called?

13 A. I don't know what time he called. I do know that I
14 went out there on the -- on the 10th.

15 Q. All right. So you arranged a time to meet with him?

16 A. I did, yes, sir.

17 Q. And when you got out there, did you talk to him about
18 his knowledge, I guess, if you will, of what he heard or
19 did you just focus on the fact that he had some sort of
20 security system that may have something on it? Meaning,
21 was he awake, alert and listening to what was going on or
22 did he just tell you I heard this on -- or I saw this on
23 my machine, I heard about it or something like that?

24 A. Yes. He had just heard it -- he heard about the
25 incident the next day. He didn't actually hear anything

1 that was going on within his house that night. He believes
2 he was sleeping at that time and then the next day is when
3 he was looking through his cameras and -- and heard the
4 incident and just wanted to let us know about it.

5 Q. Like me and that earthquake yesterday, I guess. So --
6 but he -- but he did hear that once he looked at it and --
7 I guess he went back and looked to see if he had something,
8 right, and then he called you-all?

9 A. Yes.

10 Q. Now this is not a slight. You have no special
11 qualifications to listen to sound because there's a whole
12 bunch of experts that do that and determine what this sound
13 is other than it's a gunshot sound in terms of whether or
14 not it's this weapon, another weapon or what have you,
15 right?

16 A. That's correct. I'm not specialized in any kind of
17 sound of gunfire to know which one is which.

18 Q. And somebody who would do something like that would be
19 somebody who is qualified in auditory stuff and they'd also
20 probably know, you know, conditions of the weather and
21 stuff like that?

22 MS. MAYES: Objection. Calls for speculation.

23 THE COURT: Yes.

24 BY MR. WILLIAMS:

25 Q. As a major crime unit person, if you wanted to secure

1 this type of information about the distinctions of weapons
2 and how far the sound came from, what type of person would
3 you look for?

4 A. Probably somebody who is an expert in knowing what
5 different guns sound like.

6 Q. All right. And, of course, you could find somebody
7 that does something like that, couldn't you?

8 MS. MAYES: Objection. Calls for speculation.

9 MR. WILLIAMS: All right. I'll ask --

10 THE COURT: Okay. Let the Court rule before you-all
11 keep going on. I'm about tired of that, so.

12 It is calling for speculation.

13 Move on, Mr. Williams.

14 BY MR. WILLIAMS:

15 Q. So are you -- being in major crimes, have you ever
16 had the opportunity to -- to focus on auditory information
17 that you may need for a crime?

18 A. I have not. I have specialities in other areas.
19 There's so many different things you can do in the major
20 crimes area to get specialities in and I don't have that.

21 Q. Are you a familiar with the Kennedy assassination?

22 A. I've read it in history books.

23 Q. All right. And are you familiar with the types of
24 information that was used to make distinctions --

25 MS. MAYES: Objection to relevance.

1 MR. WILLIAMS: I can -- I can proffer that, Your
2 Honor.

3 THE COURT: Can you tie it up?

4 MR. WILLIAMS: I can.

5 THE COURT: I'm gonna let you try to tie it up
6 quickly.

7 MR. WILLIAMS: Thank you, Your Honor.

8 BY MR. WILLIAMS:

9 Q. All right. Do you understand that there was quite a
10 question dealing with the number of shooters on the grassy
11 knoll and they investigated by listening to the motorcycles
12 and the sounds that were coming in through the speakers on
13 the motorcycle to make determinations of the number of
14 shots and where those shots came from? Are you familiar
15 with that type of research that was used to determine what
16 happened to our dead president?

17 A. I did not know that. I just knew that he had been
18 assassinated is really all I learned.

19 Q. So this is new information to you?

20 A. Yes, sir.

21 Q. All right. Did you -- when you realized that you
22 were dealing with shots, did you think that it might be
23 important to reach out and find somebody who had more
24 expertise to help you determine what types of shots were
25 fired?

1 A. When I obtained the evidence for this case -- it's
2 not my case, there's another case officer that's usually
3 involved with these cases. We'll go out and we'll help
4 gather all the information that we can to help them out.
5 I did not think to do anything else other than get it and
6 add it to the case and let the case officer handle that.

7 Q. And this is not a slight. So the short answer is
8 you were able to determine the number of sounds that were
9 recorded that night at that approximate time that appear
10 to sound like gunshots?

11 A. Yes, I could hear approximately, as I mentioned,
12 forty-eight gunshots. That's slowing it down and trying to
13 listen very closely to each and every one of those echos.

14 Q. But in terms of any type of -- what it goes to or any
15 type of weapon, you're not able to determine that?

16 A. I'm not.

17 Q. All right. You indicated that this was approximately
18 1500 feet or 500 yards or about five football fields?

19 A. Something like that. It's very approximate. I used
20 Goggle Maps and used the little inch and tried to figure
21 that out.

22 Q. So you knew the distance was important and that's why
23 you wanted to find out how it sounded from that distance,
24 right?

25 A. Yes.

1 Q. And why did you do that?

2 A. I just wanted to make sure I knew the approximate
3 distance between that incident location and the location
4 that we got the video to give -- as you can -- in the
5 video, you guys may not have been able to notice that, but
6 we had to turn the volume very high to be able to hear it
7 because it is -- it's in the distance, but it is still able
8 to be captured on his videocamera there.

9 Q. So you had to enhance the sounds that we were
10 listening to so that you could hear it?

11 A. Well, they were not enhanced. We didn't actually
12 doctor the video in any way to enhance the sound. It's
13 just turned up. That's all.

14 Q. You turned it up louder?

15 A. Yes, sir.

16 Q. So when we were talking about turning it up, you don't
17 know exactly how loud it was, all you know is how loud once
18 you turned it up it sounded?

19 A. Yeah, when you turned it up you could hear it better,
20 of course.

21 MR. WILLIAMS: Just a couple of seconds, Your Honor.

22 BY MR. WILLIAMS:

23 Q. Did you have anything else to do with this case other
24 than what you've testified to about the camera and the
25 auditory stuff?

1 A. I did.

2 Q. What else did you have to do with this case?

3 A. I assisted with an interview of the girlfriend of the
4 defendant the day that he got arrested right after that.

5 Q. All right. So did you -- did you come out to the
6 scene of when he was arrested or did you just participate
7 in the interview of her?

8 A. So I came out -- he got arrested at the location that
9 he was at. His girlfriend was there. We were asked to
10 go out there. We conducted a search warrant there. I did
11 not help with the search warrant. I stayed outside and I
12 interviewed her.

13 Q. All right. Did you have any other interviews with
14 anybody else involved in this case?

15 A. I -- no, I did not. I just -- I went to the scene
16 with the search warrants, I got this video and I did that
17 interview.

18 MR. WILLIAMS: Thank you, sir.

19 THE COURT: Any redirect?

20 MS. MAYES: Briefly, Your Honor.

21 REDIRECT EXAMINATION

22 BY MS. MAYES:

23 Q. So when you're making a reference there to the
24 girlfriend, let me go back. What location was that?

25 A. That was at [REDACTED] Spring Hill Road. That's in the

1 Gilbert area of Lexington County, South Carolina.

2 Q. All right. [REDACTED] Spring Hill Road. And what area of
3 Lexington County is that in?

4 A. Gilbert.

5 Q. The Gilbert area?

6 A. Yes.

7 Q. With the defendant being arrested on June 11th at
8 approximately 3:16 PM, what time would you approximate your
9 interview with his girlfriend was?

10 A. My interview was about 4:30, maybe 5:00.

11 Q. All right.

12 A. It was about an hour or so after.

13 Q. All right. And do you have her name?

14 A. Her name is Tameakeo Carnard.

15 Q. All right.

16 A. C-A-R-N-A-R-D.

17 Q. All right. Can you tell us whether or not Tameakeo
18 Carnard was also located at this residence on June 11th?

19 A. Yes, she was. She was inside the residence when they
20 got there.

21 MS. MAYES: Thank you. Nothing further.

22 MR. WILLIAMS: No questions on recross.

23 THE COURT: Okay. Can I let Detective Sherban be
24 excused?

25 MS. MAYES: Yes, Your Honor.

1 these exhibits?

2 MS. PATTERSON: Yes, ma'am. We can.

3 THE COURT: Okay.

4 MS. PATTERSON: Our next witness is gonna be the
5 pathologist, Susan Presnell. The State would seek to
6 introduce two exhibits -- well, more than two, actually
7 five, but two of them being -- two pictures of the x-rays
8 that Dr. Presnell performed during autopsy and one is a
9 picture of the victim during autopsy, Your Honor, that
10 has been heavily redacted, it is in black and white, and
11 it will assist Dr. Presnell in her presentation to the
12 jury in explaining the shape of the injury.

13 THE COURT: Okay.

14 MS. WILLIAMS: Your Honor, I object to a -- I believe
15 it was State's --

16 MS. PATTERSON: 131.

17 MS. WILLIAMS: -- 131 on the grounds that I can't
18 see what relevance the shape of a bullet wound has to
19 this trial other than the fact that one was had. I also
20 think that it is overly prejudicial and only designed to
21 inflame the passions of the jury.

22 THE COURT: Okay. Well, we haven't allowed a whole
23 lot of photos and the State does have the burden.

24 Can I look at the wound pictures since you-all
25 changed it and put it in black and white?

1 MS. PATTERSON: (Hanging.)

2 THE COURT: And is it absolutely necessary for the
3 pathologist to use this photo?

4 MS. PATTERSON: Well, Your Honor, it will assist
5 her in her presentation and her testimony to the jury.
6 She's gonna explain the shape of the injury. It is
7 indicative of the manner of impact or it can be and this
8 was something that was -- this was something that was
9 unusual about the external observation of this patient.

10 THE COURT: It was unusual, the shape?

11 MS. PATTERSON: Yes. So she -- well, in our
12 discussion, most shapes -- gunshot shapes are circular,
13 round.

14 THE COURT: Right.

15 MS. PATTERSON: This one is a little oblong,
16 obstructed -- not obstruct, but distorted.

17 THE COURT: I noticed it was oblong.

18 MS. PATTERSON: Yes, ma'am.

19 THE COURT: I'll preserve your objection for the
20 record, but I'm gonna allow the photo. They redacted
21 it from the first picture I saw. Now it's in black
22 and white. It's basically just the wound itself, so
23 I'm gonna allow it, but I will note your objection for
24 the record.

25 MS. WILLIAMS: Thank you, Your Honor.

1 THE COURT: If it's gonna help the pathologist,
2 then I think -- if I weigh between the two, I don't
3 think there's any -- it's not prejudicial to the
4 defendant.

5 All right. Are we ready to bring in the jury?

6 MS. PATTERSON: The State's ready, Your Honor.

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

8 (Whereupon, the jury returns to the courtroom at
9 2:19 PM.)

10 THE COURT: All right. Please be seated.

11 I hate to ask. I know one of the jurors's cars
12 got hit. I hope it's okay.

13 JUROR: (Nods head.)

14 THE COURT: All right. Mr. Foreman, are we ready
15 to proceed?

16 FOREPERSON: Yes, ma'am.

17 THE COURT: All right. The State can call their
18 next witness.

19 MS. PATTERSON: Thank you, Your Honor. The State
20 calls Dr. Susan Presnell.

21 (Whereupon, Susan Erin Presnell was duly sworn by
22 the Clerk of Court.)

23 THE CLERK: Have a seat up there. If you'll state
24 your name and spell your last name for the record.

25 THE WITNESS: Good afternoon. My name is Susan

1 Erin Presnell, P-R-E-S-N-E-L-L.

2 SUSAN ERIN PRESNELL,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. PATTERSON:

6 Q. And, Dr. Presnell, in what field of medicine do you
7 practice?

8 A. I'm a forensic pathologist at the Medical University
9 of South Carolina in Charleston.

10 Q. And can you tell us a little bit about your education,
11 training and background?

12 A. Yes. So I went to college at Clemson, finished there
13 and then I moved to MUSC in Charleston where I've stayed
14 ever since. I went to four years of medical school there.
15 After medical school, I chose the specialty of pathology,
16 so I did my five years of training there. After that I
17 decided I wanted to subspecialize in forensic pathology,
18 so I did that year there, and then after that I was hired
19 on as faculty.

20 Q. And how many years have you been practicing in the
21 field of pathology?

22 A. Well, since I started as faculty. That was in 1999,
23 so like twenty-two, going on twenty-three years.

24 Q. And what are the duties of a pathologist?

25 A. Well, pathology is a big field and most pathologists

1 are general pathologists that diagnose disease in living
2 people. So like if you go to a doctor and they do a
3 biopsy, that tissue would go to a pathologist, they would
4 look at it under the microscope and diagnose if it's
5 cancer, if it's an infection, what it is. So I'm trained
6 in general pathology, but then I subspecialize in forensics
7 where we're not just looking at a piece of tissue, we're
8 looking at, of course, a whole entire body of somebody
9 that's passed. We are looking for diseases, but we also
10 evaluate trauma and that's through the process of the
11 autopsy and then going through the process of an autopsy
12 ultimately we come to the conclusion of a cause and manner
13 of death.

14 Q. And so do you actually perform the autopsies?

15 A. Yes.

16 Q. And about how many autopsies have you performed in
17 your career?

18 A. It would be an estimate. I'm probably approaching
19 four thousand, around there.

20 Q. And have you been qualified in the field before as an
21 expert in the field of forensic pathology?

22 A. Yes.

23 Q. How many times?

24 A. Again, an estimate, maybe 150, 200.

25 MS. PATTERSON: Your Honor, at this time we move

1 that Dr. Susan Presnell be qualified as an expert in
2 the field of forensic pathology.

3 THE COURT: Any objection?

4 MS. WILLIAMS: No objection.

5 THE COURT: All right. Let me tell the jury. I
6 told you earlier that usually when witnesses testify they
7 testify to things that they saw, heard, did, smelled,
8 touched, but there's an exception to that rule and that
9 exception is an expert and Dr. Presnell's just been
10 qualified as an expert, so she's entitled to give her
11 opinion, which most witnesses cannot do, and she's gonna
12 be an expert in forensic pathology.

13 With that being said, you take her testimony just
14 like any other witness and give it the credit that you
15 think it deserves.

16 Go ahead.

17 MS. PATTERSON: Thank you, Your Honor.

18 BY MS. PATTERSON:

19 Q. Dr. Presnell, in June of 2021, did you perform an
20 autopsy on Minor ?

21 A. Yes. A little over a year ago. June 12, 2021.

22 Q. And in your hand do you have a report of your
23 findings?

24 A. I do. I have a copy of my report.

25 Q. What specific date did you perform the autopsy on

1 Minor ?

2 A. On June 12th.

3 Q. And do you have a date of death for Minor ?

4 A. The information we received primarily comes from the
5 coroner, since we're a coroner state, so her date of death
6 was June 9, 2021.

7 Q. And in performing an autopsy, what is the first thing
8 that you do?

9 A. Well, just for a standard autopsy when someone
10 comes into -- is brought into the autopsy room, we do
11 photographs, lots of photographs, document like clothing,
12 anything that comes with the person. After that then
13 we'll take all the clothing off and make sure they're
14 cleaned so we can evaluate anything, any trauma and any
15 disease that might be visible. Again, photographs,
16 diagrams. We might do ancillary studies like x-rays
17 depending on the type of case, which we did do in this
18 case. Then we go on the inside and we look at -- in all
19 of the autopsies, we'll look at all of the organs.
20 Sometimes we might get a piece to look at under a
21 microscope, sometimes not. The other thing we do is get
22 blood for toxicology testing, and we do that on all of our
23 forensic cases, so that is the process of what's called a
24 gross autopsy.

25 Q. So were photographs taken of Minor , as well as

1 x-rays done?

2 A. Yes, both of those.

3 Q. Okay. And in performing your external examination of
4 Minor , what, if anything, did you note?

5 A. Well, Minor has two injuries. One is minor. It's
6 an abrasion or a scrape on her forehead. The other one is
7 major and her fatal injury, which was a gunshot wound that
8 went into her right temple, travelled through her head,
9 through her brain and came -- the bullet came to rest at
10 the back of her left ear area.

11 Q. Dr. Presnell, I'm gonna show you what's been marked
12 as State's Exhibit 130 and 131 and ask you to take a look
13 at this. First, with respect to State's Exhibit 130, do
14 you recognize what's in those photographs?

15 A. Yes. These are a copy of the x-rays that we took at
16 the time of autopsy.

17 Q. Okay. And are those the pictures that you received
18 from, I guess, your x-ray or scanning machine pertaining
19 to Minor ?

20 A. Right. These are a copy of the x-rays.

21 Q. A copy of the x-rays. Do they look fairly and
22 accurately like the ones that you reviewed on June 12th of
23 2021?

24 A. Yes.

25 MS. PATTERSON: Your Honor, at this time we move

1 State's Exhibit 130 into evidence.

2 MS. WILLIAMS: Without objection, Your Honor.

3 THE COURT: And it's admitted.

4 (State's Exhibit Number 130, an x-ray photograph,
5 was admitted into evidence.)

6 BY MS. PATTERSON:

7 Q. I'm gonna show you what's been marked as State's
8 Exhibit 131. Do you recognize what's in that photograph?

9 A. Yes.

10 Q. And what is it?

11 A. It's part of a picture that depicts the entrance
12 gunshot wound.

13 Q. And is that the photograph that you took of Minor
14 on June 12, 2021?

15 A. Well, it's a black and white version, but it has the
16 autopsy label, which when we do our photographs we'll
17 always have the autopsy number on it.

18 Q. So other than the redaction, does it fairly and
19 accurately represent your photograph?

20 A. Yes.

21 MS. PATTERSON: Your Honor, at this time we move
22 State's Exhibit 131 into evidence.

23 MS. WILLIAMS: Subject to --

24 THE COURT: I understand with objection and so noted
25 for the record.

1 (State's Exhibit Number 131, an x-ray photograph,
2 was admitted into evidence.)

3 BY MS. PATTERSON:

4 Q. And when you performed your external examination of
5 Minor , with this being her eyebrow and this is her hair
6 going towards the back, can you explain to the jury what
7 we're looking at with respect to this injury?

8 A. Right. So, again, just for orientation, eyebrow,
9 forehead, and this would be the top of her head right here,
10 and her ear in this area. So here is the entrance gunshot
11 wound that I said that we found.

12 Q. And what, if anything, did you note about the shape of
13 that injury?

14 A. Well, the entrance is a little bit irregular, it's
15 kind of oblong and it has a pretty irregular abrasion
16 around it, which is consistent with -- to me is consistent
17 with a bullet having struck something before it struck her.

18 Q. And are most of the gunshot injuries that you see are
19 they more circular in shape?

20 A. It just depends. I mean, you can see irregular wounds
21 in a variety of instances. A lot of them are rounded.
22 This one is irregular and, like I said, it's consistent
23 with the information we were receiving about the scene.

24 Q. So you did receive information about what law
25 enforcement -- from law enforcement about the information

1 that they received with respect to the way that the bullet
2 may have travelled before it struck Minor ?

3 A. From -- via the coroner.

4 Q. So did you receive the information that it may have
5 went through several surfaces before striking Minor ?

6 A. I just know it came from outside a home, a mobile
7 home, and that it would have had to travel through
8 something to get inside the home.

9 Q. And so that is consistent with the information that
10 you were told?

11 A. It is.

12 Q. Do you have in your report approximately how tall
13 Minor was?

14 A. Yes, she was sixty-three inches, which is five-three.

15 Q. And how old was Minor ?

16 A. She was eleven years old.

17 Q. And I think you may have mentioned it before, but just
18 to be clear, during the autopsy were you able to determine
19 the path of -- first of all, let me ask you this. Did you
20 find an exit wound on Minor ?

21 A. No, we recovered the bullet that was right inside the
22 surface of her skin.

23 Q. And so just to be clear, what was the -- the path of
24 impact to Minor ?

25 A. So the path is -- just thinking of it on yourself, so

1 the right temple area, and then the bullet is travelling
2 to behind the left ear. So it goes in through the skull,
3 through the brain, the cerebrum, the cerebellum and the
4 brain stem actually to the left side of the skull and
5 through the skull and stopped actually before exiting.

6 Q. And you said you were able to recover the bullet?

7 A. Yes.

8 Q. And I'm gonna show you what's been entered as State's
9 Exhibit Number 130 and does this picture indicate where
10 you were able to recover the bullet from Minor ?

11 A. Yes. This is a side view x-ray. At the time of
12 autopsy, here -- right here is the bullet. Because it's
13 just in the -- you know, the two dimensions, everything
14 looks in one plane, but this is gonna behind the left ear.
15 You can actually see the lighter -- or the dark -- sorry,
16 the darker area right there, that's the entrance wound
17 where it entered the right temple area.

18 Q. I'm gonna show you another photograph from State's
19 Exhibit 130. Does this just give us another view of what
20 you described?

21 A. Right. This is the front view like we're looking at
22 her face and the bullet would have entered here and then
23 travel down to right there where we recovered it.

24 Q. And once that bullet was recovered, what did you do
25 with it?

1 A. Well, after we photographed it, we packaged it up
2 and transferred to Officer Michael Hart, who was at the
3 autopsy.

4 Q. And I'm gonna show you what's been marked as State's
5 Exhibit 1 and 119 for ID only at this point and ask you if
6 you recognize these photographs?

7 A. Yes.

8 Q. And what do you recognize State's Exhibit Number 1 to
9 be?

10 A. A photograph of the bullet that I recovered at the
11 time of autopsy.

12 Q. And does it fairly and accurately represent the
13 photograph that you took on June 12th of 2021?

14 A. It looks like the photograph that I took.

15 Q. Okay.

16 A. This is not actually the photograph that I took
17 because it looks like law enforcement has written on the
18 envelope, but the photograph is of the bullet and then the
19 envelope that we packaged the bullet in along with the
20 sticker.

21 Q. Okay. So that looks like the package -- the envelope
22 that you packaged the bullet in?

23 A. Right. I see the autopsy sticker and the envelope we
24 would have used to package the bullet and then, again, some
25 other entity's writing on the envelope.

1 Q. Okay. So you do have some of your identifying
2 information on this photograph?

3 A. I do. I do have the accession date of the autopsy on
4 both -- on the first one.

5 Q. Okay. But does it fairly and accurately represent the
6 bullet that you recovered?

7 A. It looks like the bullet, yes.

8 MS. PATTERSON: Your Honor, at this time we move
9 State's Exhibit Number 1 into evidence.

10 THE COURT: Any objection?

11 MS. WILLIAMS: No objection, Your Honor.

12 THE COURT: It's entered.

13 (State's Exhibit Number 1, a photograph, was
14 admitted into evidence.)

15 BY MS. PATTERSON:

16 Q. And State's Exhibit 119, are you able to identify
17 this?

18 A. It's just the other side. It looks like the other
19 side of the bullet.

20 Q. Okay. Does it fairly and accurately represent the
21 bullet that you recovered from Minor during her autopsy
22 on June 12th of 2021?

23 A. As far as I can recollect, yes.

24 MS. PATTERSON: Your Honor, at this time we move
25 State's Exhibit 119 into evidence.

1 MS. WILLIAMS: Without objection, Your Honor.

2 THE COURT: It's entered.

3 (State's Exhibit Number 119, a photograph, was
4 marked for identification.)

5 BY MS. PATTERSON:

6 Q. I'm gonna show you what's been marked as State's
7 Exhibit 127 for ID only at this time. Could you take a
8 look at that package?

9 A. Yes.

10 Q. And do you recognize what's in that package?

11 A. I do.

12 Q. And what do you recognize it to be?

13 A. This looks -- this appears to be the bullet, as well
14 as the envelope and the autopsy sticker that we labeled the
15 envelope with.

16 Q. Okay. And was that turned over to Detective Hart with
17 the Lexington County Sheriff's Department from MUSC during
18 the autopsy of Minor ?

19 A. Yes.

20 Q. And was that done at your direction under your
21 supervision?

22 A. Yes.

23 Q. And, again, does that contain the autopsy number?

24 A. It does.

25 Q. Does it fairly and accurately represent what you

1 handed over?

2 A. Yes.

3 MS. PATTERSON: Your Honor, at this time we move
4 State's Exhibit 127 into evidence.

5 MS. WILLIAMS: Without objection, Your Honor.

6 THE COURT: Thank you. It's entered.

7 (State's Exhibit Number 127, a bullet from autopsy,
8 was admitted into evidence.)

9 BY MS. PATTERSON:

10 Q. Now with respect to the bullet, overall what condition
11 was it in?

12 A. I described it as slightly deformed. You can see the
13 tip of the bullet is smushed up.

14 Q. Was it still intact for the most part?

15 A. The edges look relatively intact.

16 Q. And State's Exhibit 119, is that just another angle
17 of it?

18 A. Yes.

19 Q. Do you have an expert opinion as to the cause and
20 manner of death of Minor ?

21 A. Yes, her cause of death is a gunshot wound to the
22 head, and manner of death in the medicolegal terms is
23 homicide.

24 MS. PATTERSON: I beg the Court's indulgence, Your
25 Honor.

1 THE COURT: Take your time.

2 MS. PATTERSON: Thank you, Dr. Presnell. Please
3 answer any questions the defense may have.

4 THE COURT: Ms. Williams.

5 MS. WILLIAMS: I have no questions for Dr. Presnell.

6 THE COURT: May I excuse Dr. Presnell?

7 MS. PATTERSON: Yes, ma'am. Thank you.

8 (Witness excused.)

9 MS. MAYES: The State calls Detective Jesse
10 Snelgrove.

11 (Whereupon, Jesse Snelgrove was duly sworn by
12 the Clerk of Court.)

13 THE CLERK: If you'll have a seat up there and
14 state your name and spell your last name for the record.

15 THE WITNESS: I'm Jesse Snelgrove with Lexington
16 County Sheriff's Department. Last name is
17 S-N-E-L-G-R-O-V-E.

18 JESSE SNELGROVE,
19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. MAYES:

22 Q. All right. Good afternoon. I want to ask you a
23 little bit about yourself. How long have you been with the
24 sheriff's department?

25 A. Approximately four years.

1 Q. All right. And what division are you currently
2 assigned to?

3 A. The major crimes unit.

4 Q. All right. Major crimes. I'm gonna show you a
5 photograph and ask you whether or not you're familiar with
6 what is depicted in State's 85?

7 A. Yes, ma'am.

8 Q. All right. And if I put it on the overhead, would you
9 be able to see it from where you are?

10 A. Yes, ma'am.

11 Q. All right. If you could move the microphone just a
12 little bit closer to you.

13 A. (Witness complies.)

14 Q. Now as a major crimes investigator, can you tell us
15 whether or not you were one of the division that responded
16 out to the scene of [REDACTED] Road or the Rocky Lane
17 Mobile Home Park on the night of June 9th of last summer?

18 A. Yes, I was.

19 Q. All right. Detective Snelgrove, what role, if any,
20 did you play in the general search of the area that is
21 depicted in State's 85?

22 A. I assisted CSI Weyandt around Lot 7 while he processed
23 the scene and then directly to the right, right in that
24 forked area between the two roads, we searched that area
25 there, too.

1 Q. All right. I'm gonna ask you if you can use the
2 pointer that is up there with you.

3 A. Yes, ma'am.

4 Q. And, again, we've got Lot 15, Lot 16, and Lot 7. If
5 you could looking here at State's 85 show us exactly the
6 area that you assisted in the physical search of.

7 A. Okay. Right here is the front of the house where we
8 started at and once we processed that, we moved over to
9 this area right here in front of this house and up the road
10 a little piece right here.

11 Q. All right. So you were using your resources out there
12 on foot to search this area?

13 A. Yes, ma'am.

14 Q. And if any evidence had been found within this area
15 here?

16 A. We would have notated it and CSI Weyandt would have
17 collected it.

18 Q. All right. And to your knowledge was all evidence
19 recovered from the scene at [REDACTED] Road packaged and
20 submitted to the Lexington County Sheriff's Department
21 evidence custodian?

22 A. Yes.

23 MS. MAYES: Thank you, Detective. Nothing further.

24 THE COURT: Ms. Williams.

25 MS. WILLIAMS: May it please the Court?

1 CROSS-EXAMINATION

2 BY MS. WILLIAMS:

3 Q. Good afternoon, Detective Snelgrove.

4 A. Yes, ma'am.

5 Q. Okay. Correct me if I call you the wrong thing.

6 A. You're fine.

7 Q. All right. So approximately what time did you get out
8 there that night?

9 A. I don't recall the actual time.

10 Q. Do you recall -- well, would you have signed the crime
11 scene log?

12 A. Yes.

13 Q. Would seeing that help refresh your memory?

14 A. Yes, ma'am.

15 MS. WILLIAMS: I beg the Court's indulgence.

16 THE COURT: Take your time.

17 MS. WILLIAMS: May I approach?

18 The COURT: You may.

19 THE WITNESS: It looks like I didn't write the
20 time down.

21 BY MS. WILLIAMS:

22 Q. Well, let me ask you this. Do you generally write
23 names down in order on a crime scene log?

24 A. Generally it's whoever is walking around with it just
25 gets people to sign it, but we try to get it in order.

1 Q. So if someone were to have a sign-in time directly
2 above yours, would that be reflective of a time before you
3 arrived there?

4 A. It's possible.

5 Q. Okay. Thank you.

6 All right. So you arrived and what did the scene look
7 like when you got there?

8 A. As I'm pulling up, the roadway on the [REDACTED] is lined
9 with tons of cars. Up top as you'll see, that's where all
10 the cars are, so I had to park over there and walk all the
11 way down, there's probably two hundred people out there,
12 and when I get to the crime scene I talk to Sergeant
13 Creech.

14 Q. When you were talking to Sergeant Creech, did anything
15 of note happen?

16 A. He was just filling me in on what they had at the
17 moment as far as they had an 11 -- or, excuse me, I don't
18 remember her exact age, but they had a child who was
19 deceased on-scene and another --

20 Q. I'm gonna stop you right there. If you'll refer to
21 your notes and if you'll take a look in your second
22 paragraph about halfway through.

23 A. Okay. So as he's telling me about the 11-year-old
24 female that was shot in the residence, a fight breaks out
25 on the other side of the crime scene tape.

1 Q. All right. Do you have any specific recollection of
2 that other than it being in your notes?

3 A. I just remember helping to break it up. Outside of
4 that, I don't.

5 Q. Okay. How many people were there?

6 A. Again, it's approximation. Maybe two hundred people.

7 Q. Okay. So you kind of were all over the place that
8 evening; is that correct?

9 A. Yeah, there was a lot going on.

10 Q. A lot going on. All right. So I'm gonna go through
11 some of the things that happened while you were there.
12 Well, we'll just go through a couple of the events as you
13 have them noted.

14 A. Okay.

15 Q. So did you talk to a Hispanic male that evening?

16 A. Yes. Detective Zylstra and I did.

17 Q. Okay. And what, if anything, did you learn about the
18 situation from him?

19 A. He told us he wanted --

20 MS. MAYES: Objection to hearsay.

21 THE COURT: It is. You can't say anything that
22 anybody told you.

23 THE WITNESS: Okay.

24 THE COURT: All right, Ms. Williams. Continue on.

25 BY MS. WILLIAMS:

1 Q. Did he ever end up giving a statement to you-all
2 formally to your knowledge?

3 A. To my knowledge, no.

4 Q. Okay. Did you also assist CSI Weyandt in the crime
5 scene investigation for Lot 7?

6 A. Yes.

7 Q. Okay. And while you were at Lot 7, did you notice
8 that there were two vehicles there?

9 A. Yeah, I believe there was two vehicles there.

10 Q. Okay. And looking at Defendant's Exhibit 7, are those
11 the two vehicles as you remember them?

12 A. Yes.

13 Q. Did someone who -- was one of the owners present at
14 the scene?

15 A. There was a lady that came out that said she owned the
16 Jeep, which is the black vehicle.

17 Q. And what was her name?

18 A. Deborah Robinson.

19 Q. In the course of your investigation -- thank you. I
20 apologize. Pause for minute there. In the course of your
21 investigation, did you learn additional names that might be
22 associated with this case?

23 A. Yes.

24 Q. Did you take out search warrants to obtain their
25 social media information?

1 A. Yes.

2 Q. Will you give me the names of the people that you
3 obtained search warrants for their Facebook information?

4 A. Eddie Quattlebaum, Devarus Pugh, Jeron Johnson,
5 Kayvontis Norris, Tykira Johnson, Deshaun Clark, Antavis
6 Pickens, Demarius Alewine, Jontavis Merrit, Deterious
7 Johnson, Donald Johnson and Datrean Wigfall.

8 Q. And do you know if those search warrants were
9 completed?

10 A. Yes.

11 Q. Okay. In this case did you have an opportunity to
12 speak with a DeCarlos Chatman?

13 A. Yes.

14 Q. And did he give you a statement?

15 A. A verbal statement.

16 Q. A verbal statement. Okay. And just one more time you
17 said there were approximately two hundred people out there
18 that evening?

19 A. Yeah, if I'm guessing there was approximately two
20 hundred.

21 Q. Okay.

22 MS. WILLIAMS: Thank you, Your Honor.

23 THE COURT: Thank you, Ms. Williams.

24 Any redirect from the State?

25 MS. MAYES: Nothing from the State, Your Honor.

1 THE COURT: May I excuse Detective Snelgrove?

2 MS. MAYES: Yes.

3 (Witness excused.)

4 MS. MAYES: The State calls Detective Keith
5 Browning.

6 (Whereupon, Keith Browning was duly sworn by the
7 Clerk of Court.)

8 THE CLERK: Have a seat up there. State your name
9 and spell your last name for the record.

10 THE WITNESS: My name is Keith Browning,
11 B-R-O-W-N-I-N-G.

12 KEITH BROWNING,

13 having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. MAYES:

16 Q. All right. And good afternoon.

17 A. Good afternoon.

18 Q. Tell us a little bit about yourself. Where are you
19 currently employed? What type of work are you currently
20 doing?

21 A. Oh, okay. I draw comic books.

22 Q. You're self-employed?

23 A. Yes.

24 Q. Okay. And specifically what type of skills do you
25 have that allow you to be a comic book artist?

1 A. So a strong sense of design, shape, that kind of
2 thing, color. It's a weird question. I wasn't prepared
3 to answer.

4 Q. Okay. So are you currently still with the CSI
5 division?

6 A. I'm not.

7 Q. Okay. What prompted you to leave to pursue your
8 craft?

9 A. I had some opportunities come up that I said okay,
10 I'm not gonna say no to that, so.

11 Q. All right. So prior to your current work as an
12 artist, where were you working in the summer of 2021?

13 A. At the Lexington County Sheriff's Department.

14 Q. All right.

15 A. In the CSI department.

16 Q. And specifically were you working as a crime scene
17 investigator?

18 A. Can you repeat that? Was I?

19 Q. Were you working as a crime scene investigator?

20 A. I was.

21 Q. Okay. I am going to bring your attention to Lot 16
22 of that particular scene. First, I'm gonna show you the
23 overhead, which is State's 85, and ask you whether or not
24 you are familiar with the crime scene at [REDACTED] Road
25 on June 9th, 2021?

1 A. I am.

2 Q. All right. And, Mr. Browning, if you could pull the
3 microphone a little bit closer to you.

4 A. Is that good?

5 Q. Yes.

6 A. Okay.

7 Q. What role, if any, did you play in the CSI
8 investigation of this crime scene?

9 A. My primary role was investigating and documenting the
10 north lot of lot 16 or the north yard, as well as around
11 the car that was on the west side of that mobile home.

12 Q. All right. Now can you tell us if that's gonna
13 include the area between 16 and 15?

14 A. It would.

15 Q. And the area in front of 16?

16 A. Yes, ma'am, it would.

17 Q. And can you tell us whether or not crime scene tape
18 was already up when you arrived?

19 A. It was already up.

20 Q. Okay. And can you tell us given the crime scene tape,
21 was this area protected that you were working around 16?

22 A. It was.

23 Q. I'm gonna show you some items and ask you whether or
24 not you recognize them. Were you able to actually retrieve
25 evidence from that location near Lot 16?

1 A. I was.

2 Q. All right. I'm gonna show you what is State's 123,
3 which is a series of photographs.

4 A. Can I hold these?

5 Q. (Nods head.) Are you placing markers for each item of
6 evidence?

7 A. Every item of evidence that's found gets an individual
8 marker.

9 Q. All right. And can you tell us whether or not you are
10 physically retrieving the items as you go?

11 A. I am. When I get there, I put as many markers down as
12 I can so I can get a picture of the overall. So if there's
13 five things out here, I want to try to put a marker on each
14 one of those things so I can take an overall picture and
15 then you can look and see overall where are those five
16 things, and then I'll individually pick up each thing.

17 Q. Okay. So an establishing shot from a distance?

18 A. Right.

19 Q. And then a more close-up view?

20 A. Right.

21 Q. And in this particular case did that include the
22 headstamps of any shell casings that you were recovering?

23 A. Yes.

24 Q. All right. So I want to start there and we're gonna
25 take a look here at Lot 16. And you can refer to your

1 notes as you go. Did you actually issue a CSI report
2 regarding your search of the area around 16?

3 A. I did.

4 Q. What, if anything, did you discover regarding shell
5 casings?

6 A. So the -- on the 9th I collected ten cartridge cases.

7 Q. Okay.

8 A. They are my markers 1 through 10.

9 Q. Okay.

10 A. Each one was a -- was headstamped as an S&B 9X1921
11 nine millimeter cartridge case, all being brass.

12 Q. All right. And you understand that particular case
13 stamped the S&B 9 by 9 to be a nine millimeter casing?

14 A. It's 9 by 19.

15 Q. Okay. And how many of those did you ultimately find
16 and retrieve as evidence in this case?

17 A. So I had eleven cartridge cases. Those are expended
18 cartridges.

19 Q. I'm gonna show you what is 132 and ask you whether or
20 not you recognize these items as well?

21 A. These are the cartridge cases. My handwriting.

22 Q. All right. You see your handwriting on them?

23 A. Yes, ma'am.

24 Q. And how many do you count that are actually spent or
25 fired shell casings?

1 A. Eleven.

2 Q. Eleven. And now if you could look at State's 123 and
3 tell us whether or not those photographs also depict these
4 eleven shell casings?

5 A. They do.

6 Q. Okay. As well as the headstamps noted by you in your
7 photo documentation?

8 A. Right. Yes, ma'am.

9 Q. Okay. And can you tell us -- I know you indicated
10 that you recognize your handwriting. Can you tell us what
11 process you go through when you collect these items to
12 preserve it as evidence?

13 A. Yes, ma'am. So when I go through, I -- if there's a
14 cartridge on the ground, I'll take a picture of the marker.
15 Let's just say there's one thing. I'll take a picture of
16 it with no marker, then I'll put one of these markers on
17 the ground and then I'll take a picture of it with the
18 marker, try to get a close-up, and then after it's been
19 documented as much as I need to -- and I'll have gloves
20 on the whole time -- it will be turned so that you can see
21 the headstamp up and I'll take another picture. And then
22 once it's been documented as much as it needs to be and
23 it's collected, I'll get generally for a cartridge case
24 something small, a small Ziploc bag, and that will be put
25 in there and it will be with me until I eventually will

1 take it to our crime scene lab where either the day of we
2 put it in a heat sealer and then seal it up just like a
3 vacuum sealer, you know, you have in your kitchen, and
4 then I will initial directly on top of that heat seal so
5 it can't be opened in any way without my initials being
6 broken, and I'll do that with everything.

7 Q. All right. And can you tell us if all eleven of these
8 shell casings were properly packaged and sealed?

9 A. Yes, ma'am.

10 Q. And then ultimately submitted to your evidence
11 custodian?

12 A. Yes, ma'am.

13 MS. MAYES: Your Honor, at this time the State
14 would offer 123, being a series of photographs, and
15 132, being the eleven fired casings bearing the S&B
16 headstamp.

17 THE COURT: Any objection?

18 MS. WILLIAMS: 132 without objection. 123 without
19 objection.

20 THE COURT: They're admitted.

21 (State's Exhibit Number 123, photographs, and
22 State's Exhibit 132, shell casings, were admitted into
23 evidence.)

24 BY MS. MAYES:

25 Q. So these eleven casings you know to be consistent with

1 a nine millimeter firearm?

2 A. Yes, ma'am.

3 Q. And we -- for the sake of time, we won't need to go
4 through all of these, but looking here at 123 depicting all
5 eleven, what are we looking at here in this photograph for
6 the one bearing the first marker?

7 A. So you are seeing the cartridge case upended with the
8 projectile side down away from us and --

9 Q. Okay. If you can keep your voice up a little bit for
10 the court reporter.

11 A. Yes, ma'am. And you can see the headstamp with the
12 firing pin having struck the primer in the middle. The
13 headstamp -- can you -- I don't know if you can read it at
14 the angle you're at. I can't from here.

15 Q. All right. I'm gonna find one with maybe a little bit
16 better view, all right?

17 A. All right. So you can see in the upper left is the
18 S&B and beside that is a 21 to the right and at the bottom
19 is the 9 by -- or 9X19.

20 Q. Okay. And all eleven of these bore that unique
21 headstamp?

22 A. Yes, ma'am.

23 Q. Consistent with a nine millimeter?

24 A. Yes, ma'am.

25 Q. Now did you ever discover any bullets that were not

1 yet fired? Here, again, if you could just clarify for
2 anyone on the jury what a casing is.

3 A. Right. So all the things we've talked about at this
4 point were expended cartridge cases. So if you have a
5 bullet, you have a gun, it's generally -- if you look at
6 it you see two things, but the cartridge case and the
7 projectile that comes out of it, that's the part that flies
8 in the air and that's the part that either stays in the gun
9 or is expended from the gun in a different direction and
10 isn't really dangerous.

11 Q. All right. So the eleven we just looked like are all
12 fired casings?

13 A. Right. Those are just the cartridges. Those aren't
14 dangerous. Those are, you know, essentially trash.

15 Q. All right. Now did you also discover any unfired
16 bullets or cartridge casings -- cartridges?

17 A. Yes, ma'am. I found one non-expended.

18 Q. I'm gonna show you what is 140 and ask you to take a
19 look at that and can you tell us whether that is depicted
20 in any type of photograph?

21 A. It is.

22 Q. And you took that photograph yourself?

23 A. I did.

24 Q. If you could look at 118 and tell us whether or not
25 that is a fair and accurate representation of how you found

1 that unfired bullet?

2 A. It is.

3 Q. And did you package this as well for evidence?

4 A. I did.

5 MS. MAYES: State's 118 for evidence.

6 THE COURT: Any objection?

7 MS. WILLIAMS: No objection, Your Honor.

8 THE COURT: It's admitted.

9 (State's Exhibit Number 118, a photograph, was
10 admitted into evidence.)

11 BY MS. MAYES:

12 Q. That's how you found it?

13 A. It is.

14 MS. MAYES: State's 140 as well, Your Honor, being
15 the cartridge.

16 THE COURT: Any objection?

17 MS. WILLIAMS: No objection, Your Honor.

18 THE COURT: Okay. It's admitted.

19 (State's Exhibit Number 140, an unfired bullet, was
20 admitted into evidence.)

21 BY MS. MAYES:

22 Q. Now, Detective Browning -- or Mr. Browning, if you can
23 take a look there at the headstamp and tell us what you can
24 determine about that particular unfired cartridge?

25 A. So just looking at the headstamp, you can see that

1 it's not been fired and it has imprinted on the headstamp
2 S&B 219X19.

3 Q. All right. And so is that consistent with the eleven
4 that were fired?

5 A. It is.

6 Q. Also nine millimeter?

7 A. Yes, ma'am.

8 Q. All right. What, if anything, else did you discover?

9 A. I also found an expended projectile.

10 Q. All right. I'm gonna show you what is State's 117 --

11 A. Okay.

12 Q. -- and 122 and ask you what we're looking at in those
13 photographs?

14 A. So we're looking at two expended projectiles. They're
15 both laying on the ground. One's to the southwest of the
16 car, it's to the west of the trailer, and one is in the
17 north yard -- yeah, the north or northwest corner of the
18 trailer.

19 Q. Okay. I'm gonna show you 142 and 133 and ask you if
20 this bears your name and if you could take a look at the
21 items inside.

22 A. They both bear my name.

23 Q. Okay. And were these items also properly sealed by
24 you and maintained as evidence?

25 A. Yes, ma'am.

1 Q. For submission to your evidence custodian, Detective
2 Black -- Sergeant Black?

3 A. They were.

4 Q. And are these projectiles, being State's 142 and 133,
5 the same projectiles you previously identified in State's
6 122 and 117?

7 A. They are.

8 Q. And these photographs, again, are taken by you?

9 A. They are.

10 Q. As you're documenting the scene?

11 A. Yes, ma'am.

12 MS. MAYES: For evidence, Your Honor, 117, 122,
13 133 and 142.

14 THE COURT: Any objection?

15 MS. WILLIAMS: No objection, Your Honor.

16 THE COURT: They're admitted.

17 (State's Exhibit Number 117 and 122, photographs,
18 and State's Exhibit Number 133 and 142, projectiles,
19 were admitted into evidence.)

20 BY MS. MAYES:

21 Q. Now here we're talking about actual projectiles; is
22 that accurate?

23 A. Yes, ma'am.

24 Q. And these projectiles that have been fired by a
25 gun, do they necessarily have the same identifying

1 characteristics as the casings that bear headstamps?

2 A. I wouldn't be able to tell you.

3 Q. Okay. And why is that?

4 A. Because once it's been -- well, even if it has been
5 fired, I wouldn't be able to tell you by looking at the
6 projectile, you know, what caliber is it, but since one of
7 them is heavily deformed you'd probably need some special
8 machinery and like microscopes to be able to tell where it
9 came from.

10 Q. Okay. And is this the reason that projectiles such as
11 this go to the State Law Enforcement Division for analysis?

12 A. Yes, ma'am.

13 Q. By firearms experts?

14 A. Right, because they're trained for that.

15 Q. And, again, looking at 142, are you able to make a
16 determination on that particular projectile without its
17 casing?

18 A. I am not.

19 Q. So all we know about these is that they are
20 projectiles?

21 A. Yes, ma'am.

22 Q. Fired bullets. Now I want to take a look at where you
23 actually found these. Let's look at 117 with Marker 11,
24 this being a distance shot, and now if you can tell us what
25 we're looking at in that photo?

1 A. So that's an up close picture of the projectile.

2 Q. And 122, being a photo of Marker 14 next to a child's
3 toy?

4 A. Uh-huh.

5 Q. And the next photograph?

6 A. And that is the other projectile.

7 Q. Did you externally examine Lot 16 --

8 A. I did.

9 Q. -- for any defect or damage?

10 A. I did. I walked around the house and took photos of
11 all sections of the house.

12 Q. I'm gonna show you what is State's 110 and ask you
13 whether or not you recognize those photos?

14 A. I do.

15 Q. All photos that you took?

16 A. Yes, ma'am.

17 Q. And who placed the markers there on the photos?

18 A. I did.

19 Q. Or the markers on the home that are depicted in the
20 photos?

21 A. Right.

22 MS. MAYES: State's 110, Your Honor.

23 THE COURT: Any objection?

24 MS. WILLIAMS: No objection, Your Honor.

25 THE COURT: They're admitted.

1 (State's Exhibit Number 110, photographs, was
2 admitted into evidence.)

3 BY MS. MAYES:

4 Q. And you're taking these photos at what time of day or
5 night?

6 A. This would have been at pretty close to 11:00 at
7 night.

8 Q. Okay. What are we looking at here in State's 110 as
9 it relates to the mobile home at Lot 16?

10 A. So you're looking at the --

11 Q. You can use your laser pointer.

12 A. Oh, okay. So this is the south -- or sorry. This is
13 the west wall of the trailer. Out here is the front yard
14 and right here is a little projectile defect that I marked
15 with marker tape due to it being close up and that's, if I
16 remember, about chest height.

17 Q. About chest height?

18 A. Yes, ma'am.

19 Q. All right. And now we're gonna look at another shot.
20 I'm gonna take this back.

21 A. Uh-huh. So, again, this is the west wall and that's
22 the north wall and I found a -- between the two, this one
23 is an apparent entrance and this one is an apparent exit,
24 that lined up with each other.

25 Q. All right. By that you mean enters here and exits

1 here?

2 A. Yes, ma'am.

3 Q. And what are we looking at in the next photo?

4 A. And so that is a close-up of the -- of the projectile
5 defect on the west wall. That's the entrance. And that
6 is a pulled back on the north wall of the exit defect and
7 that's a close-up of the exit.

8 Q. So based upon your observations, Lot 16 was also
9 struck by gunfire?

10 A. Yes, ma'am.

11 Q. Now I'm gonna show you what is State's 107 and ask
12 you whether or not this diagram is a fair and accurate
13 depiction of your findings?

14 A. It is.

15 Q. Okay. And does it include the specific headstamps
16 that you've already noted were found on the various
17 cartridge cases?

18 A. It does.

19 MS. MAYES: State's 107 for evidence, Your Honor.

20 THE COURT: Any objection?

21 MS. WILLIAMS: No objection, Your Honor.

22 THE COURT: It's admitted.

23 (State's Exhibit Number 107, a diagram, was admitted
24 into evidence.)

25 BY MS. MAYES:

1 Q. All right. This being Lot 16, looking here at the
2 markings, everything in blue depicts what, Mr. Browning?

3 A. Everything in blue is representing a cartridge case
4 that was collected that had the headstamp S&B 9 X 1921.

5 Q. Okay. And then this particular location here, being
6 Number 11, depicts what?

7 A. That is an expended projectile.

8 Q. And then Number 14 depicts what?

9 A. An additional expended projectile.

10 Q. Okay. So this accounts for all eleven of the shell
11 casings from fired bullets, as well as the one unfired
12 bullet, all nine millimeter?

13 A. That's correct.

14 Q. And then the two projectiles?

15 A. Yes, ma'am.

16 MS. MAYES: Nothing further, Your Honor.

17 THE COURT: Ms. Williams.

18 MS. WILLIAMS: May it please the Court?

19 THE COURT: Yes, ma'am.

20 CROSS-EXAMINATION

21 BY MS. WILLIAMS:

22 Q. Good afternoon, Mr. Browning. Is that --

23 A. Yes, ma'am.

24 Q. Hi, Anna Williams. Nice to meet you.

25 A. (Nods head.)

1 Q. Okay. So let's see here. Here we go.

2 All right. What time did you get there?

3 A. I arrived at approximately 23:20, so, I'm sorry,
4 11:20.

5 Q. So -- I'm sorry, I can't hear you.

6 A. I'm sorry, it was about 11:20.

7 Q. You think you got there around 11:20?

8 A. Yes, ma'am.

9 Q. Can I get you to refer to your notes? Do you have
10 them with you?

11 A. You're talking about the handwritten notes?

12 Q. I'm talking about your typed notes. Do you have them
13 with you?

14 A. Oh, my report?

15 Q. Yes, sir.

16 A. Yes.

17 Q. Can I get you to refer to the first page of your
18 notes?

19 A. Yes, ma'am.

20 Q. And can you tell me again what time you got there?

21 A. So time -- oh, sorry. Thank you. So I received the
22 call at about 11:20, but I arrived about 12:30 on the
23 morning of June 10th.

24 Q. Okay. So you arrived at 12:30 and I believe you
25 already testified that at that time all the CSI tape was up

1 at 12:30?

2 A. Yes, ma'am.

3 Q. Okay. And so when you told the solicitor that these
4 photos --

5 A. Yeah, yeah. That was --

6 Q. -- you believed were taken at eleven, it would have to
7 be sometime after 12:30; is that correct?

8 A. Right.

9 Q. Okay. And I'm referring to State's Exhibit 110.

10 Mr. Browning -- oops, there we go -- you were assigned
11 Lot 16; is that correct?

12 A. Yes, ma'am.

13 Q. Okay. And that's located over here?

14 A. Uh-huh.

15 Q. And the projectiles that you picked up were all over
16 here?

17 A. So including the cartridges and the projectiles.

18 Q. Yes. So the projectiles, the shell casings, the --
19 both the fired and unfired projectiles and the shell
20 casings, you picked them all up over here in that general
21 area?

22 A. Yes, ma'am.

23 Q. Okay. So on this side of the main road?

24 A. (Nods head.)

25 Q. And there were multiple shell casings?

1 A. Yes.

2 Q. And there was one unfired cartridge?

3 A. Right.

4 Q. And what, if anything, does that indicate to you
5 happened in that general vicinity?

6 A. The unfired cartridge?

7 Q. Let's go with the shell casings. Did you find a bunch
8 of shell casings on the ground?

9 A. That they were expended in that area.

10 Q. That someone fired a gun in that area?

11 A. With those cartridges.

12 Q. With those cartridges.

13 MS. WILLIAMS: I have no further questions.

14 THE COURT: Thank you.

15 Any redirect?

16 MS. MAYES: Nothing from the State, Your Honor.

17 THE COURT: Can I let Mr. Browning be excused?

18 MS. MAYES: Yes, Your Honor.

19 (Witness excused.)

20 MS. MAYES: The State calls Brenda Snelgrove.

21 (Whereupon, Brenda Snelgrove was duly sworn by
22 the Clerk of Court.)

23 THE CLERK: If you'll have a seat up there. If
24 you'll state your name and spell your last name for the
25 record.

1 THE WITNESS: My name is Brenda Snelgrove,
2 S-N-E-L-G-R-O-V-E.

3 BREND A SNE LGROVE,
4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. MAYES:

7 Q. All right. And what is your rank, Sergeant Snelgrove?

8 A. I'm the sergeant crime scene investigator.

9 Q. All right. And when you say you're the sergeant
10 crime scene investigator, I'm gonna take a look here at
11 State's 85, being the crime scene at [REDACTED] Road. What
12 role did you play at that scene?

13 A. I was the lead CSI and also the supervisor for crime
14 scene on-scene.

15 Q. All right. I'm gonna start, Sergeant Snelgrove, by
16 asking you about that scene. How involved were you with
17 protecting that scene?

18 A. So one of the things I like to do is make sure the
19 scene is secured and when I arrived on-scene I saw it was.
20 We had multiple law enforcement vehicles and multiple law
21 enforcement officers and deputies that were making sure the
22 scene was secured.

23 Q. All right. And in that regard, where all do you
24 recall crime scene tape being up to protect any evidence
25 at that scene?

1 A. I remember some being before -- can I use the pointer?

2 Q. Yes, please.

3 A. Okay. There was some right here because we had a
4 large crowd. There was also some around 16, some around
5 this area, and then back here and here that I saw
6 personally and through photos. I'm sure there was more
7 crime scene tape that I just do not recall.

8 Q. Okay. And to clarify, when you speak of a crowd,
9 where is the crowd in relation to where you have your crime
10 scene tape?

11 A. They're outside of the tape.

12 Q. All right. Who is within the area of the crime scene
13 tape?

14 A. I'm sorry?

15 Q. Who is allowed inside the area?

16 A. That's only gonna be law enforcement personnel.

17 Q. Including the coroner's office?

18 A. Oh, yes. And the coroner's office.

19 Q. All right. Now with that being the case, if anything
20 is observed anywhere within the crime scene, how do you
21 go about preserving and protecting that evidence?

22 A. We're gonna end up photographing it and collecting
23 it.

24 Q. And to your knowledge, was all visible evidence
25 collected at that scene?

1 A. Yes.

2 Q. And I'm gonna ask you specifically does that include
3 Lot 15?

4 A. Yes, ma'am.

5 Q. 16?

6 A. Yes, ma'am.

7 Q. 7?

8 A. Yes, ma'am.

9 Q. Now were you aware as you're working this scene of
10 allegations that shots were fired between 7 and 16 or the
11 area including and up to 15?

12 A. Yes, ma'am.

13 Q. Within this whole range?

14 A. Yes, ma'am.

15 Q. Shots being fired?

16 A. Yes, ma'am.

17 Q. And as a result, can you tell us whether this area
18 in the middle, including the roadway and the fork in the
19 road, is also preserved as part of the crime scene?

20 A. Yes, ma'am, because technically that's in the middle
21 of our scene.

22 Q. And that includes a search being conducted by
23 yourself?

24 A. That's affirmative.

25 Q. Now which area were you specifically assigning

1 yourself to cover?

2 A. I took Lot 15 since that was gonna have the majority
3 of the work and I was the lead, so I took that lot.

4 Q. Okay. And when you say 15 having the majority of the
5 work, what were you aware of having occurred at 15?

6 A. We had a victim inside that had been struck by a
7 projectile.

8 Q. All right. Was Minor 's body still at that scene
9 when you arrived?

10 A. Yes, ma'am, she was. She was inside.

11 Q. And what role did you play in documenting that scene
12 exactly as you find it, including Minor ?

13 A. So I take photos and notes and there was a sketch
14 done. Actually CSI Browning helped me with that, along
15 with CSI Weyandt, and just observing everything and
16 processing anything that needed to be processed.

17 Q. All right. And regarding that particular scene there
18 at 15, tell us what occurred as you did a walkthrough.

19 A. It appeared that the residence was struck multiple
20 times by projectile defects.

21 Q. And those were apparent to you just looking at it with
22 the naked eye?

23 A. That's affirmative.

24 Q. And how did you go about documenting any evidence you
25 saw that the home had been damaged by gunfire?

1 A. If I could reach it, there was scale tape in the
2 shape of a circle around the projectile defect, and I
3 photographed them.

4 Q. All right. I want to start by asking you though about
5 the exterior of the home. What role did you play, if any,
6 in retrieving evidence from the exterior of Lot 15?

7 A. Photographed and collected.

8 Q. Okay. I'm gonna take a look here at 77, State's 77
9 already in evidence, and using that photograph if you can
10 tell us where you recall evidence being observed.

11 A. So this would be considered like the front of the
12 residence because that's the front door right there. You
13 can see some yellow. That's actually crime scene tape
14 that evidence was marked with by other law enforcement
15 officers, so we had some projectiles over here that were
16 collected as evidence.

17 Q. All right. And do you have notes with you about
18 exactly what was collected?

19 A. Yes, ma'am.

20 Q. I'm gonna ask you to refer to those notes.

21 All right. How many spent shell casings were found
22 around that area?

23 A. So in the front, like I pointed out earlier, in this
24 area we had five 40 caliber cartridge cases with the
25 headstamp Winchester 40 S&W.

1 Q. All right. How many shell casings did you find that
2 were 40 caliber?

3 A. Five.

4 Q. And you said those are all fired casings?

5 A. Correct.

6 Q. All right. And what can you tell us about the unique
7 headstamp or marking on those five casings?

8 A. That they had the headstamp of Winchester 40 S&W.

9 Q. All right. Winchester 40 S&W. Okay. So you know
10 those to be 40 caliber?

11 A. Yes, ma'am.

12 Q. What else, if anything, did you find at Lot 15?

13 A. Behind the residence we located two S&B nine
14 millimeter cartridge cases and a 380.

15 Q. All right. So I'm gonna say one 380 and that's a
16 fired casing as well?

17 A. Yes.

18 Q. And what was its headstamp?

19 A. It was R-P 380 auto, which is Remington-Peters.

20 Q. All right. And next you mentioned S&B 9 by 19?

21 A. Yes.

22 Q. All right. How many casings did you find that were
23 S&B 9 by 19?

24 A. Two of those.

25 Q. Now were those fairly close in proximity to Lot 16?

1 A. Yes.

2 Q. Those two casings were fired casings and what can you
3 tell us about the caliber of weapon associated with that?

4 A. Nine millimeter.

5 Q. Okay. I'm gonna put this back up there.

6 All right. Looking at this, State's 12, can you show
7 us the general area in which you found each of those?

8 A. One was about right here, two in this area in twelve,
9 and then three through seven were in this area. Three was
10 actually in the driveway, but over here on the other side
11 was the rest of them, which would be the 40's.

12 Q. All right.

13 MS. MAYES: I beg the Court's indulgence.

14 THE COURT: Take your time.

15 BY MS. MAYES:

16 Q. I'm gonna show you what is State's 92 and ask you if
17 you recognize this and, if so, how?

18 A. Yes, ma'am. That's one of my diagrams I created.

19 Q. Okay. You actually made this yourself?

20 A. Yes, ma'am.

21 Q. Is it a fair and accurate representation of what you
22 just described, all those casings that you found at Lot 15
23 and where you found them?

24 A. Yes, ma'am.

25 MS. MAYES: State's 92 for evidence, Your Honor.

1 THE COURT: Any objection?

2 MS. WILLIAMS: No objection, Your Honor.

3 THE COURT: They're admitted.

4 (State's Exhibit Number 92, a diagram, was admitted
5 into evidence.)

6 BY MS. MAYES:

7 Q. All right. So we're gonna put this up, Sergeant
8 Snelgrove. Now we're at 15.

9 All right. So this would be the front of the home
10 here?

11 A. Yes, ma'am.

12 Q. And what is behind here? What -- if you walk out
13 these steps and start walking in this direction, what's
14 back here?

15 A. That's gonna be Lot 16.

16 Q. Okay. So this would depict the area in between?

17 A. Yes, ma'am.

18 Q. So you mentioned you had two fired casings with the
19 S&B headstamp?

20 A. Yes.

21 Q. Are you familiar with whether or not that is the
22 same type of casing found just feet away where Browning
23 processed Lot 16?

24 A. Yes, ma'am.

25 Q. And then you mentioned that this one here depicted as

1 Number 12 is what?

2 A. That's gonna be the 380 cartridge case, which was
3 fired.

4 Q. And then finally this group here; one, two, three,
5 four, and five, which are green in color, you mentioned
6 these are what caliber?

7 A. Those are the 40 caliber cartridge cases with the
8 headstamp of Winchester.

9 Q. All fired as well?

10 A. Yes, ma'am.

11 Q. All right. And did you photograph each of these as
12 you collected them?

13 A. Yes, ma'am.

14 Q. And what procedures did you follow to preserve the
15 evidence as you're collecting it?

16 A. Photograph it, collect it, wearing gloves, placing it
17 into a bag or envelope.

18 Q. I'm gonna show you beginning with 171 and 99 and 93,
19 three envelopes, and ask you whether or not you recognize
20 them?

21 A. May I open them?

22 Q. Yes.

23 A. Yes, ma'am. These are gonna be all of the cartridge
24 cases that I collected on the scene. We have the two nine
25 millimeter ones, the one 380, and the five 40 caliber.

1 Q. All right. Let's start with the two that you said are
2 nine millimeter. You can hand me that envelope. And I'm
3 gonna ask you whether or not they are also depicted here in
4 State's 113?

5 A. Yes, ma'am.

6 MS. MAYES: State's 113 and 171 for evidence, Your
7 Honor, being the nine millimeter casings.

8 THE COURT: Any objection?

9 MS. WILLIAMS: No objection to 171 and no objection
10 to 113, Your Honor.

11 THE COURT: They're admitted.

12 (State's Exhibit Number 113, photographs, and
13 State's Exhibit Number 171, shell casings, were admitted
14 into evidence.)

15 BY MS. MAYES:

16 Q. Looking here at 1 and 2, which were adjacent you said
17 to Lot 16, depicting that headstamp?

18 A. Yes, ma'am.

19 Q. All right. Now before you is another group of
20 photographs, which relate to that 380.

21 A. Just the one?

22 Q. Yes. If you'd take a look at State's 120 and whether
23 or not that depicts the evidence.

24 A. Yes, ma'am.

25 Q. That is State's 99, being the physical casing?

1 A. Yes, ma'am.

2 MS. MAYES: This will be 120 and 99 for evidence,
3 Your Honor.

4 THE COURT: Any objections?

5 MS. WILLIAMS: No objection to 99 and no objection
6 to 120, Your Honor.

7 THE COURT: It's admitted.

8 (State's Exhibit Number 99, a shell casing, and
9 State's Exhibit 120, photographs, were admitted into
10 evidence.)

11 BY MS. MAYES:

12 Q. So looking here, that 380 is found about right here?

13 A. Yes, ma'am.

14 Q. And you have told us that headstamp has R-P 380 on it?

15 A. Yes, ma'am. If that's the 380 one. Yes, ma'am, the
16 R-P.

17 Q. Okay. Now I want to go back to this aerial view to
18 talk about these five, which are the 40 caliber casings
19 you discovered. Looking at this overhead, where would you
20 estimate -- best estimate you recovered those five casings
21 from?

22 A. Three were in the driveway and the other ones were on
23 the side of it.

24 Q. But all grouped together?

25 A. Pretty much.

1 Q. And all bearing the same headstamp?

2 A. Yes, ma'am.

3 Q. Being the Winchester 40?

4 A. That's correct.

5 Q. And if you could take a look at 115 and tell us
6 whether or not that group of photos depicts what is found
7 in State's 93 -- as State's 93.

8 A. Yes, ma'am.

9 MS. MAYES: For evidence, Your Honor, being
10 State's 93 and 115.

11 THE COURT: Any objection?

12 MS. WILLIAMS: No objection to 93 and no objection
13 to 115, Your Honor.

14 THE COURT: All right. They're admitted.

15 (State's Exhibit Number 93, shell casings,
16 and State's Exhibit Number 115, photographs, were
17 admitted into evidence.)

18 BY MS. MAYES:

19 Q. There we see that headstamp, the 40 caliber, and all
20 five were consistent with one another?

21 A. Yes, ma'am.

22 Q. Now you have covered the evidence that was found
23 externally to Lot 15. How did you go about processing the
24 interior of Lot 15 to determine how many times it had been
25 struck by gunfire?

1 A. Going in and taking my overall photos and then going
2 back and doing a closer examination of any projectile --
3 possible projectile defects and photographing them.

4 Q. I'm gonna show you some items, which are already in
5 evidence, starting with State's 90. Were you also able to
6 add to this -- who created this diagram?

7 A. I did.

8 Q. Were you able to add to this diagram to depict where
9 the victim was located?

10 A. Yes, ma'am.

11 Q. And can you show us there where that would be
12 approximately?

13 A. She was right here.

14 Q. And tell us where all according to your notes you
15 observed defects to that home.

16 A. Going into this bedroom first, that kind of sideways
17 rectangle, that's a mirror where -- one of those floor
18 length ones. There was two projectile defects in it, there
19 were some above it very high up, and then that was all from
20 the inside. There was one over here, which we correlated
21 to go through and in here, then we had another one under
22 this window unit, another one over here that ended up going
23 through the dryer and out of the dryer and through these
24 walls here.

25 Q. All right. Were you able to depict those specific

1 defects in a diagram?

2 A. Yes, ma'am.

3 Q. I'm gonna show you what is State's 88.

4 A. Yes, ma'am.

5 Q. Who prepared that diagram?

6 A. I did.

7 Q. Does it reflect of all of the defects that you
8 observed on the interior of that home, as well as the
9 exterior?

10 A. That's correct.

11 Q. Is it a fair and accurate representation of those
12 findings?

13 A. Yes, ma'am.

14 THE COURT: Any objection?

15 MS. WILLIAMS: Yes, Your Honor.

16 May we approach?

17 THE COURT: You may.

18 (Proceedings held at the bench; not reported.)

19 THE COURT: All right. At this time you're gonna
20 withdraw your objection and we'll continue on in a
21 different way.

22 (State's Exhibit Number 88, a diagram, was admitted
23 into evidence.)

24 MS. WILLIAMS: Thank you, Your Honor.

25 THE COURT: That sounds good.

1 BY MS. MAYES:

2 Q. You observed numerous defects there?

3 A. Yes, ma'am.

4 Q. All documented?

5 A. Documented in my report. Looking -- looking at it
6 again after that, there was one on the outside of the
7 residence and possibly other ones in the bedroom.

8 Q. All right. Now as you're going through noting any
9 defects that you visually observe, are you photographing
10 them as well?

11 A. Yes, ma'am.

12 Q. Are you retrieving any evidence that you see such as
13 fragments?

14 A. If I'm able to, yes. That's why I ended up finding a
15 piece of something right here, which I labeled as 10 in the
16 hallway. It appeared to be a projectile fragment.

17 Q. Okay. And do you also recover -- did you also recover
18 any type of projectile fragments from the bathroom area?

19 A. Yes, I did. That was around in this area. There was
20 two particular pieces that I picked up.

21 Q. And were all of those photographed as well?

22 A. Yes.

23 Q. I'm gonna show you what is State's 98 and ask you
24 whether or not you recognize it?

25 A. Yes, ma'am.

1 Q. And were these fragments also collected by you for
2 submission to this evidence custodian?

3 A. Well, to the evidence depository. Maybe not exactly
4 her, but yes.

5 Q. And can you tell us whether or not you recognize your
6 signature or handwriting in any location?

7 A. Yes, ma'am. That's gonna be my sig -- my initials,
8 not my signature, my initials and the date that I actually
9 sealed this with this blue tape.

10 Q. Okay.

11 A. And the same on this one.

12 Q. How long were you inside that crime scene working it?

13 A. I think it was around five hours.

14 Q. And that includes doing a visual inspection of all the
15 defects that you noted?

16 A. Yes, ma'am.

17 Q. As well as collecting fragments?

18 A. Yes, ma'am.

19 Q. As well as photographing Minor ?

20 A. Yes, ma'am.

21 MS. MAYES: Your Honor, at this time this would be
22 State's 98 for evidence from Lot 15.

23 THE COURT: Okay. Any objection?

24 MS. WILLIAMS: No objection, Your Honor.

25 THE COURT: It's admitted.

1 (State's Exhibit Number 98, bullet fragments, was
2 admitted into evidence.)

3 MS. MAYES: All right. And subject to recall,
4 Your Honor, as we previously noted.

5 THE COURT: Yes.

6 BY MS. MAYES:

7 Q. Now we're gonna move on at this time, Sergeant
8 Snelgrove, from this scene at Lot 15 and the entire scene
9 at [REDACTED] Road. Did you have an opportunity to also
10 conduct searches during the timeframe that this case was
11 being investigated between the 9th and the arrest of
12 Quayshaun Clark on the 11th?

13 A. Yes, ma'am.

14 Q. I'm gonna ask you whether you were present for the
15 execution of a search warrant at an address on Ridgell
16 Street?

17 A. North Ridgell Street in Batesburg?

18 Q. Yes.

19 A. Yes, ma'am, I was there.

20 Q. And what is that street address?

21 A. It's [REDACTED] North Ridgell, I'm not sure if that's
22 pronouncing it correctly, Street, Batesburg-Leesville.

23 Q. All right. And as to [REDACTED] North Ridgell Street, can
24 you tell us what items were searched at that location?

25 A. I'm just looking here. That was gonna be the vehicle

1 that I was advised belonged or was driven by the defendant
2 and we searched it.

3 Q. All right. I'm gonna show you what was previously
4 Court's 32 and is now State's 32.

5 A. Yes, ma'am. That's the vehicle.

6 Q. Okay. And who took the photographs while you were out
7 there?

8 A. I did.

9 Q. Now you mentioned the defendant's vehicle. Had it
10 come to the attention of law enforcement -- we're gonna
11 take a look here at 36 in evidence, 74 in evidence, and
12 22 in evidence -- what type of car the defendant drove?

13 A. I believe so, but I can't testify to that.

14 MS. MAYES: 32 for evidence, Your Honor.

15 MS. WILLIAMS: No objection, Your Honor.

16 THE COURT: It's admitted.

17 (State's Exhibit Number 32, a photograph, was
18 admitted into evidence.)

19 BY MS. MAYES:

20 Q. Looking here at 32, on what date was the search done
21 at [REDACTED] North Ridgell Street, which included this particular
22 vehicle?

23 A. I believe it was gonna be on June 11th.

24 Q. And can you tell us what is the make and model of the
25 vehicle that was searched there?

1 A. It gonna be a Grand Marquis, South Carolina tag
2 TLR410.

3 Q. TLR410?

4 A. TLR410, yes.

5 Q. All right. Now did that search of the vehicle include
6 the trunk?

7 A. It did.

8 Q. For what purpose?

9 A. We were specifically looking for firearms -- a firearm
10 or ammunition that goes to a firearm, so that would include
11 the trunk because it could fit in there.

12 Q. I'm gonna show you some photographs and ask you
13 whether or not you recognize them. These three photographs
14 being State's 139.

15 A. Yes, ma'am. Those are three of the photographs I took
16 there.

17 Q. Are they a fair and accurate representation of what
18 you discovered during the search of this vehicle?

19 A. Yes, ma'am.

20 Q. Now was a search of the residence also done?

21 A. It was not.

22 Q. And who did you understand that residence belonged to?

23 A. I recall it belonging to the uncle of Clark.

24 Q. Do you have any notations regarding Marvin Lites?

25 A. I'd have to check. I do not believe so.

1 MS. WILLIAMS: No objection.

2 THE COURT: It's admitted.

3 (State's Exhibit Number 139, photographs, were
4 admitted into evidence.)

5 BY MS. MAYES:

6 Q. Okay. You understand this to be the residence of an
7 uncle?

8 A. Yes, ma'am.

9 Q. Of the defendant, Quayshaun Clark?

10 A. Yes, ma'am.

11 Q. And can you tell us, Sergeant Snelgrove, whether or
12 not you were able to recover that AK-P7 from that vehicle?

13 A. No, ma'am.

14 Q. Were you able to recover any weapon from that vehicle?

15 A. No, ma'am.

16 Q. What indications did you have that this was, in fact,
17 the vehicle belonging to Quayshaun Clark?

18 A. His wallet was found in the driver's door pocket and
19 it had his driver's license in it.

20 Q. Okay. So we're gonna take a look here at 139, being
21 the license plate that you noted. In the back what do we
22 see here?

23 A. Odds and ends stuff and speakers.

24 Q. Speakers. And would you have searched this entire
25 area for ammunition or that AK-P7?

1 A. Yes, ma'am.

2 Q. As well as the gun bag?

3 A. Yes, ma'am.

4 Q. And then what do we see here?

5 A. That's gonna be the wallet located in the driver's
6 door pocket.

7 Q. Belonging to Quayshaun Clark?

8 A. Yes, ma'am.

9 Q. Now in addition to that location, can you tell us
10 whether or not searches were done at the homes of any other
11 relatives of Quayshaun Clark?

12 A. Yes, ma'am.

13 Q. And, first, I want to ask you about [REDACTED] Academy
14 Street. Were you aware of any type of search done at
15 [REDACTED] Academy Street?

16 A. Yes, ma'am. This was another residence. This was a
17 residence that Clark was known to live at and was still
18 paying rent on.

19 Q. I'm gonna go back to that driver's license in
20 evidence, State's 139 that we previously spoke about,
21 [REDACTED] Academy Street being the address noted there?

22 A. Yes, ma'am.

23 Q. And you said it was confirmed to be an address he was
24 currently paying rent on?

25 A. Yes, ma'am, through the investigation.

1 Q. Okay. Was that home searched as well?

2 A. Yes, ma'am, and photographed.

3 Q. Was that AK-P7 recovered there?

4 A. No, ma'am.

5 Q. Was any gun recovered there?

6 A. No, ma'am.

7 Q. I want to show you what is Court's 35 and ask you
8 whether or not you recognize that location?

9 A. That's gonna be the front of it.

10 Q. Okay. If you could go ahead and take a look at
11 these we'll talk about momentarily, being Court's 29 and
12 Court's 33.

13 A. Yes, ma'am.

14 Q. As well as Court's 17 and Court's 16 and Court's 33.
15 If you could just take a look at all of those.

16 A. Yes, ma'am.

17 MS. MAYES: State's 35 for evidence, being
18  Academy Street.

19 THE COURT: Any objection?

20 MS. WILLIAMS: No objection, Your Honor.

21 THE COURT: Thank you.

22 (State's Exhibit Number 35, a photograph, was
23 admitted into evidence.)

24 BY Ms. MAYES:

25 Q. So this vehicle belonging to Quayshaun Clark or

1 containing his license and the speakers in the back was
2 located at [REDACTED] North Ridgell Street?

3 A. Yes.

4 Q. Was the defendant there when his vehicle was located?

5 A. No, ma'am.

6 Q. All right. And [REDACTED] Academy Street, now in evidence
7 as State's 35, that's the location you just told us about
8 that was searched as well?

9 A. Yes, ma'am. It's gonna be this part right here.

10 Q. Okay. And that AK-P7 not recovered there?

11 A. No, ma'am, it was not.

12 Q. Now what other relatives' homes did you search? You
13 mentioned the uncle and you mentioned his home address at
14 [REDACTED] Academy Street. Where else did law enforcement go
15 during this investigation?

16 A. We also responded to [REDACTED] West Railroad Avenue in
17 Batesburg, and I believe this was the cousin of Clark.

18 Q. [REDACTED] West Railroad?

19 A. The name was Wanda Lites.

20 Q. And you believe that to be a cousin?

21 A. Yes, ma'am. I could be wrong, but that's what I
22 have in my notes.

23 Q. You know that to be a relative?

24 A. Yes.

25 Q. And what, if any, evidence did you recover from

1 █ West Railroad?

2 A. It was a bookbag containing multiple items, including
3 an FN nine millimeter gun and different AR accessories and
4 ammunition.

5 Q. All right. I'm gonna ask you to take a look at what's
6 Court's 29 and Court's 31 and ask you whether those are
7 consistent with the items that you just described?

8 A. Yes, ma'am. This bag, which is a bookbag, contained
9 all this -- all of these items, and then the shoebox was
10 where the handgun -- the soft case was taken from and the
11 ammunition was also in the shoebox.

12 Q. Okay.

13 MS. MAYES: So this would be 29 and 31, Your Honor,
14 previously Court's exhibits, to be offered as State's
15 exhibits.

16 THE COURT: Any objection?

17 MS. WILLIAMS: No objection, Your Honor.

18 THE COURT: They're admitted.

19 (State's Exhibit Numbers 29 and 31, photographs,
20 were admitted into evidence.)

21 BY MS. MAYES:

22 Q. All right. That FN, I'm gonna show you Court's 30,
23 and ask you whether you recognize that?

24 A. Yes, ma'am. That's the FN that was collected out of
25 the bag and shoebox.

1 MS. MAYES: No objection, Your Honor, as to 30.

2 THE COURT: Okay.

3 (State's Exhibit Number 30, a photograph, was
4 admitted into evidence.)

5 MS. MAYES: So permission to publish at this time
6 29, 30, and 31.

7 THE COURT: Yes, ma'am.

8 BY MS. MAYES:

9 Q. So looking here on North Ridgell --

10 MS. MAYES: 125 and 124 are offered as well, Your
11 Honor, without objection.

12 THE COURT: Okay. They're admitted.

13 (State's Exhibit Number 124 and 125, photographs,
14 were admitted into evidence.)

15 BY MS. MAYES:

16 Q. All right. Who took photographs out at [REDACTED] West
17 Railroad?

18 A. I did.

19 Q. All right. I'm gonna show you what is 124.

20 A. That is not a photograph I took, but that is the
21 residence.

22 Q. Okay. At Railroad Avenue. And then 125?

23 A. That's that shoebox I kept referencing.

24 Q. And the shoebox in relation to State's 29?

25 A. Yes, ma'am.

1 Q. All right. So at this location, being the home of
2 Wanda Lites, you discover a backpack?

3 A. Well, she brought it down to us.

4 Q. Okay. And in the backpack is a shoebox?

5 A. Yes, ma'am.

6 Q. And where was the FN nine millimeter handgun
7 recovered?

8 A. It's in that soft bag. I mean, soft handgun case,
9 and I recall it was in the shoebox. Sorry. They started
10 looking at it before I got photographs.

11 Q. Okay. And was there also any ammunition?

12 A. Yes, there were several different types of ammunition
13 in that shoebox.

14 Q. All right. And you're familiar with the entire scene
15 at [REDACTED] Road?

16 A. Yes, ma'am.

17 Q. I believe you were the supervising CSI officer there?

18 A. Yes, ma'am.

19 Q. Looking back to the search there at Lot 7, are you
20 familiar with whether any nine millimeter ammunition or
21 shell casings were recovered that had the headstamp GFL?

22 A. Yes, ma'am.

23 Q. How many fired shell casings at Lot 7 were nine
24 millimeter with the headstamp GFL?

25 A. Three.

1 Q. Can you tell us included in the ammunition that you
2 recovered from the home of Wanda Lites in that backpack or
3 the shoebox, whether there was any GFL nine millimeter
4 ammunition?

5 A. Yes. There was a small box. It was white, black
6 and red and it had several cartridges in it because they
7 weren't fired with GFL headstamp on it.

8 Q. All right. And then looking here at State's 30 in
9 evidence, what do we see?

10 A. That's that FN nine millimeter handgun that I
11 collected from it.

12 Q. All right. And then State's 31?

13 A. That's gonna be the rest of the items in that shoebox.
14 As you can see, there's several boxes of ammunition. Like
15 I said, the white, red and black box, that's the one that
16 had ammunition with the GFL headstamp.

17 Q. I'm gonna show you what was previously Court's 39 and
18 is now State's 39 and ask you whether or not you recognize
19 this item of physical evidence?

20 A. Yes, ma'am. This is that box I was referencing with
21 the GFL cartridges.

22 MS. MAYES: For evidence, Your Honor, previously
23 Court's 39, now State's 39.

24 THE COURT: Any objection?

25 MS. WILLIAMS: No objection, Your Honor.

1 THE COURT: It's admitted.

2 (State's Exhibit Number 39, GFL ammunition box,
3 was admitted into evidence.)

4 THE COURT: Ms. Mayes, let me ask the jury. I want
5 to get to a stopping point.

6 You-all have been sitting here almost two hours.
7 Everybody okay?

8 FOREPERSON: We could take a break.

9 THE COURT: Well, I don't blame you. I hate to
10 keep anybody sitting.

11 Can we -- is this a good stopping point so I can
12 give them a quick break?

13 MS. MAYES: It is, Your Honor.

14 THE COURT: Thank you, Ms. Mayes.

15 All right. Mr. Foreman, I'm gonna let you-all
16 stretch. Remember, no talking amongst yourselves about
17 this case. Thank you.

18 (Whereupon, the jury retires to the jury room at
19 4:01 PM.)

20 THE COURT: Sergeant, you can step down also.
21 Remember, you're still under oath and I can't let you
22 talk to anybody.

23 THE WITNESS: Yes, ma'am.

24 THE COURT: All right. Let's take a fifteen-minute
25 break.

1 (Recess taken at 4:02 PM.)

2 (Back on the record at 4:23 PM.)

3 THE COURT: All right. Let me talk to the lawyers
4 about scheduling so I can let the jury know what's going
5 on.

6 (Proceedings held at the bench; not reported.)

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

8 MS. MAYES: Yes, Your Honor.

9 MR. WILLIAMS: We're ready now, Your Honor. Thank
10 you.

11 (Whereupon, the jury return to the courtroom at
12 4:34 PM.)

13 THE COURT: All right. Be seated.

14 Mr. Foreman, this is the plan for the day just to
15 kind of keep you-all informed. We're gonna finish this
16 witness and then we're going to stop. And it might be
17 that we do the cross in the morning, I don't know yet,
18 because it is a long witness, okay?

19 FOREPERSON: Okay.

20 THE COURT: With that said, are you-all ready to
21 go?

22 FOREPERSON: Yes, ma'am.

23 THE COURT: Okay.

24 BY MS. MAYES:

25 Q. Now, Sergeant Snelgrove, again, regarding these items

1 recovered at [REDACTED] West Railroad Street, being a relative of
2 Quayshaun Clark, what of significance to this investigation
3 was located here?

4 A. In this box right here is gonna be 45 -- I'm sorry.
5 It's gonna be GFL headstamped cartridge cases.

6 Q. All right.

7 MS. MAYES: And I believe you have already
8 identified State's 39 for evidence without objection,
9 Your Honor?

10 THE COURT: I have.

11 BY MS. MAYES:

12 Q. And looking here at State's 39, you were able to
13 examine the headstamps on these particular items of
14 ammunition?

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

16 Q. All right. All of these in the red and black box bore
17 what type of headstamp?

18 A. The GFL nine millimeter, I believe.

19 Q. Okay. And if you need to confirm that?

20 A. Yes, ma'am. I forgot. I jumped back in my notes.

21 Q. Okay. The State's 39.

22 A. Yes, ma'am.

23 Q. All right. And the outside indicates what caliber?

24 A. Nine millimeter.

25 Q. Now you also indicated that a nine millimeter firearm

1 was also recovered at [REDACTED] in a soft case inside that
2 backpack?

3 A. Yes, ma'am.

4 Q. And that you indicated was an FN nine millimeter?

5 A. Correct.

6 Q. I'm gonna show you an item, which is marked as
7 State's 114, and ask you whether or not you recognize it?

8 MS. MAYES: The item has been secured, Your Honor.

9 THE COURT: Okay. Thank you. It's got a clip on
10 it?

11 MS. MAYES: Yes, Your Honor.

12 THE WITNESS: Yes, ma'am. That's the FN I collected
13 from that soft case.

14 MS. MAYES: For evidence, Your Honor, being State's
15 114.

16 THE COURT: Any objection?

17 MS. WILLIAMS: Without objection, Your Honor.

18 THE COURT: It's admitted.

19 (State's Exhibit Number 114, a handgun, was admitted
20 into evidence.)

21 BY MS. MAYES:

22 Q. State's 114 being the same FN nine millimeter depicted
23 in the photograph on the overhead?

24 A. Yes, ma'am.

25 Q. And recovered from the home of Wanda Lites, being the

1 cousin of the defendant, Quayshaun Clark?

2 A. Yes, ma'am.

3 Q. And, again, these items being the ammunition with the
4 GFL headstamp and the FN nine millimeter recovered on what
5 date?

6 A. That would be on the 11th of June.

7 Q. All right. So you've covered searches at the
8 residence of the uncle where you indicated the vehicle was
9 found, the defendant's own residence?

10 A. Correct.

11 Q. And now the residence of Wanda Lites?

12 A. That's correct.

13 Q. Throughout any of these searches can you tell us
14 whether or not the AK-P7 identical to what is depicted in
15 State's 97 from Palmetto State Armory was recovered?

16 A. No, ma'am, it was not.

17 Q. Or any ammunition associated with that firearm?

18 A. Let me double-check.

19 Q. Specifically the 7.62 ammunition?

20 A. No, ma'am.

21 Q. All right. Now I want to talk about the location of
22 the defendant's arrest on June 11, 2021, being [REDACTED] Spring
23 Hill Road. Following his arrest at 3:16 PM, can you tell
24 us whether or not detectives with the major crimes unit
25 searched this residence at [REDACTED] Spring Hill Road?

1 A. Along with them and people with the narcotics unit.

2 Q. All right. Can you tell us whether or not any
3 evidence was recovered from this location?

4 A. Yes.

5 Q. Can you tell us whether or not there were indications
6 that Quayshaun Clark and his girlfriend, Tameakeo Carnard,
7 had belongings at that residence?

8 A. Yes, ma'am.

9 Q. What indications did you have as to who actually
10 resided at that home?

11 A. So Ms. -- what was her name? The girlfriend, her
12 belongings were definitely there, along with a purse, along
13 with four phones; two believed to belong to Clark.

14 Q. All right. So we're gonna take a look at 181, which
15 is already in evidence. Do you recognize that location?

16 A. Yes, ma'am. That's gonna be the residence at Spring
17 Hill Road.

18 Q. And now I'm gonna show you what was previously
19 Court's Exhibit 33, Court's Exhibit 34, Court's Exhibit 16,
20 Court's Exhibit 54, all for evidence at this time as I
21 show them to you as State's exhibits, along with State's
22 Exhibit 17, previously Court's Exhibit 17.

23 A. Yes, ma'am. That's all from that residence.

24 Q. All right. Are all of these photographs a fair and
25 accurate depiction of items located during the search of

1 [REDACTED] Spring Hill Road?

2 A. Yes, ma'am.

3 Q. On June 11, 2021?

4 A. Yes, ma'am.

5 THE COURT: Any objection?

6 MS. WILLIAMS: No objection.

7 THE COURT: Okay. Then they're all admitted.

8 (State's Exhibit Number 16, 17, 33, 34 and 54,
9 photographs, were admitted into evidence.)

10 BY MS. MAYES:

11 Q. Again, 33. That being a photograph.

12 A. Yes, ma'am. That's the front of the residence.

13 Q. All right. Tell us what, if anything, you observe as
14 you go into the residence looking here at 34?

15 A. That's on the coffee table in the living room and that
16 was a bag of from Metro T-Mobile and I remember two boxes
17 in there being for cases for phones and those cases were
18 found on two of the phones located in the bedroom.

19 Q. And can you tell us whether or not this included the
20 purchase of at least two new phones?

21 A. Yes, ma'am.

22 Q. So State's 34 is evidence you discovered when you came
23 in?

24 A. Yes, ma'am, in the living room.

25 Q. Okay. Indicating the purchase of at least two new

1 phones?

2 A. That's correct.

3 Q. Now I'm gonna -- I ask you whether or not any phones
4 were actually found and recovered?

5 A. Yes, ma'am. There was one -- sorry. There was one on
6 the table in the living room and --

7 Q. All right. I'm gonna -- I'm gonna stop you right
8 there.

9 A. I apologize.

10 Q. This would be State's 17 and what type of phone was
11 found here on the coffee table?

12 A. That was an iPhone.

13 Q. Okay. I'm gonna show you what is State's 94 and
14 State's 82 and ask you whether or not you recognize these
15 items?

16 A. Yes, ma'am. This is one of the iPhones that I
17 actually sealed with my initials and the date that I put
18 this tape on it.

19 Q. So I'm gonna ask you whether or not the iPhone that
20 you're looking at now, State's 94, is the same iPhone
21 depicted there on the coffee table at [REDACTED] Spring Hill?

22 A. Yes, ma'am, it is.

23 Q. Did you secure this item as evidence?

24 A. Yes.

25 Q. And does that include notations as to its make and

1 model?

2 A. Whatever I could get from it. On that scene I was
3 only able to say -- give me one second, sorry -- that it
4 was an iPhone, dark gray. Later it was determined the make
5 and model of it.

6 Q. All right. And is that noted here on its packaging?

7 A. Yes.

8 Q. Being an iPhone XS Max?

9 A. Yes.

10 Q. Now what is meant by the term "cell phone extraction"?

11 A. It means a copy of what's on the phone has been made.
12 Whether it can be something that we can actually look at
13 with -- just being able to look at it and being able to
14 tell what it is or other data that would have to be
15 processed further.

16 Q. Okay. And who performed the cell phone extraction on
17 Item 94, being that iPhone recovered there from that coffee
18 table?

19 A. That would be me.

20 Q. All right. I'm gonna show you State's 82 and ask you
21 whether or not you recall taking the data from this phone
22 and converting it into any other format as a cell phone
23 extraction?

24 A. It was converted onto a flash drive or hard drive, I
25 don't recall, and then given over to Investigator Gilliam

1 and Sergeant Creech.

2 Q. All right. And specifically as to Sergeant Creech, is
3 he trained in analyzing the results of extractions?

4 A. Yes, ma'am.

5 Q. All right. And you're trained in completing and
6 performing the extraction process?

7 A. That's correct.

8 Q. I'm gonna ask you for identification as to 82, for
9 identification, if you recognize this item?

10 A. No, ma'am, I don't.

11 Q. And can you tell us why not?

12 A. Because I've never seen that flash drive before.

13 Q. Okay. So when we talk about the extraction process,
14 where do you put it for it to be ultimately placed on a
15 flash drive?

16 A. So there are a couple of different places,
17 specifically on our server at the sheriff's department,
18 and also on our evidencedotcom depending on where it's at
19 in the process of being viewed. So the way I gave it to
20 Sergeant Creech was on a hard drive or USB drive, I don't
21 remember, because we use both depending on the size of the
22 phone.

23 Q. Okay. And do you see the initials of Sergeant Creech
24 on this item?

25 A. I've never really paid attention to his initials. I

1 apologize.

2 Q. Okay. State's 94, this being the cell phone you have
3 identified here in this photograph?

4 A. Yes.

5 MS. MAYES: State's 94 for evidence, Your Honor.

6 THE COURT: Any objection?

7 MS. WILLIAMS: No objection to 94, Your Honor.

8 THE COURT: Then it's admitted.

9 (State's Exhibit Number 94, an iPhone cell phone,
10 was admitted into evidence.)

11 BY MS. MAYES:

12 Q. All right. Now in addition to that phone that we see
13 there on the coffee table, I'm gonna ask you whether you
14 also had the opportunity to seize a Samsung Galaxy. I'm
15 gonna show you what is State's 96.

16 A. Yes, ma'am. Same thing. That's my handwriting, my
17 initials and the date I put that blue tape on it.

18 Q. Okay. And how did you go about noting any details
19 regarding the Samsung Galaxy phone?

20 A. So when I started, I was able to note on the back of
21 it that there was a model number and IMEI number and then
22 I collected it. Further information such as the serial
23 number was collected after I performed the extraction on
24 it.

25 Q. Okay. Well, I hate to do this, but for the benefit of

1 the court reporter could you read into the record the model
2 number, as well as the IMEI number for this particular
3 Samsung Galaxy that came from [REDACTED] Spring Hill? And slowly
4 enough for the court reporter to follow.

5 A. Okay. The model number is SM-S205DL. The IMEI number
6 is 357626103836053.

7 Q. All right. Now as to State's 94, already in evidence,
8 if you could read any identifying data that goes with the
9 gray iPhone XS Max?

10 A. The gray iPhone, the model number is A1921, and the
11 serial number is gonna be F2LXMY2KKPHC.

12 Q. All right. Now as to that Samsung Galaxy that you
13 just told us about, can you tell us whether or not you
14 performed a cell phone extraction on this item, being
15 State's 96?

16 A. As I said previously, yes, I did.

17 Q. And did you follow your training and procedures in
18 creating that cell phone extraction?

19 A. Yes, ma'am.

20 Q. And can you tell us how that was uploaded to any type
21 of system or format in order for any other detectives on
22 the case to retrieve?

23 A. For them, it was given to them most likely on, like I
24 said, a thumb drive or external hard drive.

25 Q. Okay. And, again, only fore identification as to

1 State's 83, can you tell us whether or not an extraction
2 was performed on both of these phones that we have
3 discussed?

4 A. Yes, ma'am. I did them.

5 Q. And provided to law enforcement?

6 A. That's affirmative.

7 Q. And does that include Sergeant Adam Creech?

8 A. Yes.

9 THE COURT: All right. At this time, Your Honor,
10 State's 96 for evidence, being the Samsung Galaxy.

11 MS. WILLIAMS: No objection, Your Honor.

12 THE COURT: It's admitted.

13 (State's Exhibit Number 96, a Samsung Galaxy
14 cellphone, was admitted into evidence.)

15 BY MS. MAYES:

16 Q. So here we see the iPhone, the iPhone on the coffee
17 table. I'm gonna show you now what is State's 144 in
18 evidence and ask you which phone we're looking at here?

19 A. That's gonna be that Samsung Galaxy we just spoke
20 about.

21 Q. All right. State's 94 and State's 96 are the two
22 phones. And looking, again, at State's 16, where was that
23 Samsung Galaxy found?

24 A. When you walked into the residence, if you looked to
25 the right there was a bedroom with an attached bathroom.

1 On the closet door as you see there, that's the closet
2 door, there was this purse hanging on there and there were
3 three phones in it.

4 Q. Okay. And through the course of your investigation,
5 were you able to determine who that purse belonged to?

6 A. I was advised that room belonged to Tameakeo --

7 MS. WILLIAMS: Objection to --

8 MS. MAYES: There's an objection.

9 THE COURT: Hold on.

10 THE WITNESS: Sorry.

11 THE COURT: I didn't hear the objection, but go
12 ahead, Ms. Williams, if you objected.

13 MS. WILLIAMS: Objection to hearsay, Your Honor.

14 THE COURT: Do you want to rephrase it? Because
15 I believe that is hearsay.

16 I'll ask the jury to disregard.

17 BY MS. MAYES:

18 Q. Well, let me ask you this, Sergeant Snelgrove. During
19 the course of the investigation do you -- did you have
20 the opportunity to collect data and property from that
21 purse?

22 A. Yes.

23 Q. And in looking around that room, can you tell us
24 whether or not there appears to be female items in that
25 room?

1 A. Yes, ma'am. There's definitely clothes and stuff in
2 the closet.

3 Q. Okay. And you've talked about the iPhone already on
4 the coffee table. Where was the Samsung Galaxy found, the
5 one that you've done the extraction on that you just told
6 us about?

7 A. In the purse that was hanging on the closet door.

8 Q. Okay. Would that be the purse depicted here in
9 State's 16?

10 A. Yes.

11 Q. What else of interest did you find in that purse?

12 A. When I dumped the purse out, I located two spent
13 cartridge cases, meaning that the bullet was fired, that
14 had the headstamp of GFL on them.

15 Q. So I'm gonna show you what is State's 54 and
16 State's 95 and ask you whether or not you can recognize
17 these items?

18 A. Yes, ma'am. Those are gonna be the cartridge cases I
19 collected and the photographs I took of them.

20 Q. Are these a fair and accurate representation of what
21 is in the bag here, State's 95, as you found it at the
22 scene?

23 A. Yes, ma'am.

24 Q. All right. And how did they end up on this comforter?

25 A. That was when I dumped the purse.

1 MS. MAYES: State's 54 and State's 95.

2 MS. WILLIAMS: Without objection.

3 THE COURT: Admitted.

4 (State's Exhibit Number 54, a photograph, and
5 State's Exhibit Number 95, shell casings, were admitted
6 into evidence.)

7 MS. MAYES: These replace, Your Honor, Court's 54.

8 THE COURT: Okay. I got it.

9 BY MS. MAYES:

10 Q. All right. Now you spoke about these two casings and
11 the headstamp on them. I'm gonna put here that a purse was
12 located and in that purse is a Samsung Galaxy and what did
13 you note about the headstamps?

14 A. That they had GFL on them. It was GFL nine millimeter
15 Luger just as the other ones.

16 Q. Looking here at 54 and is that consistent with the GFL
17 ammunition found at the Wanda Lites home?

18 A. Yes, ma'am.

19 Q. And as well as at the crime scene at Lot 7?

20 A. Yes, ma'am.

21 Q. And looking here at 95, those are the fired casings?

22 A. That's correct.

23 Q. And those were in this purse?

24 A. Yes.

25 Q. Throughout your search of [REDACTED] Spring Hill Road where

1 the defendant was arrested at 3:16 PM, what time did you
2 end this search?

3 A. Approximately 1800 hours, which would be 6:00. 6 PM.

4 Q. During the course of your time there, did you look at
5 every aspect of that residence?

6 A. Not every aspect, but -- because we also had
7 assistance.

8 Q. Okay. Where a gun may be located?

9 A. Correct.

10 Q. Throughout that search, Sergeant Snelgrove, were you
11 able to recover the AK-P7 firearm?

12 A. No, ma'am, I was not.

13 Q. Now going back to Lot 7, can you tell us whether or
14 not a search would have been conducted in this area here in
15 front of the home?

16 A. Yes, ma'am.

17 Q. Then looking here at your diagram of Lot 7, which
18 would be in front of this area --

19 A. Yes, ma'am.

20 Q. -- that area was searched as well?

21 A. Yes, ma'am.

22 Q. If an individual fires a 22 caliber revolver, would
23 you expect to find shell casings?

24 A. No, ma'am. A revolver does not eject the cartridge
25 cases.

1 Q. Okay. I'm gonna show you now what is State's 176 and
2 ask if you recognize this?

3 A. That's my overall diagram, which this comes from
4 that's on the overhead.

5 Q. All right. And is that a fair and accurate
6 representation of your findings?

7 A. All of our findings, yes, ma'am.

8 Q. Prior to submission to the State Law Enforcement
9 Division for firearms analysis?

10 A. Yes.

11 MS. MAYES: I beg the Court's indulgence.

12 THE COURT: Take your time.

13 MS. WILLIAMS: No objection to 176, Your Honor.

14 THE COURT: It's admitted.

15 (State's Exhibit Number 176, a diagram, was admitted
16 into evidence.)

17 BY MS. MAYES:

18 Q. Okay. Looking here at 176, there's a lot of
19 information on here, but take us through what we're
20 looking, Sergeant Snelgrove.

21 A. So [REDACTED] Road is down here. There's other residences
22 between what we see here and the actual road. Going down
23 this roadway, you end up coming across Lot 15. That's
24 gonna be the residence that I processed and the victim was
25 located, around with the shared property in between, Lot

1 16. That's gonna be what CSI Browning processed. And then
2 there's a road -- the road goes like this and it forks off
3 with this in the center of the fork and there's additional
4 residences up here. Right here is gonna be Lot 7, which
5 you just saw a blown-up version of that one, and that's
6 gonna be what CSI Weyandt processed.

7 Q. All right. Does this diagram reflect all of the
8 ballistics evidence that you were able to recover from that
9 crime scene at Rocky Lane Mobile Home Park?

10 A. No, ma'am.

11 Q. How so?

12 A. We have projectile defects on the residences. Also
13 what was located inside this residence is not there.

14 Q. Okay.

15 A. I mean, depicted on here.

16 Q. Meaning inside 15?

17 A. Yes.

18 Q. Okay. And in terms of externally, outside of physical
19 mobile homes and what would be found on the ground and at
20 the scene, does this reflect all items of ballistics
21 evidence?

22 A. Yes, ma'am, I do believe so.

23 Q. Firearms evidence, including casings and projectiles?

24 A. Yes.

25 Q. And, Sergeant Snelgrove, were each of those items

1 submitted to the State Law Enforcement Division for
2 analysis?

3 A. I do believe they were.

4 Q. That FN nine millimeter weapon, was it submitted to
5 the State Law Enforcement Division for analysis?

6 A. Yes, ma'am, it was.

7 Q. Are you familiar with a 380 caliber weapon that was
8 turned over to law enforcement from Nokia Tolen?

9 A. I didn't know who turned it over, but I know of a
10 380, yes, ma'am.

11 Q. And was that also submitted to the State Law
12 Enforcement Division firearms department for analysis?

13 A. Yes, ma'am.

14 MS. MAYES: Your Honor, that would conclude this
15 portion of direct examination subject to recall as
16 previously discussed at sidebar regarding post-SLED
17 analysis.

18 THE COURT: Okay.

19 All right. Let me see the lawyers right quick.

20 (Proceedings held at the bench; not reported.)

21 THE COURT: All right. Mr. Foreman, of course,
22 the defense has the right to cross, but it's gonna be
23 lengthy and I don't want to keep you here until 6:00,
24 so I'm gonna let you go and we will start early in the
25 morning with the defense with the opportunity to cross

1 All right. Are we ready to get started?

2 MR. WILLIAMS: I don't think the solicitor is here.

3 MS. PATTERSON: I'll go and get Ms. Mayes.

4 MS. WILLIAMS: There is something I need to discuss
5 with Ms. Mayes and Your Honor briefly before we bring
6 the jury in.

7 THE COURT: Okay. Do you want to get the
8 defendant? There's the defendant.

9 (Proceedings held at the bench; not reported.)

10 MS. WILLIAMS: Your Honor, I believe the defense
11 is ready.

12 THE COURT: Is the State ready?

13 MS. MAYES: Yes, Your Honor.

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

15 (Whereupon, the jury enters the courtroom at
16 9:29 AM.)

17 THE COURT: All right. Good morning and happy
18 Friday.

19 FOREPERSON: Good morning.

20 THE COURT: All right. I've got two notes from
21 the jury. Let me answer the first one. We do not
22 anticipate being here on July 8th. The note is asking
23 cannot be in the jury room until nine at the earliest
24 on 7-8. I anticipate this trial will be finished. I
25 can't promise, but I anticipate that it will be.

1 The second question is that one of the jurors has
2 asked please clarify hearsay. I instructed you at the
3 beginning of this case when lawyers object and the
4 Court rules, I will tell you the Court determines what
5 is hearsay and whether or not it is admissible. It is
6 my job to determine hearsay. It's not the jury's job.
7 If I determine a statement is hearsay, you must disregard
8 that statement and it is not for your consideration and
9 you must not guess what that person would have said.

10 Everybody understand?

11 Any objections from the State or the defense to my
12 response?

13 MS. MAYES: None from the State, Your Honor.

14 MS. WILLIAMS: None from the defense, Your Honor.

15 THE COURT: Okay.

16 All right. Where's our sergeant? Let me ask you
17 to come back up to the stand and I am going to remind
18 you that you are still under oath and I'm also gonna
19 ask you if you talked to anybody since you left the
20 stand yesterday about this case?

21 THE WITNESS: No, ma'am.

22 MS. WILLIAMS: Your Honor, may I approach briefly?

23 THE COURT: Sure.

24 (Proceedings held at the bench; not reported.)

25 THE COURT: And before we begin, let me ask the

1 jury one more question because, again, I'm gonna tell
2 you this case has attracted media. Has anyone seen
3 anything on TV, the newspaper, the Internet, any type
4 of social media about this case? If so, please raise
5 your hand.

6 Thank you.

7 Now let me -- let me just see the lawyers one
8 second before we start. I want to make sure I'm right
9 about something.

10 (Proceedings held at the bench; not reported.)

11 THE COURT: All right, Ms. Williams.

12 MS. WILLIAMS: May it please the Court, Your Honor?

13 THE COURT: Yes, ma'am.

14 CROSS-EXAMINATION

15 BY MS. WILLIAMS:

16 Q. Good morning, Sergeant Snelgrove. How are you?

17 A. I'm well. Good morning to you as well.

18 Q. All right. So going back to June 9, 2021, what time
19 did you arrive on-scene?

20 A. Approximately 23:38, which is 11:38 PM.

21 Q. Okay. It was 11:38 PM and when you got to the scene
22 was it completely marked off with CSI tape?

23 A. I assume so, but we did have to add additional tape.

24 Q. Okay. So it was not completely marked off with CSI
25 tape?

1 A. You have to understand we don't always put tape all
2 the way around something, especially with a big area like
3 that because it's impossible. You have people that are
4 living in the residences behind that they still have access
5 to get around.

6 Q. But did you add on an additional scene while you were
7 there?

8 A. We added tape. I wouldn't say scene because we
9 already knew that there was -- where the cartridge cases
10 were at.

11 Q. Okay. So when you got there, it was not fully marked
12 off and while you were there you had to add additional
13 tape?

14 A. Correct, but it was protected by law enforcement.

15 Q. Okay. Do you know what time you d the additional
16 tape?

17 A. No, I don't watch my clock the whole time I'm there.
18 And not to mention, we also had a lot of people on-scene
19 and there was -- very agitated and possible fights that
20 were starting and we had to go handle that.

21 Q. Okay. So there were fights as well that were
22 distracting law enforcement. There was a lot going on?

23 A. There was a lot going on.

24 Q. Okay.

25 MS. WILLIAMS: All right. May I approach, Your

1 Honor?

2 THE COURT: You may.

3 (Defendant's Exhibit Number 26 was marked for
4 identification.)

5 BY MS. WILLIAMS:

6 Q. I'm gonna show you a USB drive. Are you familiar with
7 what is on this USB drive?

8 A. I'm assuming -- I can only assume because I didn't see
9 the thumb drive earlier.

10 Q. Did I show you a thumb drive that I put into a
11 computer earlier?

12 A. You did not show me the thumb drive, you only showed
13 me what was on it.

14 MS. WILLIAMS: Okay. Your Honor, I believe I have
15 a matter of law that I need to take up outside the
16 presence of the jury.

17 THE COURT: I agree.

18 Let me ask the jury to go return to the jury room.
19 Don't discuss this case amongst yourselves and I'll have
20 you back in in just a moment.

21 (Whereupon, the jury retires to the jury room at
22 9:35 AM.)

23 MS. WILLIAMS: Your Honor, at this time the defense
24 would like to authenticate -- or to proceed to attempt to
25 authenticate Defendant's Exhibit 26.

1 THE COURT: You may.

2 MS. WILLIAMS: May I approach the witness?

3 THE COURT: You may.

4 VOIR DIRE EXAMINATION (In-Camera)

5 BY MS. WILLIAMS:

6 Q. Sergeant Snelgrove, will you establish that what is
7 marked as Defendant's Exhibit 26 a USB drive?

8 A. Yes.

9 MS. WILLIAMS: For the sake of the record, Your
10 Honor, I'm going to proceed to play all of Defendant's
11 Exhibit 26. An error -- the portion that was redacted
12 in the beginning is just black, but I want to be clear
13 about what's going into the record. It's one minute
14 worth of black.

15 THE COURT: Absolutely. You go right ahead.

16 (Defendant's Exhibit Number 26 was played.)

17 MS. WILLIAMS: I'm pausing at 18 seconds, Your
18 Honor. I want to verify that the volume is on, too,
19 so we can be a hundred percent sure what is on this
20 tape going in.

21 THE COURT: Go ahead.

22 (Defendant's Exhibit Number 26 was played.)

23 MS. WILLIAMS: I'm gonna restart the tape just
24 to be sure that there is no sound going in either,
25 Your Honor.

1 THE COURT: Yes, ma'am.

2 (Defendant's Exhibit Number 26 was played.)

3 BY MS. WILLIAMS:

4 Q. Ms. Snelgrove -- Sergeant Snelgrove, I apologize, in
5 the video that you just saw, did you observe that there
6 was no sound and no display until one minute and four
7 seconds?

8 A. Sure.

9 Q. Did you observe that the only sound that was heard
10 was a few seconds of gravel crunching at one minute and
11 four seconds?

12 A. Sure.

13 Q. Did you see yourself in that video?

14 A. Yes.

15 Q. Is that how you looked on the day of the -- of this
16 crime?

17 A. I guess so.

18 Q. Do you dispute that that is how you looked?

19 A. No, but I don't look at myself in the mirror when I'm
20 on-scene, so.

21 Q. Was that you doing your job?

22 A. Yes, that was me.

23 Q. And is that how the scene looked around while you were
24 doing your job?

25 A. Yes.

1 MS. WILLIAMS: Thank you, Your Honor.

2 THE COURT: Any objection from the State or any
3 questioning?

4 MS. MAYES: None from the State.

5 THE COURT: Okay. I think she's authenticated it.
6 I assume you're gonna play this for the jury now.

7 MS. WILLIAMS: Yes, Your Honor. Do I need -- I
8 believe I need to put it in in front of the jury though.

9 THE COURT: Right.

10 And I think there's no objection from the State.

11 MS. MAYES: Correct, Your Honor.

12 THE COURT: Okay. Then let's bring the jury back
13 in, lay your foundation, and we'll play it.

14 MS. MAYES: And can we have clarification as to
15 whose body cam this is from?

16 MS. WILLIAMS: Yes, it was Joslin's.

17 THE COURT REPORTER: I'm sorry, who did you say?

18 MS. WILLIAMS: Joslin, J-O-S-L-I-N.

19 THE COURT REPORTER: Oh, okay. Thanks.

20 (Whereupon, the jury returns to the courtroom at
21 9:42 AM.)

22 THE COURT: All right. Go ahead.

23 MS. WILLIAMS: Your Honor, may I approach the
24 witness?

25 THE COURT: Yes, ma'am.

1 CONTINUED CROSS-EXAMINATION

2 BY MS. WILLIAMS:

3 Q. Sergeant Snelgrove, do you recognize this item?

4 A. Yes, ma'am.

5 Q. It's marked as Defendant's Exhibit 26 and it is the
6 USB that contains body camera footage?

7 A. Yes, ma'am, it is.

8 Q. And does that body camera footage have an image of you
9 on it?

10 A. Yes, ma'am.

11 Q. And does that fairly and accurately depict the scene
12 as you were doing your work on the night of June 9th of
13 2021?

14 A. Part of it, yes, ma'am.

15 Q. The part where you were?

16 A. Right.

17 MS. WILLIAMS: At this point, Your Honor, defense
18 would move for Defendant's Exhibit 26 to be put into
19 evidence.

20 THE COURT: Any objection?

21 MS. MAYES: None from the State, Your Honor.

22 THE COURT: It's admitted.

23 (Defendant's Exhibit Number 26, Body Cam excerpt,
24 was admitted into evidence.)

25 MS. WILLIAMS: Permission to publish?

1 THE COURT: Yes, ma'am.

2 BY MS. WILLIAMS:

3 Q. Sergeant Snelgrove, is there approximately one minute
4 and four seconds of blank tape on this particular clip?

5 A. Yes, ma'am.

6 Q. Rather than make the jury sit through that...

7 (Defendant's Exhibit Number 26 was played.)

8 Q. Sergeant Snelgrove, do you have a pointer up there
9 with you?

10 A. Yes, I do.

11 Q. Will you, please, indicate to the jury where you are?

12 A. I'm right here.

13 Q. Okay. And who is that behind you?

14 A. That's somebody with the coroner's office.

15 Q. Okay. And what -- what trailer are you working on at
16 that moment?

17 A. This is Lot 15.

18 Q. Okay. And whose vehicle is behind you?

19 A. I'm not sure.

20 Q. Okay. And is this a fair and accurate representation
21 of you doing your job?

22 A. Yes, ma'am.

23 Q. When you arrived at the scene, who was there first?

24 A. I'm not --

25 Q. That was a poorly worded question. You would have no

1 idea. I apologize. When arrived at the scene, who all was
2 already there? What agencies were represented?

3 A. Okay. Lexington County deputies were there and also
4 Batesburg-Leesville police officers.

5 Q. And had Batesburg-Leesville police officers and other
6 Lexington County deputies already begun to point out the
7 location of evidence?

8 A. That's correct. You can see that by some of the tape
9 that was just -- looked like it randomly was sitting on the
10 ground. That's gonna be some of that.

11 Q. So when Batesburg-Leesville or Lexington County gets
12 there before you do, they will try to help you out because
13 it's such a big scene by marking off --

14 (Audio/video interruption.)

15 MS. WILLIAMS: I apologize, Your Honor.

16 THE COURT: I don't know how that happened.

17 MS. WILLIAMS: We have ghosts in the courtroom.

18 For safety's sake...

19 BY MS. WILLIAMS:

20 Q. Sorry, Sergeant Snelgrove. So to help you out, they
21 will try to locate additional evidence -- or evidence
22 before you get there; is that correct?

23 A. That -- I would say that's poorly worded. If they're
24 on the scene and they happen to see stuff, they'll go ahead
25 and mark it. And usually when you find one cartridge case,

1 you end up finding another one. Kind of like Lays. You
2 can't just have one.

3 Q. Okay. So do you have -- when you're looking on a
4 scene, do you happen to have a particular methodology for
5 making sure you don't miss any?

6 A. So my methodol -- my method probably looks kind of
7 crazy because what I do is I'll start walking in the area
8 that we suspect and I go -- I go slow and I kind of sweep
9 my eyes a back and forth and look for stuff. If I see it,
10 I'll note -- I'll note it in my head of where it's at
11 because I don't want to leave anything behind. This goes
12 as far as also walking back and forth to my vehicle or
13 whatever. I have the tendency to always look down just
14 because I have in the past found additional evidence that
15 way.

16 Q. Okay. So as you're walking around, you sweep back and
17 forth and you make a note in you head --

18 A. If I find anything, yes.

19 Q. -- to come back? How long does it take before -- in
20 between sometimes when you make a note in your head and you
21 go and you mark it on the ground?

22 A. It just depends on how big the scene is, what all is
23 going on. I cannot put a time on that or an estimate.

24 Q. That's fair. Do you know what methodology the
25 Batesburg-Leesville police department uses when they're

1 marking shell casings?

2 A. I don't. I've never personally worked with them that
3 way in that aspect.

4 Q. Okay. Well, what do you do when there are vehicles
5 on the scene if you are looking for shell casings? What
6 would you do?

7 A. Look around them, try to look under them.

8 Q. Okay. If someone offered to move their vehicle for
9 you, would you ask them to?

10 A. It depends. If moving their vehicle would disturb
11 the crime scene or if I believe it would disturb the crime
12 scene, I have them just keep it there. If it's all good,
13 we just let it go.

14 Q. But you do look underneath vehicles if they're on the
15 scene?

16 A. Yes.

17 Q. All right. I'm gonna approach you with a series of
18 photographs. And I believe you testified yesterday that
19 you start on the outside of the scene and then move and
20 take pictures like further back and then closer up if you
21 see something; is that correct?

22 A. So we work outside in. Our photographs are usually
23 gonna be your overalls and then your evidence-establishing
24 photographs and then your close-ups.

25 Q. Okay. I have a series of photographs.

1 MS. WILLIAMS: Your Honor, may I approach?

2 THE COURT: You may.

3 (Defendant's Exhibit Number 11 through 21 were
4 marked for identification.)

5 BY MS. WILLIAMS:

6 Q. If you will take a look at these and tell me if you
7 are able to identify them.

8 A. Yes, ma'am. These are all photographs that I took.

9 Q. And are they photographs that you took of Lot 15?

10 A. Yes, ma'am.

11 Q. Okay.

12 MS. WILLIAMS: These are labeled Defendant's
13 Exhibit 11, 12, 13, 14, 15, 17, 18, 19, 20 and 21.

14 THE COURT: Okay. Any objection?

15 MS. MAYES: No objection from the State, Your Honor.

16 THE COURT: They're admitted.

17 (Defendant's Exhibit Number 11, 12, 13, 14, 15,
18 17, 18, 19, 20 and 21, photographs, were admitted into
19 evidence.)

20 BY MS. Williams:

21 Q. All right. Sergeant Snelgrove, what do we see here?

22 A. That's gonna be the part of the front of Lot 15 where
23 the victim was.

24 Q. Okay. And referencing State's Exhibit 92, is that
25 looking in the direction towards Lot 15 as if you were

1 standing near where your green labels are?

2 A. I probably would say about right here.

3 Q. Okay. Further back?

4 A. Yes, ma'am.

5 Q. Okay. Looking at Defendant's Exhibit 12, what is
6 that?

7 A. So we have a projectile defect right here that's going
8 into the residence. You can hardly -- you can barely see
9 it, but there's a part right here where a projectile kind
10 of rode the side of the residence on the inside.

11 Q. Okay. And is Defendant's Exhibit 13 a better image of
12 what you were just describing?

13 A. That's affirmative. That's gonna be that projectile
14 defect and then that's gonna be that other one riding on
15 the side of the wall. And that's just moss.

16 Q. Okay. I'm gonna go even closer with you and is that
17 that same projectile defect?

18 A. Yes.

19 Q. And that is a defect going into the mobile home?

20 A. Into the mobile home.

21 Q. And where on State's Exhibit 92 is that defect
22 located?

23 A. It's gonna be about approximately right here.

24 Q. Okay. So on this side of the mobile home?

25 A. Yes, ma'am.

1 Q. And looking at State's Exhibit 12, and I know I'm
2 switching a lot of pictures around on you, on Lot 15 what
3 face -- it would be on that side of the mobile home?

4 A. Yes, ma'am.

5 Q. Okay. Looking at Defendant's 15, what is that an
6 image of?

7 A. That's gonna be kind of an overall to where some
8 evidence was located and part of 15 -- Lot 15.

9 Q. Okay. And is there a vehicle located right there?

10 A. There's vehicle there and two right here.

11 Q. Okay. And did you ever ask the owners of those
12 vehicles to move their vehicles?

13 A. I did not ask them to move their vehicles.

14 Q. Okay. And for the jury, can you point out where the
15 crime scene tape is?

16 A. There's some right here.

17 Q. So that's located further in towards the residence?

18 A. Yes.

19 Q. Okay. Looking at Defendant's Exhibit 17, do we see
20 another red vehicle closest towards the camera?

21 A. Yeah. That's about right here.

22 Q. And are you looking at the crime scene tape wrapping
23 around the rear end of that vehicle?

24 A. Yes, ma'am.

25 Q. Was that crime scene tape ever extended out further

1 beyond that vehicle to your knowledge?

2 A. To my knowledge, no.

3 Q. Okay. The glare on this thing's terrible. There we
4 go. Looking at Defendant's 18, if you can, can you tell me
5 what you see there?

6 A. Yeah, I can see it. This is gonna be like more of the
7 west end of Lot 15 looking out back to where all that stuff
8 was earlier that we saw.

9 Q. Okay. And so in the middle of the photograph, do you
10 see that same red vehicle with the crime scene tape wrapped
11 around it?

12 A. Yeah, I would say that's it.

13 Q. Okay. And to the best of your ability, does that
14 look like you are taking that photo, looking at State's
15 Exhibit 12, from the rear of Lot 15?

16 A. Yes.

17 Q. Okay. Looking at Defendant's Exhibit 19, what side
18 of the mobile home are we looking at there?

19 A. That's gonna be the approximate west end of it.

20 Q. Okay. And do you see anything of note in this image
21 looking at the wall of the mobile home?

22 A. A window here. That possibly could be a projectile
23 defect right there.

24 Q. Thank you.

25 A. Uh-huh.

1 Q. So a possible projectile defect?

2 A. Uh-huh.

3 Q. I'm gonna make everybody nauseous. Where is that
4 located on State's Exhibit 92?

5 A. It would be about right there.

6 Q. Okay. Looking at State's Exhibit 12, where would that
7 be located?

8 A. About right here.

9 Q. So on the rear end of the mobile home at Lot 15?

10 A. I would just call it a side.

11 Q. A side?

12 A. Yeah. I'm sorry.

13 Q. No, that's fine. I'm gonna finish out around the
14 outside. Defendant's Exhibit 20, what does that show to
15 you?

16 A. That's gonna be the back door and that's gonna be one
17 of the projectile defects right here.

18 Q. And what's located on the steps leading up to the back
19 porch?

20 A. I think it was like some clothing. I remember when
21 I looked at it, it didn't appear to be of anything for
22 evidence or evidentiary purpose.

23 Q. So you didn't collect it?

24 A. No.

25 Q. Okay. I told you we were going the whole way. All

1 right. What did we see there?

2 A. That's gonna be the other end side of the trailer. We
3 missed a big chunk right here.

4 Q. Oh, I apologize. But there's an additional side of
5 the trailer, but this finishes out of the corner?

6 A. Correct.

7 Q. Okay. And the crime scene tape is wrapped across that
8 vehicle; is that correct?

9 A. Yes, and it got dropped down so we could walk around.

10 Q. Okay.

11 A. The tape is not an exact thing. It just kind of it
12 gives you an idea.

13 Q. All right. So we did the outside?

14 A. Uh-huh.

15 Q. And at that point you collected the evidence that you
16 testified to yesterday on the outside. Let's go inside.

17 A. Okay.

18 Q. So you went inside and you photographed -- I think
19 you did the front bedroom first. I'm not sure which order
20 you did it in. Why don't you tell the jury what order you
21 photographed it again?

22 A. Reviewing the photos, I went kind of left to the
23 victim first. Our goal is to get the victim out as soon
24 as we can. And then processed the rest of the residence.
25 I went to her first. We also have the coroner's office

1 with us and they're taking photos as well. So I went in
2 first, started my photographs, and then I went to the end
3 bedroom, and then I ended up coming back out. And when
4 I say the end bedroom, that's that one that had those
5 projectile defects that we pointed out yesterday in that
6 last photo that she also just showed us.

7 Q. Okay. And so you did do the master bedroom on the
8 other end; is that correct?

9 A. We did eventually, but I didn't go past the victim at
10 that point. I don't remember going past the victim at
11 first.

12 Q. Okay. At what point did you go past the victim?

13 A. I'd have to look at my photos. That would be after we
14 had already got the victim out of the residence.

15 Q. Okay. So it took a minute before you could get back
16 there?

17 A. Yes.

18 Q. And that's because you didn't want to disturb the
19 scene where the victim was.

20 A. Yes. It was a very tight space.

21 Q. Okay. But you did eventually go back there once they
22 had removed the victim?

23 A. That's correct.

24 Q. Okay. I'm gonna show you what is already admitted as
25 Defense Exhibit 1.

1 A. That's gonna be part of the master bedroom and the
2 bathroom.

3 Q. Okay.

4 MS. WILLIAMS: May I approach, Your Honor?

5 THE COURT: You may.

6 (Defendant's Exhibit Number 22 was marked for
7 identification.)

8 BY MS. WILLIAMS:

9 Q. Do you recognize Defendant's Exhibit 22?

10 A. Yes, that's gonna be one of my photos I took.

11 THE COURT: Any objection?

12 MS. MAYES: No objection, Your Honor.

13 THE COURT: It's admitted.

14 (Defendant's Exhibit Number 22, a photograph, was
15 admitted into evidence.)

16 BY MS. WILLIAMS:

17 Q. Okay. So we're looking in the master bedroom in
18 Defendant's Exhibit Number 1 and do you see anything of
19 note in that photograph?

20 A. There's a projectile defect. What I presume to be a
21 projectile defect.

22 Q. Okay. And then looking at Defendant's Exhibit 22, is
23 that a closer --

24 A. That's a closer up, yes, ma'am.

25 Q. Okay. Looking at what is already been admitted as

1 Defendant's Exhibit 2, what is that a photo of?

2 A. That's another projectile defect or appears to be.

3 Q. Okay. And where is that?

4 A. That's gonna be in the bathroom, I believe.

5 Q. Okay.

6 MS. WILLIAMS: May I approach, Your Honor?

7 THE COURT: You may.

8 BY MS. WILLIAMS:

9 Q. Looking at the Defendant's Exhibit 3 and 4, which have
10 been for ID so far, do you recognize these photos?

11 A. Yes.

12 Q. Okay. And what are they photos of? Well, wait.

13 Sorry. Let me -- well, go ahead. I apologize. Go ahead,
14 Sergeant Snelgrove. I cut you off too soon. What are they
15 photos of?

16 A. You're fine. I didn't start. It appears to be a
17 possible projectile defect. Now with taking a closer look
18 at that picture that you put up on the side, that could be
19 corresponding to each other.

20 Q. Okay.

21 THE COURT: Any objection?

22 MS. MAYES: We don't have an objection as long
23 as it's one exhibit, Your Honor. Otherwise, it's
24 non-identifying. There's no marking on it. If we
25 could staple them together, we have no objection.

1 MS. WILLIAMS: Your Honor, my concern is that they
2 were ID'd by a different witness as 3 and 4.

3 MS. MAYES: Okay.

4 THE COURT: Well, let me see the lawyers for a
5 second.

6 (Proceedings held at the bench; not reported.)

7 MS. WILLIAMS: So is that 3 and --

8 THE COURT: That is without objection.

9 MS. MAYES: Without objection, Your Honor.

10 THE COURT: Then they're admitted.

11 (Defendant's Exhibit Numbers 3 and 4, photographs,
12 were admitted into evidence.)

13 BY MS. WILLIAMS:

14 Q. Okay. Looking at Defendant's Exhibit 3, what is that
15 a photo of?

16 A. That appears to be a projectile defect right here in
17 the shower.

18 Q. In the shower and that is gonna be the shower
19 associated with the master bath?

20 A. Yes.

21 Q. Okay. And then looking at Defendant's Exhibit 4, is
22 that a closer image of the shower?

23 A. Yes, ma'am.

24 Q. Okay.

25 A. Well, of the defect.

1 Q. The defect. Okay. So we've looked at a couple of
2 images of defects in the home, and to orient the jury,
3 Defendant's Exhibit 1, the defect that's shown in this
4 picture, looking at State's Exhibit 90, will you, please,
5 point out to the jury where that is located.

6 A. It's gonna be about right here.

7 Q. Okay. So that would be in the master bedroom slash
8 master bathroom wall?

9 A. Yes.

10 Q. Okay. And then looking at Defendant's Exhibit 2, that
11 defect is located where on State's Exhibit 90?

12 A. The same location.

13 Q. So the master bedroom/master bathroom wall?

14 A. Yes.

15 Q. Okay. Looking at Defendant's Exhibit 3, that defect
16 is located where on State's 90?

17 A. About right here.

18 Q. So that would be on the master bathroom exterior wall?

19 A. Yes.

20 Q. Okay. And on the stand I believe you testified that
21 you think that that might now correspond with the bullet
22 defect you can see in Defendant's Exhibit 19?

23 A. That's correct.

24 Q. Okay. And then for the jury's reference one more
25 time, that bullet defect is located where on Lot 15?

1 A. Back here.

2 Q. Okay. Thank you.

3 All right. So after you finish doing the outside of
4 -- or, I'm sorry, the inside of Lot 15, did you become
5 aware of any additional shell casings that were in your
6 lot?

7 A. It wasn't after, it was during, while I was working.
8 CSI Weyandt, after -- so we decided we would split up the
9 different locations amongst the three of us. With them,
10 since they only had the outside of their residence to do,
11 they would come and assist me since I did have a victim and
12 it would take longer with measurements, they would come and
13 assist me. So my placards, actually I left them up because
14 I still needed to do my diagram, and CSI Weyandt actually
15 assisted with that diagram while CSI Browning assisted with
16 the diagram of the victim on the inside, and at some point
17 my Number 12, which I believe is gonna be the 380, was
18 located because we -- because after investigators were done
19 interviewing, they would look, too, because, you know, more
20 than a set of eyes, I mean, is better than just one, right,
21 so they would look, and then that's how that projectile --
22 I mean, that cartridge case was located.

23 Q. Okay.

24 MS. WILLIAMS: So I may I approach, Your Honor?

25 THE COURT: You may.

1 (Defendant's Exhibit Number 23 was marked for
2 identification.)

3 BY MS. WILLIAMS:

4 Q. Looking at Defendant's Exhibit 23, can you tell me
5 what that is?

6 A. It's gonna be one of the cartridge cases.

7 Q. Is that the cartridge --

8 A. I don't know which one it is. I don't have anything
9 to reference to it.

10 Q. Okay. I might be able to help you out.

11 A. I was gonna say looking at my photos, that looks like
12 that's gonna be that 380 that CSI Weyandt photographed and
13 collected for me.

14 Q. Okay.

15 THE COURT: Any objection?

16 MS. MAYES: No objection.

17 THE COURT: It's admitted.

18 (Defendant's Exhibit Number 23, a photograph, was
19 admitted into evidence.)

20 BY MS. WILLIAMS:

21 Q. So looking at Defendant's 23, what does that show
22 again?

23 A. That's gonna be that cartridge case that CSI Weyandt
24 collected for me.

25 Q. Okay. So that, looking at State's Exhibit 92, is this

1 cartridge?

2 A. Correct.

3 Q. And was that the only 380 that you-all found?

4 A. Yes, ma'am.

5 Q. Okay. And you found it after your initial sweep?

6 A. Yes.

7 Q. Okay. Do you know how long after your initial sweep
8 that was found?

9 A. (Shakes head.)

10 Q. No? I thought I'd ask.

11 A. You lose track of time processing.

12 Q. I did want to ask, do you tamper with any evidence
13 that you find on-scene?

14 A. What do you mean tamper? Because I think tamper is a
15 bad thing.

16 Q. Well, do you -- do you change the evidence that you
17 find in any way when you find it?

18 A. In what reference? Because, I mean, if you pick it
19 up, then, I guess, you change it at that point. Is that
20 what you mean?

21 Q. Do you add bullet holes to mobile homes?

22 A. No.

23 Q. Okay. So if you were in there the night of June 9,
24 2021, and you photographed this bullet defect in the
25 shower, are you pretty sure that that bullet defect was

1 there when you got there?

2 A. Yes.

3 Q. Are you pretty sure that that bullet defect was there
4 that evening?

5 A. Yeah. I mean, I didn't add it to it if that's what
6 you mean.

7 Q. So at 12:30 -- at whatever time you were there, there
8 was a bullet defect in the shower of Lot 15?

9 A. Yeah.

10 Q. Because you did not put it there?

11 A. Correct.

12 Q. Okay. I'm gonna go back outside again.

13 A. Okay.

14 Q. Did you find anything else beyond shell casings
15 outside?

16 A. Yes.

17 Q. That you took into evidence?

18 A. Yes.

19 MS. WILLIAMS: May I approach, Your Honor?

20 THE COURT: You may.

21 (Defendant's Exhibit Numbers 24 and 25 were marked
22 for identification.)

23 BY MS. WILLIAMS:

24 Q. Do you recognize Defendant's 24 and 25?

25 A. Yes.

1 Q. And what are they?

2 A. That's gonna be a bookbag.

3 Q. And that's Defendant's 24. And what is Defendant's
4 25?

5 A. That's gonna be something that was in the bookbag
6 outside of it.

7 Q. And what is it?

8 A. It appears to be a beanie.

9 Q. Without saying -- yes, but it appears to be a beanie.
10 Okay. Could it also be described as a ski mask?

11 A. If it had the front part of it, yeah.

12 Q. Look at -- feel free to look at your -- well, before
13 I get too far into it, do you recognize these as photos you
14 took that evening?

15 A. Yes.

16 Q. Okay.

17 THE COURT: Any objection?

18 MS. MAYES: Objection to 25, Your Honor. No
19 objection to 24.

20 MS. WILLIAMS: Okay. And for --

21 THE COURT: Okay. Do you-all want to approach real
22 quick?

23 MS. MAYES: Yes.

24 (Proceedings held at the bench; not reported.)

25 THE COURT: Why don't we excuse the jury so we can

1 put this on the record?

2 Mr. Foreman, I'm gonna ask the jury to go back to
3 the jury room so I can take up a matter of law with the
4 lawyers.

5 Remember, do not discuss this case amongst
6 yourselves.

7 (Whereupon, the jury retires to the jury room at
8 10:13 AM.)

9 THE COURT: All right. To Defense Exhibit 25,
10 which is the hat, let me hear from you, Ms. Williams.

11 MS. WILLIAMS: Your Honor, I believe the
12 problematic phrasing is "No Sleep Gang". It is just
13 a phrase, it is not a -- the defense agrees that we have
14 agreed to stay away from gangs. We don't want Crips,
15 we don't want Bloods. We don't want any of that. "No
16 Sleep Gang" is the same as like we're a hustle group.
17 No sleep is -- Urban Dictionary defines it as if people
18 hustle real hard, they're gonna make lot of money and,
19 you know, "No Sleep Gang". It is not a reference to
20 any sort of validated gang saying, it is not anything
21 other than the -- I guess a group of individuals who
22 are trying to be cool. It's a slogan, it is a catch
23 phrase. It is not indicative of any gang membership
24 unless, Your Honor, the solicitor knows something that
25 I don't.

1 MS. MAYES: The word "gang" in and of itself,
2 Your Honor, is extremely inflammatory and prejudicial.
3 We've agreed from the outset we're not gonna get into
4 any reference to gang. There's no -- there's already
5 testimony it's a ski mask and it's in the backpack, we
6 don't object to that, but the word "gang" on a ski mask
7 in front of this jury is highly prejudicial and it's
8 opening a door we agreed not to open, so we object. And
9 it's not necessary. The testimony's already on the
10 record.

11 THE COURT: Explain to me what is the point of a
12 hat.

13 MS. WILLIAMS: Your Honor, it is a --

14 THE COURT: I mean, it clearly says "gang" in big
15 letters.

16 MS. WILLIAMS: And, Your Honor --

17 THE COURT: I've never heard of the "No Sleep Gang".

18 MS. WILLIAMS: It's "Hustle, hustle all day, we
19 don't sleep, No Sleep Gang". You know, I can't say the
20 words appropriately with the right inflection. I'm gonna
21 sound like a moron.

22 MS. MAYES: Well, the jury -- the jury doesn't know
23 that. They see the word "gang" and the inference and
24 the implication is there, which is why we agreed not to
25 offer any evidence in this trial in that aspect, and we

1 certainly object. No objection to the fact that it's
2 found and any other contents of that backpack.

3 MS. WILLIAMS: Is there any objection if -- I'll
4 wait for Your Honor's ruling.

5 THE COURT: Can you redact the word "gang"? I
6 mean, if the point is the hat, why can't we redact the
7 word "gang."

8 MS. MAYES: In black, Your Honor, the entire
9 lettering could be redacted and the -- the ski mask
10 itself comes in. We could do a black redaction of that
11 entire segment, but to -- yes, we can do that. We would
12 have no objection to a redaction of that entire label.

13 THE COURT: Do you have any objection if we
14 eliminate the word "gang"? I mean, it's in pretty big
15 letters.

16 MS. WILLIAMS: Your Honor, no, I don't have any
17 objection to, I guess -- I mean, for the purpose of
18 the record I still have my objection, Your Honor, but
19 for the purposes of moving forward if Your Honor rules
20 that it is inadmissible in this form, we will redact
21 the words.

22 THE COURT: Well, you know, we -- you-all agreed
23 early on not to because I think we've got not to
24 mention the Gangster Disciples, the Bloods, the Crips,
25 to absolutely leave out any reference to gang. I'm not

1 so sure the jury is gonna know what a "No Sleep Gang"
2 is. The Court doesn't even know what it is, but the
3 word "gang" means a lot of things to a lot of different
4 people.

5 So I would ask that it be redacted out of an
6 abundance of caution that we're not referencing any
7 gang-type activity.

8 MS. WILLIAMS: All right, Your Honor. If I may --
9 I'm trying to figure out how to get this done quickly.

10 MS. MAYES: We'll take care of that, Your Honor.
11 We'll take care of the redaction.

12 THE COURT: Thank you. The State's gonna help you
13 out there.

14 MS. WILLIAMS: The defense would like to express
15 our gratitude.

16 THE COURT: If we could take a break right quick
17 and get it done.

18 MS. WILLIAMS: Yes, that's -- thank you, Your
19 Honor.

20 MS. MAYES: Your Honor, the paralegal is attempting
21 now. It's -- she's not gonna be able to redact the
22 word "gang". She can redact the entire label, "No
23 Sleep Gang" in black and the ski mask is shown, which
24 would be the intent of --

25 THE COURT: Can she look and see what it's gonna

1 look like?

2 MS. MAYES: She's working on it now.

3 MS. WILLIAMS: Okay.

4 THE COURT: While you're are working on it, let's
5 take a fifteen-minute break.

6 And, Ms. Williams, I'm gonna ask that you look at
7 it and see if it's satisfactory. If there's any further
8 objection, we'll talk about it, okay?

9 MS. WILLIAMS: Thank you, Your Honor.

10 (Recess taken at 10:18 AM.)

11 (Back on the record at 10:34 AM.)

12 THE COURT: Did we get a redaction?

13 MS. WILLIAMS: Your Honor, yes, we did. The State
14 very graciously redacted the information and we have no
15 objection to it.

16 So we're gonna move forward and relabel it a
17 different number and I'll put this one up here for ID.

18 THE COURT: I mean, the object of the whole thing
19 is the hat, right?

20 MS. WILLIAMS: Yes, it is not --

21 THE COURT: It's not the words.

22 MS. WILLIAMS: Correct.

23 (Defendant's Exhibit Number 27 was marked for
24 identification.)

25 THE COURT: So 25 is ID only. I want to make sure

1 earliest she can get to the courthouse on July 5th,
2 but I'll wait until after you do -- I don't want to
3 interrupt your cross.

4 MS. WILLIAMS: Thank you, Your Honor.

5 (Whereupon, the jury returns to the courtroom at
6 10:41 AM.)

7 THE COURT: All right. Please be seated.

8 Mr. Foreman, the jury ready?

9 FOREPERSON: Yes, ma'am.

10 THE COURT: Okay. Continue on.

11 MS. WILLIAMS: All right. Your Honor, if I may
12 approach?

13 THE COURT: You may.

14 BY MS. WILLIAMS:

15 Q. Sergeant Snelgrove, do you recognize Defendant's
16 Exhibit 24 and Defendant's Exhibit 27?

17 A. Yes, ma'am.

18 Q. Okay. And what is Exhibit 24?

19 A. That's a bookbag.

20 Q. And what is 27?

21 A. That is a -- possibly a ski mask on top of a
22 bookbag.

23 MS. WILLIAMS: All right.

24 MS. MAYES: No objection, Your Honor.

25 THE COURT: They're admitted.

1 (Defendant's Exhibit Number 24 and 27, photographs,
2 were admitted into evidence.)

3 THE COURT: All right. Let me see the lawyers just
4 for one second.

5 (Proceedings held at the bench; not reported.)

6 THE COURT: You-all carry on then.

7 BY MS. WILLIAMS:

8 Q. All right. Sergeant Snelgrove, can I get you to take
9 a look at what would be marked Defendant's Exhibit 28?

10 A. Do you want me to take it out of the bag?

11 Q. If you could identify what it appears to be for the
12 jury, please.

13 A. This is what I packaged the bookbag in.

14 Q. Okay.

15 A. And I know that because there's my initials again with
16 the date that I put the blue tape on it.

17 MS. WILLIAMS: Your Honor, Defendant's 28 for
18 evidence.

19 THE COURT: Any objection?

20 MS. MAYES: No objection.

21 THE COURT: It's admitted.

22 (Defendant's Exhibit Number 28, a bookbag, was
23 marked and admitted into evidence.)

24 BY MS. WILLIAMS:

25 Q. All right. Would you briefly just take out the

1 bookbag and show it to the jury?

2 A. (Witness complies.)

3 Q. Okay. Did you note anything when you obtained this
4 bookbag?

5 A. The strap was broken.

6 Q. Thank you. Ms. Snelgrove, where was that bookbag
7 found?

8 A. It's gonna be outside of Lot 15.

9 Q. Looking at State's Exhibit 176, can you point out for
10 the jury where that bookbag was found?

11 A. Sure. It was about right here. Oops, sorry. Right
12 here.

13 Q. Is that by the corner of the residence?

14 A. Yes.

15 Q. Is that in close proximity to those shell casings that
16 are in green on that exhibit?

17 A. You can say that.

18 Q. Do you know how close it was?

19 A. No, ma'am.

20 Q. Okay. Looking at Defendant's Exhibit 27, is that the
21 black ski mask that was found inside of that bookbag?

22 A. Yes, ma'am.

23 Q. What month was it again?

24 A. June.

25 Q. So you found a black ski mask in the month of June in

1 a backpack in close proximity to a bunch of shell casings?

2 A. Yeah, it's odd.

3 Q. Okay. And was it on this general area --

4 A. I believe right --

5 Q. -- the corner right here? I'm being sloppy. I
6 apologize.

7 A. Yes.

8 Q. Okay. As the lead CSI of this scene, is it your job
9 to review everyone's photos?

10 A. Later I will or I do.

11 Q. So if you were able to -- so how do you review all of
12 the photos that the CSIs did in this case?

13 A. I have -- since doing the diagrams I have.

14 Q. Okay. And are you aware of gunshot defects that were
15 found in Lot 6?

16 A. Yes.

17 Q. Could you, for the jury, point out where those gunshot
18 defects were found?

19 A. Right here.

20 Q. So on the face of the mobile home facing what would
21 be the driveway?

22 A. That's correct.

23 Q. Okay.

24 MS. WILLIAMS: May I approach, Your Honor?

25 THE COURT: You may.

1 (Defendant's Exhibit Number 28, 29 and 30 were
2 marked for identification.)

3 BY MS. WILLIAMS:

4 Q. Sergeant Snelgrove, do you recognize those images?

5 A. Yes, these are photos that CSI Weyandt took.

6 Q. Are they of the defect on Lot 6?

7 A. Yes, ma'am.

8 THE COURT: Any objection?

9 MS. MAYES: None from the State, Your Honor.

10 THE COURT: They're admitted.

11 (Defendant's Exhibit Numbers 28, 29, 30,
12 photographs, were admitted into evidence.)

13 BY MS. WILLIAMS:

14 Q. Okay. I'm just gonna briefly publish for the jury,
15 and those are defects in Lot 6 --

16 A. Yes.

17 Q. -- on the wall facing right here?

18 A. It could have gone through another wall. I don't
19 quite remember off the top of my head. I could review his
20 photos again, if you'd like me to. I would rather look at
21 them in sequence in the photos he took.

22 Q. Absolutely. And in the course of your work, did you
23 review Weyandt's investigative report as well?

24 A. I did.

25 Q. Would that be of help to you in remembering where the

1 defects were found?

2 A. Sure.

3 THE COURT: And while she's reviewing that,
4 Ms. Williams, I believe I've got the Defendant's
5 Exhibit 28 being a bookbag. I think we have two 28's
6 and I wanted to clear that up for the record. Maybe
7 we need to --

8 MS. WILLIAMS: Yes, Your Honor. I believe that
9 we do have two 28's for the record. I apologize.

10 THE COURT: No, no.

11 MS. WILLIAMS: If the record would reflect that
12 the bookbag will be 28B.

13 THE COURT: B. So I have a 28 and 28B; is that
14 right?

15 MS. WILLIAMS: Yes, Your Honor.

16 THE COURT: And 28 is?

17 MS. WILLIAMS: A photograph that CSI Weyandt took.

18 THE COURT: That you're trying to get in or is in
19 now?

20 MS. WILLIAMS: (Nods head.)

21 THE COURT: Okay. I just want to make sure.

22 (Defendant's Exhibit Number 28 was remarked as
23 Defendant's Exhibit Number 28B.)

24 BY MS. WILLIAMS:

25 Q. All right. In looking at 28, what wall is that?

1 A. That's gonna be, I believe, the eastern wall. He
2 would be better to say this to be honest.

3 Q. That's -- you know what, that's fine. I'm good with
4 that. I'm not gonna make you go try and recreate this
5 stuff, so for the purposes of right now you found a gunshot
6 defect in Lot 6?

7 A. Yes.

8 Q. Okay. And being familiar with everyone's work, I'm
9 gonna show you State's Exhibit 123, which is already in
10 as CSI Browning's images that he took. Tell me what's the
11 difference between this image and this image.

12 A. Time.

13 Q. How long after this image was taken was this image
14 taken?

15 A. I'll have to refer to his report.

16 Q. Approximately. It's okay.

17 A. I think it was later that day, I want to say, or --
18 it was later. So we got there on the 9th, but, of course,
19 we went through and another day started. It was later
20 that day that additional cartridge cases or projectile was
21 located, which happens. It's dark. You have grass in the
22 way.

23 Q. So, Sergeant Snelgrove, did you-all have to receive
24 a call to come back and find more shell casings?

25 A. Yes. We did.

1 Q. Okay. All right. So we are almost done with this
2 area, but to be -- well, there's one more thing. Sergeant
3 Snelgrove, I want you to look at State's Exhibit 176, then
4 I want you to look at Defendant's Exhibit 26. This is
5 the video paused at 1:04. Those shell casings that are
6 displayed in that image, do they appear to be in front of
7 the trailer towards the road?

8 A. Sure.

9 Q. Okay. Looking at your image, which I believe you
10 prepared, those shell casings, are they still located in
11 front of the trailer?

12 A. Yeah.

13 Q. Are they -- are they located in the same place in this
14 drawing that they're located in the image of the body-worn
15 camera?

16 A. If you look up here, it says not to scale, so I can't
17 get it perfect on there --

18 Q. It does, doesn't it?

19 A. -- so it is approximately in the right area.

20 Q. Okay. So it's not to scale, so the location of these
21 shell casings when we look at the body-worn camera appear
22 to be closer to the road; is that correct?

23 A. As your interpretation, yeah, I guess so.

24 Q. Everything's open to interpretation. So looking
25 at all of these shell casings, they're not necessarily

1 located here when you did the scene. You did your best to
2 approximate where they could be?

3 A. Yeah.

4 Q. And if shell casings were closer to the road, does
5 that indicate to you anything? No? Probably not?

6 A. What do you -- I don't -- I don't -- I don't
7 understand your question.

8 Q. Okay. You find a bunch of shell casings. What does
9 that mean?

10 A. Somebody was probably shooting in that general area.

11 Q. Okay. And is there any difference to you between
12 somebody being closer to a road and shooting shell casings
13 or being further back?

14 A. Well, I mean, yeah, but the road is still right here.

15 Q. What is the difference between you -- where you find
16 shell casings closer to something or further away? If
17 you're closer to something, does that mean you are perhaps
18 closer towards whatever you're aiming at?

19 A. Maybe.

20 Q. Maybe. Okay. And you found a bullet defect in the
21 wall here?

22 A. Uh-huh.

23 Q. Indicating someone was shooting into the wall there?

24 A. They probably didn't mean to, but, yes.

25 Q. Can you speak to what they meant?

1 A. No.

2 Q. Okay. And you found a bullet defect here?

3 A. Inside, yes.

4 Q. And you found one on the ex -- well, today you
5 testified that one might be one?

6 A. Yes. So on-scene I didn't see it. It happens. I
7 had someone else look, they didn't see it either, but we
8 obviously missed it.

9 Q. Okay. So you missed a bullet defect here and in
10 addition you missed several shell casings -- you missed one
11 in your initial sweep?

12 A. Uh-huh.

13 Q. And then your fellow CSI missed some additional shell
14 casings in their sweep?

15 A. Yes.

16 Q. And they had to be called to come back out and get
17 them?

18 A. Sure.

19 Q. Several hours later?

20 A. Yeah.

21 Q. Is it possible you missed other shell casings?

22 A. It's very possible.

23 Q. Okay.

24 A. Is it probable I missed that much, no.

25 Q. Well, let me ask you then, Sergeant Snelgrove, why do

1 you think it's not probable?

2 A. Because we had multiple law enforcement out there.

3 Q. Have you done statistical studies on the probability
4 of you finding shell casings?

5 A. No, but you could probably go back and look at my
6 reports and do it yourself.

7 Q. I wish I could. I'm not that smart. Ridgell Street.
8 You did the search warrant at Ridgell Street; is that
9 correct?

10 A. That's correct.

11 Q. And why did you do a search warrant on Ridgell Street?

12 A. Because that was the vehicle that he was known to
13 drive.

14 Q. Okay. Do you know what that location was?

15 A. I was advised it was the uncle's.

16 Q. Okay.

17 MS. WILLIAMS: May I approach, Your Honor?

18 THE COURT: You may.

19 (Defendant's Exhibit Numbers 31 and 32 were marked
20 for identification.)

21 BY MS. WILLIAMS:

22 Q. Do you recognize Defendant's 31?

23 A. I believe that's the one residence -- the same
24 residence that that vehicle was at.

25 Q. But you did not take this photo?

1 A. No, ma'am, I did not.

2 Q. But it does look like the residence?

3 A. Yes, ma'am.

4 Q. Defendant's Exhibit 32. Do you recognize that?

5 A. That's a vehicle as I said.

6 Q. Okay. And you took that photo?

7 A. Yes.

8 MS. WILLIAMS: 31 and 32 without objection, Your
9 Honor.

10 THE COURT: They're admitted.

11 (Defendant's Exhibit Number 31 and 32, photographs,
12 were admitted into evidence.)

13 BY MS. WILLIAMS:

14 Q. That's an image of North Ridgell Street, correct?

15 A. Yes, ma'am.

16 Q. And that is where you were informed it was the uncle's
17 house?

18 A. Yes.

19 Q. Okay. And you note this tree and this utility pole?

20 A. Okay.

21 Q. There's a reason. I promise I'm not asking you to
22 memorize things. And this is the image of the defendant's
23 vehicle that you took; is that correct?

24 A. Yes.

25 Q. Okay. And do you note that same tree and that same

1 utility pole?

2 A. It's kind of hard to see. I believe so.

3 Q. Okay. You know I'm fighting with this thing.

4 All right. You won't -- you won't dispute that that's
5 the same tree and the same utility pole?

6 A. Can you put that other photo up there for me, please.

7 Q. Sure.

8 THE COURT: You can turn the lights down, too.

9 A. All right. Yes, ma'am.

10 Q. Okay. Sergeant Snelgrove does it look to you -- going
11 between these two images and to your recollection, was the
12 Defendant's vehicle parked here pointing out? And I can
13 bring them up to you. I'm not trying to rush you.

14 A. I -- do you mean like on the side of those vehicles?
15 I mean, he was -- obviously the back of it was back here
16 somewhere.

17 Q. Okay.

18 A. But I don't know if I would say it was pointing out
19 this way. To me, it kind of looked like it was more
20 pointing out that way.

21 Q. Okay. I'll take -- I'll take that. I don't know.
22 I wasn't there. So you think it was pointing out this way?

23 A. Yes.

24 Q. Okay. And do you know what is right here?

25 A. That's a road.

1 Q. That's a road. Okay. Do you see a big bush right
2 there? A big bush?

3 A. Vegetation. I don't know if I would say it's a big
4 bush, but I see something there, yes.

5 Q. Okay. But it's not a large bush?

6 A. No.

7 Q. Okay. Do you see a large tree?

8 A. Are you talking about right here?

9 Q. I'm sorry, I'm being -- how about this? Do you see
10 anything that would obscure the view from the road of
11 seeing the vehicle right there?

12 A. I guess not.

13 Q. Okay. I believe the solicitor yesterday implicated
14 that the defendant was attempting to hide his vehicle at
15 his uncle's house, but --

16 MS. MAYES: Objection, Your Honor, to the
17 characterization.

18 MS. WILLIAMS: I will restate.

19 THE COURT: Thank you. Go ahead.

20 And the jury is to disregard that.

21 Go ahead.

22 BY MS. WILLIAMS:

23 Q. Was the defendant's vehicle easy to see from the road?

24 A. To be honest, I wasn't really paying attention and it
25 was starting to rain. I was just sitting there waiting to

1 be told what to do.

2 Q. That's fair. I won't ask you to testify beyond that.

3 MS. WILLIAMS: Your Honor, I believe I have no more
4 questions for this witness at this time.

5 THE COURT: Okay. Ms. Mayes, any redirect?

6 MS. MAYES: Yes, Your Honor.

7 THE COURT: Okay. Go ahead.

8 REDIRECT EXAMINATION

9 BY MS. MAYES

10 Q. All right. About this vehicle, this is the
11 defendant's exhibit, but we saw some photos yesterday
12 that you took at that location, and that's gonna be [REDACTED] --
13 I'm sorry, that's gonna be the Uncle Marvin's house?

14 A. Yes, Ridgell.

15 Q. Okay. Now is -- that vehicle, is the hood facing
16 towards the road or away from the road?

17 A. Are you talking about the front of it? The front of
18 the vehicle facing the road is -- the front of the vehicle
19 is facing the road.

20 Q. All right. So the front of the vehicle is facing the
21 road?

22 A. Yes.

23 Q. Is the tag visible from that location?

24 A. I believe not, but as I said, I wasn't really paying
25 attention. It would be difficult because if you see where

1 I'm at, that is part of the road, but...

2 Q. And, again, this residence at Defendant's 31, is that
3 the residence that you knew the defendant to have on
4 June 9, 2021? Is that where the defendant actually lived?

5 A. No.

6 Q. All right. And ultimately is this the same vehicle
7 where you recovered the wallet belonging to Quayshaun
8 Clark?

9 A. I believe we left the wallet, but it did have his ID
10 in it.

11 Q. That's the wallet that you photographed?

12 A. Yes, ma'am.

13 Q. Now I want to ask you a few questions about the scene.
14 I know we've talked a lot about it already. I'm gonna show
15 you some photographs. The defense was asking you about
16 defects here at Lot 15.

17 A. Yes, ma'am.

18 Q. And I believe there was a specific question about a
19 defect in the back?

20 A. Yes, ma'am.

21 Q. Now with all of these rounds fired into that home,
22 were you able to recover every single projectile?

23 A. No, ma'am.

24 Q. What, if anything, does that indicate to you, Sergeant
25 Snelgrove?

1 A. That they possibly exited as well or they fragmented
2 into smaller pieces, get lodged into something.

3 Q. And specifically as to that defect at the end of
4 Lot 15 that the defense was asking you about, could that
5 be an exit defect?

6 A. It -- it could be; however, I don't want to say
7 because I could not see where it actually came from, so I
8 don't -- I don't want to say if it's an exit or an
9 entrance.

10 Q. Okay. But you can't rule out that it could be an
11 exit?

12 A. That's correct.

13 Q. Looking here at Defense 19, and I think you've
14 indicated that you identified at least how many separate
15 entry defects into Lot 18 -- Lot 15? That's gonna include
16 underpinning and the roof.

17 A. Eight and not counting that one.

18 Q. All right. So at least eight. How many whole
19 projectiles were actually recovered from that location?

20 A. None.

21 Q. All right. And with significant velocity, such as a
22 rifle round, can you tell us whether or not exit defects
23 are possible?

24 A. Yes.

25 MS. WILLIAMS: Objection, Your Honor. The witness

1 is not qualified.

2 THE COURT: Let me hear from the State.

3 MS. MAYES: Yes, Your Honor.

4 BY MS. MAYES:

5 Q. Is that part of your CSI training?

6 A. It is part of my training and with my experience of
7 what I have seen what a rifle round can do. I also shoot
8 rifles and shotguns and handguns.

9 Q. And have you also worked other scenes where exit
10 defects were present?

11 A. Yes.

12 THE COURT: Objection withdrawn?

13 MS. WILLIAMS: Objection withdrawn, Your Honor.

14 THE COURT: You go right ahead, Ms. Mayes.

15 MS. MAYES: And, Your Honor, subject to recall
16 on that matter regarding the interior of Lot 15 as
17 previously discussed following the SLED findings.

18 THE COURT: Noted.

19 BY MS. MAYES:

20 Q. Now you got a lot of questions here about the scene
21 and the tape. In the areas that were not taped or the
22 tape was down for processing purposes, you testified on
23 cross-examination that the scene remained protected. What
24 do you mean by that?

25 A. We -- we had several road deputies that were watching

1 the area for us. We also had investigators while they were
2 able to they were doing the same thing.

3 Q. All right. And you mentioned that there are also
4 residents who are still in the area because they reside
5 there?

6 A. That's correct.

7 Q. Okay. I'm gonna show you what is State's 12 and ask
8 you whether you can tell us exactly how many dwellings
9 make up Rocky Lane Mobile Home Park?

10 A. At least 20. I might have missed some in the trees.

11 Q. So you have families that need to come and go as
12 well?

13 A. Yes, ma'am.

14 Q. And how much time transpired between your initial
15 processing of the scene and when CSI Browning returned to
16 retrieve some items here?

17 A. Can I look at his -- approximately twelve to thirteen
18 hours if I do my math correct.

19 Q. All right. And those additional items, if you could
20 show us here looking at State's 12, were retrieved from
21 which area?

22 A. It's gonna be from Lot 16 right in this area.

23 Q. Okay. Now I think you indicated that where the
24 bookbag was found is gonna be right around here?

25 A. Yes, ma'am.

1 Q. And how close in proximity is that to those casings,
2 to the five 40 caliber casings that were also recovered
3 from that area?

4 A. I don't like to estimate, but it was -- it was in
5 close proximity.

6 Q. And could you show us with your laser?

7 A. I'm sorry. So we have the bookbag about right here,
8 it's kind of hard to keep this spot still, and then we had
9 cartridge cases over here.

10 Q. Is all of that still within the yard area of Lot 15?

11 A. Yes, ma'am.

12 Q. Now we're gonna look at 176. I know we're not looking
13 at an Earth map, but can you tell us whether all of these
14 casings were located in yard areas?

15 A. Yes.

16 Q. And now looking, again, at State's 12 and State's 5.
17 Looking here at State's 5, if this is the fork in the road,
18 can you tell us whether this entire area was checked for
19 casings?

20 A. Yes.

21 Q. And now back at 12, would that be this same area that
22 you just referenced?

23 A. Yes, ma'am.

24 Q. Okay. Any casings whatsoever found in the roadway or
25 in the area of Lot 6?

1 A. No, ma'am.

2 MS. MAYES: Thank you. Nothing further.

3 THE COURT: Ms. Williams.

4 RECROSS EXAMINATION

5 BY MS. WILLIAMS:

6 Q. Sergeant Snelgrove, I know you and I have talked a
7 lot of about CSI tape and you've explained to the jury
8 that CSI tape is important because it preserves the scene
9 and you have additional people out there to help you
10 preserve the scene, but is it possible to -- is it ever
11 possible to preserve a scene from the moment that something
12 happens?

13 A. From the moment it happens we're not there.

14 Q. Exactly. And so is it possible to preserve the scene
15 completely, just yes or no, from the moment it happens?

16 A. We're not there, so, no.

17 Q. No. Okay. And if a bunch of cars went through that
18 area prior to you-all getting there as fast as you could,
19 which I'm sure that you did, could that perhaps have
20 disturbed the scene?

21 A. Well, yes.

22 MS. WILLIAMS: No further questions, Your Honor.

23 THE COURT: Thank you.

24 Can I excuse Sergeant Snelgrove?

25 MS. MAYES: Yes, Your Honor. Subject to recall.

1 THE COURT: Thank you.

2 (Whereupon, the jury retires to the jury room at
3 11:13 AM.)

4 THE COURT: All right. We're gonna take a quick
5 ten, fifteen-minute break.

6 Does that give you enough time, Ms. Patterson?

7 MS. PATTERSON: Yes, ma'am. Thank you.

8 THE COURT: Thank you.

9 (Recess taken at 11:13 AM.)

10 (Back on the record at 11:30 AM.)

11 THE COURT: Remain seated. I have one matter to
12 take up with the press right quick.

13 (Proceedings held at the bench; not reported.)

14 MR. WILLIAMS: Your Honor, we have something about
15 her testimony before the jury gets here.

16 THE COURT: Okay. Do we need to wait on Ms. Mayes?

17 MS. PATTERSON: No, ma'am. We can proceed.

18 THE COURT: Okay. Tell me what's going on.

19 MR. WILLIAMS: Your Honor, this is Officer Chandler
20 from the Town of Batesburg-Leesville and I believe that
21 her testimony is to an event which occurred in the
22 defendant's life approximately two years before this
23 event. He -- he owned a gun, Your Honor, which that
24 same gun shot himself in the foot and he had to go to
25 the hospital, and Batesburg-Leesville has a record of

1 him shooting his foot in that event.

2 Your Honor, obviously the objection has to go --
3 it's been established that he had a gun, it's been
4 established even through his admission during all the
5 statements that he shot the gun, so there's no relevance
6 really to the fact that he shot himself in the foot --

7 THE COURT: In the foot.

8 MR. WILLIAMS: -- unless -- there's really not.

9 MS. PATTERSON: Your Honor, first of all, the
10 incident occurred eleven months prior to this incident,
11 so that would be July of 2020. In his statement to
12 Detective Chandler, Your Honor, he provided her
13 information about a self-inflicted injury in which he
14 used his own AK to shoot himself in the foot. He has
15 not admitted even to Agent Beeler that this was his
16 weapon that he used. He stated that it was a weapon
17 that he found there at the scene, so we're eliciting
18 Detective Chandler's information because it is his own
19 statement admitting to owning an AK in which he --

20 THE COURT: You-all have introduced testimony that
21 he bought an AK. I don't -- I don't find the relevance
22 to it at all. I mean, he shot himself in the foot.
23 What does that have to do with what he's charged with
24 here today? And that happened eleven months prior.
25 You've established that he owns the gun and that he

1 bought it.

2 MS. PATTERSON: Your Honor, I think it's -- I
3 think it's relevant. Again, it goes to his own
4 admission to owning a gun.

5 THE COURT: Okay. I'm gonna tell you I think
6 that's just highly prejudicial, but I don't even find
7 it relevant whatsoever, so I'm not gonna allow that
8 testimony.

9 MR. WILLIAMS: Thank you, Your Honor.

10 THE COURT: You're welcome.

11 MS. PATTERSON: Well, Your Honor, there's one
12 more issue that Detective Chandler was gonna get out
13 of her testimony. In her statement to him, Your Honor,
14 he did provide her with a phone number and that can
15 become relevant later because that phone number was
16 associated with one of those -- with one of the cell
17 phone extractions that we were able -- that Detective
18 Snelgrove performed on one of the phones that was found
19 at the Spring Hill address.

20 So is the phone number gonna be contested?

21 THE COURT: Is that something -- let me hear from
22 you, Mr. Williams.

23 MR. WILLIAMS: Your Honor, if that's the purpose
24 of it, I don't know that we have any problems with her
25 saying that because I want to say she had some sort of

1 interview or some sort of conversation with him in
2 regards to -- are you talking about from back then?

3 MS. PATTERSON: Yes.

4 MR. WILLIAMS: Well, it depends on how that comes
5 out. We don't want -- we don't want anything stating
6 that he was in there or she was talking to him because
7 he shot his foot and then get the phone number and then
8 somehow go in the backdoor --

9 THE COURT: I don't want that to happen either.
10 I've already ruled that's not coming in.

11 MS. PATTERSON: Well, we can simply ask her if she
12 had an occasion to speak and in that conversation did
13 he provide her with a telephone number.

14 MR. WILLIAMS: I'm good with that, Your Honor.

15 THE COURT: Okay.

16 MS. PATTERSON: And I'll leave it that.

17 THE COURT: All right. Thank you, Ms. Patterson.

18 MS. PATTERSON: Thank you.

19 THE COURT: Can I bring the jury in? Is there
20 anything else I need to --

21 MS. PATTERSON: Yes, ma'am. I beg the Court's
22 indulgence.

23 We're ready, Your Honor.

24 MR. WILLIAMS: Your Honor, if we could hold up
25 one second.

1 THE COURT: Okay. Hold one second.

2 MR. WILLIAMS: Your Honor, we can stipulate that
3 that the phone number was his.

4 Is it his phone number?

5 MS. MAYES: It is. If you'll stipulate to that on
6 the record, we're good, and then I'll move the records
7 into evidence.

8 MR. WILLIAMS: We can do that.

9 THE COURT: Okay.

10 MS. PATTERSON: Well, we may need another minute
11 to get Detective Chandler off the stand.

12 THE COURT: That was all, Detective Chandler.

13 I am so sorry we did that to you, but that's fine.

14 Let me -- I'm gonna tell them to put the jury back
15 in the jury room right quick.

16 Thank you.

17 Do we have another witness we're gonna call?

18 MS. MAYES: Yes, we do, Your Honor.

19 Bring her on in. Michelle Eichenmiller.

20 THE COURT: Can I bring the jury in now?

21 MS. MAYES: Yes, Your Honor.

22 THE COURT: Okay. Let's bring them in now.

23 (Whereupon, the jury returns to the courtroom at
24 11:41 AM.)

25 THE COURT: Mr. Foreman, the jury ready?

1 FOREPERSON: Yes, ma'am, we are.

2 THE COURT: Okay. Call your next witness.

3 MS. MAYES: Your Honor, I believe at this time
4 there is a stipulation by the State and the defense
5 regarding the phone number of Quayshaun Clark. That
6 phone number being area code [REDACTED].

7 MR. WILLIAMS: That's correct, Your Honor.

8 THE COURT: Okay. I'm gonna tell the jury the
9 lawyers have stipulated that this phone belongs -- or
10 phone number belongs to the defendant. You are to
11 treat that as a true fact.

12 MS. MAYES: And also, Your Honor, pursuant to the
13 notice of evidence under SC Code 19-5-520, the State
14 offers the AT&T records for area code [REDACTED],
15 being State's 37 and State's 163.

16 MS. WILLIAMS: Without objection, Your Honor.

17 THE COURT: And they are admitted.

18 MS. MAYES: And State's 84 would be the original
19 format and CD in which they came.

20 THE COURT: Okay.

21 (State's Exhibit Number 37, AT&T records, State's
22 Exhibit Number 84, AT&T Extraction CD, and State's
23 Exhibit 163, a text message summary, were admitted into
24 evidence.)

25 MS. MAYES: The State calls agent Michelle

1 Eichenmiller.

2 (Whereupon, Michelle Eichenmiller was duly sworn
3 by the Clerk of Court.)

4 THE CLERK: If you'll have a seat up there. State
5 your name and spell your last name for the record.

6 THE WITNESS: My name is Michelle Eichenmiller.
7 E-I-C-H-E-N-M-I-L-L-E-R.

8 MICHELLE EICHENMILLER,
9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. MAYES:

12 Q. Good morning. Tell us a little bit about yourself,
13 Agent Eichenmiller.

14 A. I work for the South Carolina Law Enforcement
15 Division, also known as SLED. I work in the forensic lab
16 in the firearms department.

17 Q. And tell us about your educational background and
18 training that led you to become a firearms analyst with the
19 State Law Enforcement Division?

20 A. I have a bachelor's degree in biology. I also have
21 a master's of science in forensic science, but in order
22 to be a firearms examiner there's no college you can
23 attend, so once you're hired somewhere you train with
24 the examiners that are already at the agency. It's an
25 apprenticeship-like program. It takes about three to

1 four years. During that time I did a lot of reading on
2 my own, a lot of practical exercises, and then sat with
3 the examiners who are already trained to learn how they
4 do the job. At the end of four years, I took a test, a
5 comprehensive test. After I passed it, they deemed me
6 competent to do casework on my own.

7 Q. And tell us a little bit about your educational
8 background as well.

9 A. I have a master's degree in forensic science.

10 Q. And how long have you been specifically with the crime
11 lab at SLED?

12 A. I've been there about seventeen years.

13 Q. Is it possible for you to estimate how many firearms
14 examinations you've done over the course of that time?

15 A. Probably thousands.

16 Q. And, Agent Eichenmiller, how many times have you been
17 previously been qualified as an expert in the courts of
18 this state in the field of firearms analysis?

19 A. Approximately 115.

20 Q. Does that include opinions regarding the comparison of
21 projectiles and firearms?

22 A. Yes.

23 Q. The comparison of casings and firearms?

24 A. Yes.

25 Q. As well as the comparison of casings together?

1 A. Correct, yes.

2 Q. And bullet fragments?

3 A. Yes.

4 MS. MAYES: Your Honor, at this time the State
5 offers Agent Eichenmiller as an expert in the field of
6 firearms examination.

7 THE COURT: Any objection?

8 MS. WILLIAMS: Without objection, Your Honor.

9 THE COURT: All right. Let me tell the jury again,
10 you know, normally a witness can only testify to what
11 they heard, saw, felt, but there's an exception to that
12 and that is the expert witness who, due to education and
13 experience, can offer an opinion. I will tell you again
14 you are to treat an expert's testimony just like you
15 would any other witness and give it the weight that you
16 determine.

17 All right. Go ahead, Ms. Mayes.

18 BY MS. MAYES:

19 Q. Now, Agent Eichenmiller, I want to start by asking
20 you about the process in which evidence arrives at SLED for
21 analysis. How do you go about ensuring that it has been
22 properly sealed and not changed or altered in any way prior
23 to its arrival to you?

24 A. So any agency in the state can submit evidence to
25 SLED. They bring it to the login department. We have

1 login technicians who will log the evidence into our
2 computer system. Those technicians are responsible for
3 making sure that the evidence is sealed properly. If it
4 were to not be sealed properly, they would seal it right
5 then and there because it can't enter the lab unless it's
6 sealed. Once it enters the lab, it gets its own lab
7 number. Every item gets its own item number, which is
8 barcoded, so we can keep track of it once it gets to SLED.

9 Q. And can you tell us whether or not you would make
10 notations in your notes, including your lab bench notes,
11 if there were any indications that the evidence had been
12 previously unsealed or tampered with in any way?

13 A. Yes, I would have made notes about that.

14 Q. And what is your lab number in this particular case
15 involving the homicide of Minor ?

16 A. It's SLED Lab Number L21-11554.

17 Q. Can you tell us whether or not in this particular case
18 all evidence arrived to you sealed?

19 A. It did.

20 Q. I'm gonna show you some photographs and ask you if
21 you can identify them and I'm gonna start with what was
22 previously Court's 40 and now is State's 40. And as you
23 look at these, can you tell us whether or not you see your
24 own lab number reflected in these images?

25 A. I do. When I take photographs as part of my case

1 file, I'll put the lab number, the item numbers and then
2 my initials in the photos so I can identify them.

3 Q. Okay. And specifically the photos that were looking
4 at now, who took these photos?

5 A. I did.

6 Q. And are these routine as part of your bench notes
7 within the lab?

8 A. Yes.

9 Q. All right. So that's 40. This is gonna be 198, 108,
10 102, 186, 187, 193, 194, 188, 189, 190, and 192. Are all
11 of these a fair and accurate representation of what you
12 photographed in your lab?

13 A. Yes.

14 MS. MAYES: For evidence, Your Honor.

15 THE COURT: Let her look through and see if there's
16 any objection.

17 MS. MAYES: And as defense is examining those, Your
18 Honor, in the interest of time she can also examine the
19 physical items as we go.

20 THE COURT: Okay.

21 BY MS. MAYES:

22 Q. I'll show you what is State's 99, State's 93 and
23 State's 171. Did you receive these items for analysis?

24 A. I did.

25 Q. In addition, I'm gonna show you State's 95, being two

1 GFL nine millimeter fired casings?

2 A. Yes. Whenever I receive evidence in a case, I mark it
3 with my case number, the item number and my initials, and
4 then when I'm finished I heat-seal the bags so everything's
5 intact.

6 Q. In addition, State's 170, being three GFL nine
7 millimeter fired casings. State's 98 in evidence, being
8 a projectile from Lot 15. State's 141, fifteen fired
9 casings, 7.62 by 39 caliber. State's 143, being two fired
10 casings from Lot 7. State's 133, being a projectile from
11 16, Lot 16. State's 132, being fired casings from Lot 16.
12 State's 142, being a projectile from Lot 16. And finally,
13 127, being a projectile removed at autopsy of Minor .

14 Were all of these items submitted to you for
15 examination?

16 A. Yes.

17 THE COURT: All right. Let me ask the defense are
18 there any objections to the photographs?

19 MS. WILLIAMS: Your Honor, there are no objections.

20 THE COURT: Okay. All of those are moved into
21 evidence without objection.

22 (State's Exhibit Number 40, 102, 108, 186, 187,
23 188, 189, 190, 192, 193, 194 and 198, photographs, were
24 admitted into evidence.)

25 (State's Exhibit Number 95, 99 and State's 170,

1 cartridge casings, State's Exhibit Number 98, a
2 projectile, State's Exhibit Number 141, shell casings,
3 State's Exhibit Number 143, shell casings, State's
4 Exhibit Number 133, a projectile, State's Exhibit
5 Number 132, shell casings, State's Exhibit Number 142,
6 a projectile, and State's Exhibit Number 127, a bullet
7 from autopsy, were admitted into evidence.)

8 THE COURT: And what about the physical items?

9 MS. MAYES: Those should all be in evidence, Your
10 Honor.

11 THE COURT: In evidence. Okay.

12 BY MS. MAYES:

13 Q. Now we're gonna start at Lot 7. Can you tell us
14 regarding the fifteen fired casings with the headstamp
15 TulAmmo, what caliber did you confirm them to be?

16 A. They are all 7.62 by 39 millimeter caliber.

17 Q. And as a firearms expert, can you tell us whether or
18 not those are consistent with these fired -- is that the
19 caliber consistent with an AK weapon?

20 A. Typically that's the caliber that we see with an AK
21 firearm.

22 Q. Can you tell us how you go about looking at all
23 fifteen casings? And this is gonna be State's 40 in
24 evidence now without objection. And you took this photo
25 yourself?

1 A. I did. In order to examine cartridge cases, I do a
2 worksheet at first documenting anything about it,
3 headstamp, caliber, if there's any trace evidence on it,
4 and then I'll examine it using my comparison microscope.
5 A comparison microscope basically looks like a pair of
6 binoculars on top of two stages. You can put one cartridge
7 case on one side and one on the other, increase the
8 magnification to look at the fine markings that I would be
9 evaluating to determine if they were fired by one firearm.

10 Q. And looking here at the headstamps, what is recorded
11 here?

12 A. So TulAmmo is the manufacturer and then the caliber is
13 also on it. That's 7.62 by 39.

14 Q. All right. And for these fifteen fired casings, were
15 you able to determine as an expert in this field if these
16 fifteen casings were fired by the same gun?

17 A. They were all fired by one firearm.

18 Q. And you know that caliber to be consistent with an AK?

19 A. Yes.

20 Q. Did you also receive three fired casings with a
21 headstamp being GFL?

22 A. I did.

23 Q. And what did you determine that caliber to be?

24 A. Those cartridge cases were nine millimeter Luger
25 caliber.

1 Q. I'm gonna show you now 108 in evidence and here we see
2 the headstamp with the GFL marking, nine millimeter?

3 A. Yes.

4 Q. Were you able to determine whether those three casings
5 were fired from a single gun?

6 A. They were fired by one firearm.

7 Q. Now while we're talking about the GFL nine millimeter
8 casings, did you receive two additional casings, fired
9 casings, also with the GFL marking from [REDACTED] Spring Hill
10 Road?

11 A. I did receive two additional cartridge cases with the
12 GFL headstamp.

13 Q. Let me show you what is State's 186 and the caliber
14 for these casings as well?

15 A. Nine millimeter Luger.

16 Q. Now you told us that the three from the scene at Lot 7
17 were fired from the same gun?

18 A. Yes.

19 Q. Were you able to determine if those two casings from
20 the purse at Spring Hill Road also came from that same gun
21 that fired the three at Lot 7?

22 A. Yes, all five cartridge cases were fired by the same
23 firearm.

24 Q. So that's a total of 5. Now regarding guns to
25 actually compare for analysis, I want to go back to that

1 AK that we talked about. Did you ever receive from law
2 enforcement an AK weapon in this case to even compare to
3 those fifteen that we know were fired by a single gun?

4 A. I did not ever receive a firearm that I could compare
5 to those cartridge cases.

6 Q. Was a firearm recovered by law enforcement in order
7 to compare to those five casings all fired by a single gun
8 with the GFL nine millimeter headstamp?

9 A. I did receive a gun that I could compare to those.

10 Q. I'm gonna show you what is State's 114 and ask you
11 whether or not you recognize this item?

12 A. This is a firearm I examined in this case.

13 Q. All right. And I'm gonna show you what is State's 198
14 in evidence. What are we looking at here?

15 A. This is the firearm I examined in this case, which is
16 the firearm I just looked at in court.

17 Q. All right. And if you could tell us the model of
18 firearm that we're looking at here?

19 A. It's an FN model 509. It's a nine millimeter Luger
20 caliber with the serial number GKS0005161.

21 Q. All right. So this is an FN nine millimeter?

22 A. Correct.

23 Q. Can you tell us whether or not that gun was compared
24 to these five casings, two recovered from Spring Hill and
25 three from Lot 7 at the crime scene?

1 A. I compared them to the firearm.

2 Q. And what determinations did you make as to whether
3 that firearm fired all five of these nine millimeter GFL
4 casings?

5 A. All five of the cartridge cases were fired by the FN
6 pistol.

7 Q. And that's nine millimeters. Now how do you go about
8 making that determination, not just that it was fired by a
9 similar gun, but by that very unique gun?

10 A. When we receive a firearm in a case that is the same
11 caliber as cartridge cases that I have received, we write
12 the firearm up as well. We have a worksheet; make, model,
13 serial number, anything broken on it, and then we make test
14 fires. So we shoot into a bullet recovery tank, which at
15 SLED is a two-story water tank. That way I know those test
16 fires came from that firearm. Then I compare it on a
17 comparison microscope the same way I did it with the
18 cartridge cases, compare the test fires to the evidence.

19 Q. Okay. And just to clarify, how is it you're able to
20 determine that it's not some other FN pistol that's a nine
21 millimeter?

22 A. We compare the unique markings that the firearm made
23 on the cartridge case during the firing process. So
24 whether it be the firing pin or the breechface, whenever a
25 cartridge case is fired it is marked by the firearm that

1 fired it.

2 Q. So this particular firearm that we're looking at here,
3 which is State's 115, would have its own unique markings?

4 A. Correct.

5 Q. Even separate from other FN nine millimeter pistols?

6 A. Correct.

7 Q. Your opinion is regarding this particular weapon?

8 A. Yes.

9 Q. Now I'm gonna show you two more casings, being a 40
10 caliber 9 NFCR headstamp, two of those, shown here in
11 State's 102, also from Lot 7. Can you tell us whether or
12 not you had a 40 caliber gun to compare those cases to?

13 A. I did not receive a 40 caliber firearm.

14 Q. Okay. So with no gun recovered, were you able to
15 compare the casings to one another?

16 A. I did compare them to each other.

17 Q. And what, if anything, did you determine as to whether
18 those two casings were fired by a single gun?

19 A. Those were both fired by the same firearm.

20 Q. Now we're gonna move forward to Lot 15 and at Lot 15
21 can you tell us whether or not you had five Winchester 40
22 caliber casings to compare to one another?

23 A. I did receive five cartridge cases to compare with
24 each other.

25 Q. I'm showing you here in State's 189. What did you

1 determine in that regard?

2 A. In firearms identification, we have a couple of
3 different answers. One is it was fired by the same gun,
4 one is it wasn't fired by the same gun, and then we have
5 inconclusive. Inconclusive means I didn't have enough
6 markings to tell for certain it was one firearm. That's
7 the result I had with these cartridge cases. I couldn't
8 determine if these were all fired by one firearm or
9 different firearms.

10 Q. However did your testing note any similar
11 characteristics among those five casings?

12 A. Yes, I did note similarities. There just wasn't
13 enough for me to form an opinion as to one firearm or
14 different firearms.

15 Q. Okay. And what did you note those similarities to
16 be?

17 A. There were a couple of different corresponding
18 individual characteristics. There just wasn't enough.

19 Q. Okay. Now regarding the 380 caliber casing that was
20 recovered also from the area of Lot 15, do you have a
21 firearm submitted by the Lexington County Sheriff's
22 Department which was a 380?

23 A. I did.

24 Q. And what, if anything, did you determine when you
25 compared this fired casing to that weapon?

1 A. This is also inconclusive. I could not determine
2 if this cartridge case was fired by the firearm that I
3 received.

4 Q. So that test was inconclusive?

5 A. Correct.

6 Q. Now two casings are submitted to you that have S&B
7 9 by 19. What caliber are those?

8 A. Those were also nine millimeter.

9 Q. Okay. And I'm gonna talk about them at the same time
10 we talk about the eleven from Lot 16 with that same
11 headstamp, being S&B 9 by 19. What was their caliber as
12 well?

13 A. Those were also nine millimeter.

14 Q. Looking here at 187, we see eleven of them. Looking
15 here at 188 we see two more. Were you able to compare all
16 thirteen of these casings together?

17 A. I was.

18 Q. To determine whether or not they were fired from the
19 same firearm?

20 A. I concluded those were all fired by one firearm as
21 well.

22 Q. All right. So eleven here and two here are all from
23 the same gun?

24 A. Yes.

25 Q. Now was that gun actually recovered to be submitted to

1 you?

2 A. I did not receive a firearm to compare those two.

3 Q. But looking at the casings alone, you were able to
4 make that determination?

5 A. I should say that I did compare it to the FN and they
6 were not fired by the FN.

7 Q. But regarding the thirteen casings being fired by the
8 same gun, that's not the FN?

9 A. Correct.

10 Q. Now while we're talking about the FN, I want to ask
11 you specifically whether or not you received any
12 projectiles to compare to that FN?

13 A. I did receive two projectiles that I could compare
14 to that firearm.

15 Q. All right. I'm gonna show you 193 and 194 both from
16 Lot 16. The two projectiles recovered from Lot 16, were
17 either of those projectiles able to be matched to that
18 FN nine millimeter weapon that's right beside you?

19 A. One of them was.

20 Q. Okay. And which one was that?

21 A. My Item 14, so the previous picture. Yes, that one.

22 Q. And as to this one, were you able to make a
23 determination or match it to any weapon?

24 A. No.

25 Q. And now looking at 193, your Item 14. This was a

1 match to that FN nine millimeter?

2 A. Yes.

3 Q. And, again, how were you able to match it to that
4 very specific gun that is before you?

5 A. I compared that fired bullet to the fired bullet that
6 I created using the firearm and looked at it underneath the
7 comparison microscope evaluating the different striations
8 that I found that were made by the firearm.

9 Q. Now can you tell us whether or not you received any
10 projectiles that came from inside the home at Lot 15 and
11 specifically projectiles that were damaged?

12 A. Yes.

13 Q. As a firearms expert, tell us how, if at all, a
14 projectile may be damaged once it gains entry into a
15 surface such as a home?

16 A. Bullets, depending on their composition, could get
17 damaged because they went through a wall or whatever they
18 impacted at the end. So they could get scratch marks on
19 it as they pass through walls, they can also break apart
20 depending on their composition.

21 Q. What, if anything, can you tell us about the velocity
22 of rifle rounds being 7.62 by 39?

23 A. I don't really know a lot about the velocity.

24 Q. I'm gonna ask you about these particular items of
25 ammunition, being the fifteen casings which are TulAmmo.

1 What type of jacketing is used for the TulAmmo 7.62 rounds?

2 A. Typically TulAmmo is known to have steel jacketed or
3 bimetal magnetic jacketing on their bullets.

4 Q. I'm gonna ask you to take a look. I'm gonna show you
5 State's 141. If you could just examine those and can you
6 tell us, Agent Eichenmiller, whether these fifteen fired
7 casings, which were the TulAmmo 7.62, are, in fact, steel
8 jacketed?

9 A. Those are the cartridge cases and they are magnetic
10 as well.

11 Q. Okay. And the component within?

12 A. The bullet that would be in it I would expect to see
13 a magnetic jacket on the bullet.

14 Q. Okay. Now you received a lot of ammunition in this
15 case that we've already talked about, projectiles as well
16 as casings?

17 A. Yes.

18 Q. Were any of the other items of ammunition submitted to
19 you composed of steel other than what you know the TulAmmo
20 to be?

21 A. No, that was all the ammo that I received that would
22 be steel.

23 Q. Okay. So among all the ammunition only the TulAmmo
24 has the steel composition?

25 A. Yes.

1 Q. When you looked at projectiles that were submitted to
2 you from Lot 15, were you able to find any projectiles
3 consistent with steel?

4 A. Not from -- I believe the rounds -- the ones I have
5 came from inside. The ones from outside were the nine
6 millimeters.

7 Q. I mean, inside Lot 15. I'll make that correction.
8 Yes, inside Lot 15.

9 A. Yes.

10 Q. In discussing the projectiles from inside the home
11 recovered and submitted to you for analysis, I'm gonna show
12 you State's 190 and 191 and ask you if you're familiar with
13 these?

14 A. Yes.

15 Q. Okay. And here, 191, were any of the projectiles
16 submitted to you for analysis consistent with steel.

17 A. In this -- my Item 47, the piece on the left is not
18 consistent with being ammunition. It could have be part
19 of the house when it hit, the metal that the house was made
20 of. The piece on the right is actually a copper jacketed
21 steel magnetic fragment.

22 Q. And what, if anything, does that indicate to you?

23 A. It indicates that it could have come from the TulAmmo
24 cartridge case that we had.

25 Q. And any of the other ammunition submitted would

1 produce that finding?

2 A. No.

3 Q. And you mentioned your item number for that. Can you
4 tell us the law enforcement item number for that?

5 A. Is their Item 11 fragment.

6 Q. From inside 15?

7 A. Correct.

8 Q. And your SLED item number?

9 A. Was 47.

10 Q. Now I'm also gonna show you -- well, let me go back to
11 this for a minute. You mentioned that you tested this and
12 that turned out not to be ammunition at all?

13 A. Correct.

14 Q. If we have appliances inside, such as dryers, anything
15 made of metal, can you tell us if they are hit by a rifle
16 round what may occur?

17 A. We call it a cookie cutter. It's what the bullet
18 pushes out ahead of it as it goes through anything.

19 Q. I'm gonna take a look at State's 42 in evidence. If
20 there is damage to an appliance such as this by gunfire,
21 would you expect that to fragment?

22 A. Yes, I would expect it to.

23 Q. And do you have an opinion as to this being the steel
24 magnetic fragment you spoke of as to whether or not that is
25 consistent with ammunition?

1 A. That is consistent with being from ammunition.

2 Q. I'm gonna take a look at one more from inside Lot 15.
3 This being State's 190. What did you determine this item
4 to be?

5 A. It's a fragment of lead.

6 Q. Do you have an opinion as to whether that fragment of
7 lead is also ammunition?

8 A. It could be, but there wasn't a lot for me to
9 determine what exactly it was.

10 Q. Can you tell us whether or not lead is a component of
11 ammunition?

12 A. It's usually what the cores of bullets are made of.

13 Q. And what is your SLED number for this item?

14 A. It's SLED Item 46.

15 Q. And do you have the law enforcement number for this
16 item?

17 A. It is Item 10.

18 Q. Now I want to ask you whether or not you looked at the
19 bullet that came from the autopsy of Minor ?

20 A. I did examine it.

21 Q. And for what purpose?

22 A. To determine what caliber it was and if I had a
23 firearm to compare it to.

24 Q. Did you have a firearm to compare it to?

25 A. I determined that the bullet from autopsy was a

1 7.62 by 39 millimeter caliber, but I did not receive a
2 firearm to compare that to.

3 Q. I'm gonna take a look at 119 and Number 1, State's 1,
4 already in evidence. Is this the bullet you just spoke of?

5 A. Yes.

6 Q. Being the front of the bullet?

7 A. The side.

8 Q. And State's 119, does that show the same bullet?

9 A. Yes, just the other side.

10 Q. And what caliber did you determine this to be?

11 A. It's consistent with 7.62 by 39 millimeter caliber.

12 Q. Can you tell us whether or not that's consistent with
13 an AK?

14 A. Typically AK pistols and rifles is the caliber of
15 7.62 by 39.

16 Q. Now when you don't have a gun to compare it to, if you
17 have an unrecovered gun, how do you go about determining
18 what type of manufacturers out there might have produced
19 the weapon that fired that bullet?

20 A. In the absence of a firearm, we can do a couple of
21 different tests. We'll measure the lands and grooves, the
22 caliber, the direction of twists and the number of lands
23 and grooves, and we have a database that we put all that
24 information into and the database has manufacturers of
25 firearms with those specifications and it will be give me

1 a list that we can use for investigation.

2 Q. All right. Did you do that in this particular case?

3 A. I did.

4 Q. And was that a long list or a short list?

5 A. It was relatively short.

6 Q. And why is that?

7 A. This bullet is a six right conventional rifling.

8 Typically AKs are four right rifling, so that narrowed the
9 list down considerably.

10 Q. And how many manufacturers ended up being on your list
11 who could have made the AK that fired this bullet?

12 A. There are only three.

13 Q. Can you tell us who those three manufacturers are,
14 Agent Eichenmiller?

15 A. Olympic Arms, Palmetto State Armory, or Ruger.

16 Q. Palmetto State Armory makes the AK that could have
17 fired this bullet?

18 A. Correct.

19 MS. MAYES: I beg the Court's indulgence.

20 THE COURT: Take your time.

21 BY MS. MAYES:

22 Q. Now we talked about various casings being recovered
23 from the scene. Let me ask you this. If a revolver was
24 used by a participant in this gunfire exchange, would you
25 expect to have a casing?