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**May 03 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Richland County  
Honorable Robert E. Hood, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

JAYLEN WESTLY BELL,

APPELLANT

APPELLATE CASE NO. 2022-001541

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RECORD ON APPEAL

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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

W. JEFFREY YOUNG  
Chief Deputy Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

ATTORNEY FOR APPELLANT

MELODY J. BROWN  
Senior Assistant Deputy Attorney General  
P.O. Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

BYRON E. GIPSON  
Solicitor, Fifth Judicial Circuit  
1701 Main Street  
P.O. Box 192  
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

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2  
3 P R O C E E D I N G S

4 THE COURT: Okay. All right. Good morning, everyone.  
5 We're on the record in the State of South Carolina  
6 versus Jaylen Westly Bell. Mr. Bell's been indicted for one  
7 count of murder, which is Indictment 22-GS-40-2136, and one  
8 count of possession of a weapon during the commission of a  
9 violent crime, which is 22-GS-40-2135, and that indictment  
10 has also been true billed.

11 Mr. Bell is present and represented by Zoe Bruck and  
12 Kathleen Warthen of the Richland County Public Defender's  
13 office and the State is present and represented by Dale  
14 Scott -- don't make me blink.

15 SOLICITOR WHITMIRE: Walt Whitmire.

16 THE COURT: And Walt Whitmire. There you go.

17 Okay. All right. Of the Solicitor's Office.

18 The parties were actually before the Court -- was that  
19 in August?

20 August, yeah.

21 MS. BRUCK: August 15<sup>th</sup>, Your Honor.

22 THE COURT: Okay. A few weeks ago to start the trial  
23 at which point in time I think we did pretrial, picked a  
24 jury.

25 Did we do anything else?

SOLICITOR SCOTT: I think we did two witnesses.

1 MS. BRUCK: Uh-huh.

2 THE COURT: We may of done one or two witnesses.

3 Okay. And then Mr. Bell got COVID and we -- he was at  
4 the jail at the -- at that point in time and -- are you  
5 doing better?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Okay. Good. Good.

8 All right. And so, at that point in time, due to him  
9 testing positive for COVID while at the Richland County  
10 jail, the Court declared a mistrial and here we are again.

11 Okay. All right. So, is there anything we need to  
12 take up prior to jury selection from the State?

13 SOLICITOR SCOTT: Oh, just the -- I don't know if we  
14 need to take it up now. But I did have that one motion in  
15 timine but nothing prior to --

16 THE COURT: Okay.

17 SOLICITOR SCOTT: -- the jury --.

18 THE COURT: We'll do that before we --

19 SOLICITOR SCOTT: Yeah.

20 THE COURT: -- before we bring them back.

21 Is there anything from the defense we need to take up  
22 prior to jury selection?

23 MS. BRUCK: The only thing regarding jury selection,  
24 Your Honor, is I'd respectfully request that Mr. Bell's  
25 shackles be removed just for voir dire so that he can easily

1 stand up, turn around, face the jury. It's my  
2 understanding, and please correct me if I'm wrong, I've  
3 never seen Mr. Bell be anything but extremely polite to  
4 Court staff, sheriff deputies. He's been here quite a few  
5 times. So --.

6 THE COURT: Okay. And how is he shackled now?  
7 How are you shackled now, they're by---

8 THE OFFICER: Just leg.

9 UNIDENTIFIED SPEAKER: Just --.

10 THE COURT: Just legs?

11 UNIDENTIFIED SPEAKER: Shackled here---

12 THE COURT: Okay.

13 THE OFFICER: Yes, Your Honor.

14 THE COURT: Okay. All right. We can take his leg  
15 shackles off. That's fine.

16 MS. BRUCK: Thank you, Your Honor.

17 THE COURT: If you -- I, I don't -- I don't remember  
18 you misbehaving in the last case. If you start misbehaving,  
19 the more shackles go on. The better you behave, the less  
20 shackles that are on.

21 Fair enough?

22 (WHEREUPON, there was no audible response.)

23 THE COURT: Okay. We can take them off. Yeah.

24 THE OFFICER: Okay.

25 THE COURT: Yeah.

1           Okay. And then I know I did some stuff in this case,  
2 but I don't remember it.  
3           So when is the incident date?  
4           SOLICITOR SCOTT: All right. November 24<sup>th</sup> of 2019.  
5           THE COURT: Okay. And location?  
6           SOLICITOR SCOTT: It's a [REDACTED] Dubard-Boyle Road.  
7           THE COURT: That's right. And that's out in the---  
8           SOLICITOR SCOTT: I got---  
9           THE COURT: ---Monticello, Monticello---  
10          SOLICITOR SCOTT: Yeah.  
11          THE COURT: ---Road.  
12          SOLICITOR SCOTT: Yes, sir.  
13          THE COURT: Dubard-Boyle Road?  
14          SOLICITOR SCOTT: Correct.  
15          THE COURT: All right. And then the, the victim (sic)  
16 name is?  
17          SOLICITOR SCOTT: Demetrius Floyd.  
18          THE COURT: Demetrius Floyd. Got it.  
19          And about what time of day?  
20          Ball park.  
21          SOLICITOR SCOTT: I should know this.  
22          MS. BRUCK: About 9:30PM.  
23          THE COURT: About 9:30PM?  
24          (WHEREUPON, there was no audible response.)  
25          THE COURT: Okay. All right. Good.

1 SOLICITOR SCOTT: I am, Your Honor.

2 THE COURT: All right. You may call your case.

3 SOLICITOR SCOTT: Your Honor, the first case we're  
4 calling this week is the State versus Jaylen Westly Bell. I  
5 have before me two true billed indictments.

6 The first one is 2022-GS-40-02136. That is a true  
7 billed indictment for murder. Also have 2022-GS-40-02135.  
8 That is a true bill indictment for possession of a weapon  
9 during the commission of a violent crime.

10 THE COURT: All right. Thank you, Mr. Scott.

11 So, ladies and gentlemen, the State has called their  
12 case. The first case that is on the docket is the State of  
13 South Carolina versus Jaylen Westly Bell. Mr. Bell has been  
14 indicted by the Richland County Grand Jury for two charges.

15 The first charge is found in Indictment Number  
16 22-GS-40-2136 and this is an indictment for murder. This  
17 indictment alleges that Jaylen Westly Bell did, in Richland  
18 County, on or about November the 24<sup>th</sup> of 2019 kill the  
19 victim, Demetrius Floyd, with malice aforethought, either  
20 express or implied, by means of a gunshot and the victim did  
21 die as a proximate result thereof.

22 The second indictment before us this morning is  
23 22-GS-40-2135. This is an indictment for possession of a  
24 weapon during the commission of a violent crime. This  
25 indictment alleges that Jaylen Westly Bell did, in Richland

1 County, on or about November the 24<sup>th</sup>, 2019, possess a  
2 firearm or visibly displayed what appeared to be a firearm  
3 or visibly displayed a knife during the commission of or the  
4 attempted commission of a violent crime.

5 Now, ladies and gentlemen, these indictments that I  
6 hold in my hand, they are not proof of anything. They are  
7 not evidence of anything. They are simply the documents  
8 that give this Court the authority to hear this case.

9 To these charges Mr. Bell has pled not guilty. That  
10 plea of not guilty places the burden of proof on the State  
11 to prove his guilt to a jury beyond a reasonable doubt.

12 Now we are gonna start asking you some questions and  
13 let me kind of give you this overview before we start  
14 answering (sic) the questions.

15 The easiest way for me to explain it is this. I want  
16 you to err on the side of answering the question as opposed  
17 to not answering the question.

18 Okay. So, if I ask a question and you're indecisive  
19 about whether or not you should answer it, you should answer  
20 it.

21 Okay. So, if you watch movies or TV or news or read  
22 books, you'll see that jury selection sometimes takes a  
23 week. Sometimes takes two or three days. We're gonna do  
24 this in about an hour.

25 Okay. But part of this working correctly is we all

1 THE JUROR: Hey. A couple years ago my parents were  
2 living -- they're older and they have dementia and my dad  
3 was always kind of aggressive. And so --

4 THE COURT: Got it.

5 THE JUROR: -- I think the sheriff's department---

6 THE COURT: Okay.

7 THE JUROR: ---came out multiple times.

8 THE COURT: And would that affect your ability to be  
9 fair and impartial---

10 THE JUROR: No.

11 THE COURT: ---in this case?

12 THE JUROR: No. Nope.

13 THE COURT: All right. Thank you.

14 All right. Anything else you want me to ask?

15 SOLICITOR SCOTT: No, not from me.

16 MS. BRUCK: I just missed what he -- Mr. Peay, what was  
17 he saying?

18 what was he saying?

19 THE COURT: Mr. Peay says that his father and mother  
20 were in a domestic abuse situation and him and his wife  
21 (indiscernible) domestic abuse situation and his daughter  
22 called the cops on them.

23 MS. BRUCK: No problem with me. Thank you, Your Honor.

24 THE COURT: Okay. Anything else you want me to ask?

25 MS. BRUCK: No.

1 THE COURT: Anything else you want me to ask?

2 SOLICITOR SCOTT: I'm good.

3 (WHEREUPON, the following takes place within the  
4 hearing of the entire jury panel.)

5 THE COURT: We'll pick two alternates.

6 SOLICITOR SCOTT: Yes, sir.

7 THE COURT: Okay. Ladies and gentlemen, the, the  
8 attorneys are looking over the lists now and kind of making  
9 some strategic decisions about who to keep and who to  
10 excuse. Some of you are already out and you don't even know  
11 that you're out because what happens is, out of the big  
12 panel this morning, I take 45 of you and those 45 are drawn  
13 randomly. And then the 45 of you are put in a completely  
14 and totally and random order.

15 So you're not in numerical order. You're not in  
16 alphabetical order. No one has any control over what the  
17 order of it is.

18 (Pause.)

19 THE COURT: All right. Mr. Scott, you close?

20 SOLICITOR SCOTT: We're, we're ready, Your Honor.

21 THE COURT: Okay. Ms. Bruck, how close are y'all?

22 MS. BRUCK: We're ready, Your Honor.

23 THE COURT: Okay. All right. So, ladies and  
24 gentlemen, when your name is called, I want you to gather  
25 all of your belongings.

1           You can take a seat in the jury box please.

2           THE COURT: Okay. All right. Any exception to the  
3 jury selection process from the State?

4           SOLICITOR SCOTT: No, Your Honor.

5           THE COURT: From the defense?

6           MS. BRUCK: No, sir, Your Honor.

7           THE COURT: Okay. All right.

8           (WHEREUPON, the remaining jurors were dismissed at this  
9 time.)

10          THE COURT: Okay. All right. Ladies and gentlemen, I  
11 need about five to ten minutes of your undivided attention  
12 and then I'm gonna release you for a long lunch. And then,  
13 from their long lunch, we'll come back and we'll jump right  
14 into the case today.

15          Okay. So, number one, again, my name is Robert Hood.  
16 I will be your trial judge for this case. From this point  
17 forward you listen to me -- Rod -- when to come and when  
18 to -- when to show up and when to be here and when we're  
19 leaving and things likes that.

20          Okay. So let's kind of start with who's in the room.

21          Okay. So seated right next to me, this is Mackenzie.  
22 She is my law clerk. So she has graduated from law school,  
23 taken the bar exam. She's waiting on her bar results and  
24 then she will spend her first year practicing law working  
25 for me. She just started last month.

1 (Pause.)

2 THE COURT: Well, just two o'clock and we'll, we'll get  
3 that done and then we'll jump -- we'll do use -- your  
4 pretrial right after that and then we'll roll at 2:45.

5 MS. BRUCK: Thank you, judge.

6 THE COURT: Okay. All right. Thank you very much.

7 Oh, Mr. Bell, if you want to wear a mask, you're more  
8 than welcome to wear a mask.

9 Okay. That's perfectly fine. If there are any  
10 identifications of you in court like the witness says that's  
11 him, you'll be required to take your mask off at that time  
12 so somebody can properly identify you. But the rest of the  
13 time, if you want to wear a mask, you're more than welcome  
14 to.

15 Okay?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. Thank you. All right. 2:40 -- a  
18 little bit after 2:00 for this case.

19 Okay?

20 (WHEREUPON, Court was in recess for the lunch break.)

21 THE COURT: All right. We're back on the record in the  
22 State versus Jaylen Bell. Mr. Bell's present along with his  
23 attorneys and the defense is all -- I mean the prosecution  
24 is also present. We have some pretrial motions and I know  
25 we did some of these last time. I -- other than there was a

1 stand your ground hearing that Judge Lee did I really don't  
2 remember what -- that trial last week kind of did me in.

3 So, let's go through the defense's pretrial motions. I  
4 thought they were fairly simple or my memory is they were  
5 fairly simple but let's go through those and get those out  
6 of the way.

7 So, whenever you're ready.

8 MS. BRUCK: Yes, sir, Your Honor.

9 Just regarding preliminary matters, you're correct.  
10 There was a immunity hearing in front of Judge Lee. I have  
11 her order right here.

12 THE COURT: She, she did a full written order if I  
13 remember correctly.

14 Is that right?

15 MS. BRUCK: That's correct, Your Honor.

16 THE COURT: Okay. Thank you.

17 MS. BRUCK: I can pass it up.

18 THE COURT: You don't need to pass it up. I, I, I  
19 remember that she did.

20 MS. BRUCK: Okay. Just renewing Rule 5 motions,  
21 renewing my Riddle motion. We have a couple of  
22 stipulations.

23 THE COURT: All right. Let's, let's stop on those  
24 first three. So they renew their motion under the immunity  
25 protection.

1           What about any dis -- new discovery that needs to be  
2 turned over, Mr. Scott?

3           SOLICITOR SCOTT: There's no new discovery, Your Honor.

4           THE COURT: And any Riddle style information?

5           SOLICITOR SCOTT: No, Your Honor.

6           THE COURT: Okay. wonderful. Now -- sorry. Try to  
7 keep only one thing at a time.

8           All right. So---

9           MS. BRUCK: Yes, sir.

10          THE COURT: ---stipulations are what?

11          MS. BRUCK: Measurements of the bedroom where the  
12 shooting took place at Dubard-Boyle Road.

13          THE COURT: Okay.

14          MS. BRUCK: And the chain of custody for toxicology  
15 results.

16          THE COURT: Okay.

17          MS. BRUCK: And the chain of custody for fingernail  
18 scrapings I believe. Although Mr. Whitmire and I were  
19 looking for the actual results of those.

20          SOLICITOR SCOTT: what?

21          MS. BRUCK: The results of the fingernail scrapings.

22          THE COURT: whose fingernail scrapings?

23          MS. BRUCK: That would be the decedent, Mr. Floyd.

24          THE COURT: Mr. Floyd's -- any scrapings from  
25 underneath his fingernails?

1 MS. BRUCK: That's correct.

2 THE COURT: Okay.

3 MS. BRUCK: So, willingness to (indiscernible) to  
4 chain. I just wanted to double check on the actual results.

5 (Pause.)

6 MS. BRUCK: Okay. And then to move---

7 THE COURT: And so is there a board or a diagram or a  
8 picture with the measurements on it that everybody agrees is  
9 accurate?

10 MS. BRUCK: I have a diagram, Your Honor. At the  
11 appropriate time I was just gonna ask if we could lay out  
12 the room with painter's tape --

13 THE COURT: Okay.

14 MS. BRUCK: -- just on the floor. I didn't think the  
15 state would have any opposition to that. But we don't plan  
16 to do that until a bit further into the case.

17 THE COURT: But you-all agree on what the measurements  
18 of the room are.

19 MS. BRUCK: So we could do it outside of the  
20 presence---

21 THE COURT: Yeah.

22 MS. BRUCK: ---of --

23 THE COURT: And we, we don't need to call in a witness  
24 to say I taped it off and this -- y'all all, y'all all agree  
25 on the measurements?

1 SOLICITOR SCOTT: Yeah, they sent one of their  
2 investigators out there. I was not allowed entry into the  
3 incident location but one of their investigators was. So I,  
4 I take their word for the measurement.

5 THE COURT: Okay. All right. Good. All right. Good.  
6 Okay. And then some motions in limine?

7 MS. BRUCK: That's correct, Your Honor. I think  
8 everyone's on the same page. Mr. Bell did make a statement  
9 in this case. He was interviewed and he did make mention of  
10 some gang affiliation and activity. I've sent the exact  
11 timestamps to the state and they've agreed that that won't  
12 be coming in through any of their witnesses and I do believe  
13 they also agree that that should not come in if, if we call  
14 Mr. Bell to the stand.

15 THE COURT: Okay.

16 MS. BRUCK: So that's been sent to them to cut out of  
17 the interview should it come -- should it be admitted.

18 Prior gun possession, I believe last time we had this  
19 motion -- there are a couple witnesses that I think the  
20 state intends to call. Most important probably Investigator  
21 Hinson who could testify to Jaylen stating that he had prior  
22 possession of guns, that he handled guns in the past.  
23 They've said that they're not going to elicit that from any  
24 of their witnesses.

25 So, just in the interest of avoiding any possible

1 things that shouldn't come out, I just want to put that on  
2 the record that they are not gonna ask anything to elicit  
3 any prior gun activity by Mr. Bell and then lastly is, is  
4 the -- is kind of the issue that we aren't completely on the  
5 same page about, Your Honor, and that's whether Mr. Bell's  
6 alleged prior drug usage and drug dealing should come in and  
7 that would be under State v. Lyle and under 404(b).

8       Where I'd like to start, Your Honor, is that -- so  
9 these are two different things. Jaquala Scipio, the  
10 girlfriend of the decedent in this case and Jaylen Bell's  
11 cousin, stated to law enforcement, in one out of several  
12 conversations that she had with them, that she and Jaylen  
13 and the decedent had taken pills together and were high on  
14 the day in question.

15       THE COURT: So, Scipio -- and I, and I understand I, I  
16 may have heard this before. I really don't remember  
17 whatever she said or didn't say. So, don't be -- don't  
18 think you're repeating yourself and frustrating me cause  
19 you're not. I'm just -- I'm trying to---

20       MS. BRUCK: And she hasn't testified---

21       THE COURT: Okay.

22       MS. BRUCK: She didn't---

23       THE COURT: Okay.

24       MS. BRUCK: ---testify yet.

25       THE COURT: So Scipio is the girlfriend of Mr. Floyd.

1 Is that right?

2 MS. BRUCK: That's correct.

3 THE COURT: And she's also the cousin of Mr. Bell?

4 MS. BRUCK: That's correct.

5 THE COURT: And you -- she -- you expect her or you  
6 would presume that she's gonna testify that or once the --  
7 or they wanted her to testify that on the day in question  
8 the defendant, the victim, and her were taking pills or  
9 using drugs.

10 MS. BRUCK: I anticipate that they'll try to elicit  
11 that.

12 THE COURT: Okay.

13 MS. BRUCK: And I don't believe that anything that  
14 she's said about prior drug use by any parties involved  
15 passes the clear and convincing evidence standard, Your  
16 Honor. It's -- it is a little convoluted. She gives a lot  
17 of different statements and I'm gonna try to simplify it  
18 without mischaracterizing anything.

19 But, essentially, she says that Jaylen, Mr. Floyd,  
20 herself, and Jaylen's girlfriend, Stephanie, went to the Red  
21 Rooster that day. There's absolutely---

22 THE COURT: Went where?

23 MS. BRUCK: The Red Rooster. It's a sports bar.

24 THE COURT: The Red Rooster.

25 Okay.

1 MS. BRUCK: There's absolutely no corroboration that  
2 that story is true. She said at one time over the course of  
3 the investigation and there's no security footage. There's  
4 no receipts and I, I don't mean to be getting into like how  
5 strong is the State's evidence. But I don't believe that  
6 they have provided---

7 THE COURT: So what is---

8 MS. BRUCK: ---any---

9 THE COURT: What is she gonna say that's so bad?

10 MS. BRUCK: So, she's going to testify as to or they're  
11 gonna try to elicit her testimony that Jaylen was under the  
12 influence at some point that day.

13 THE COURT: Okay.

14 MS. BRUCK: They're also gonna try to elicit testimony  
15 from a prior statement that she said that when Jaylen came  
16 back into the house right prior to the shooting, he was  
17 "tweaking", that he was high, and that he went into her  
18 bedroom, the bedroom in the house where her boyfriend,  
19 Mr. Floyd, was, that the two of them crushed pills and  
20 ingested them. But she simultaneously says that she was in  
21 the kitchen where she would not have been able to view the  
22 bedroom and that the bedroom door was closed.

23 There's no corroboration to this. No drugs were found  
24 in the house and no drugs were found in the decedent's  
25 system and I mean no drugs. Not, not the drugs she's

1 alleging. Not possibly cocaine. Not possible Ecstasy. Not  
2 marijuana. No drugs.

3 So, Your Honor, I don't believe that just one person's  
4 very shaky word arises to the level of clear and convincing  
5 evidence and what I cite them to argue is that it goes to  
6 motive potentially solely based on her one statement and  
7 that possibly it goes to res gestae. But I do believe that  
8 there's case law on point, Your Honor, State v. Smith.

9 If I may pass it up?

10 THE COURT: Okay. Thank you.

11 MS. BRUCK: I'm sorry. The printing, it's tiny.

12 The State v. Smith, Your Honor, was a, a, a murder  
13 trial where the Supreme Court said that the lower court had  
14 erred in admitting evidence of two things. In admitting  
15 evidence that, that a witness and the defendant had  
16 purchased drugs together with -- by selling possessions of  
17 the decedent in the case, had purchased namely cocaine, and  
18 furthermore, Your Honor, and the second statement that they  
19 said was improper that came out was that, on, on the night  
20 that the defendant came to town on the night that the  
21 decedent died, one of the witnesses says she tried to leave  
22 him at a pier and he said don't leave me at this pier, every  
23 time you leave me here you don't -- you go and do cocaine  
24 for hours.

25 I believe, Your Honor, that the statements here are

1 much less corroborated. This was one witnesses' testimony.  
2 Here we have one witnesses' testimony and what the Court in  
3 State v. Smith makes a big deal about is that it really was  
4 two completely separate theories of what happened and that  
5 the witnesses or in our case the defendant's credibility was  
6 absolutely incredibly important.

7 So, I don't believe that, under the theory of res  
8 gestae, this is gonna give the jury any better idea into  
9 what truly happened that night. It will serve to confuse  
10 the issue. It will serve to create prejudice when it's  
11 unnecessary and I, I mean I'll, I'll leave it at that as far  
12 as the drug usage goes, Your Honor.

13 I do believe that when the State wants to enter  
14 evidence of some prior drug usage they need some evidence  
15 beside one person saying it when it's the defendant on  
16 trial, when it's the defendant's life in jeopardy.

17 THE COURT: All right.

18 MS. BRUCK: Lastly, cause there are two kind of  
19 separates issues, I've cited that the State's gonna elicit  
20 testimony that Jaquala and Jaylen attempted to purchase  
21 drugs earlier in the night. By all accounts, I think that  
22 purchase was unsuccessful.

23 So, I believe that's not relevant, Your Honor, to the  
24 matter at hand. But I don't want to con -- I want to  
25 conflate the issues. You know, there's the drug use and the

1 drug purchasing.

2 THE COURT: Okay. All right. Yes, sir.

3 SOLICITOR SCOTT: Your Honor, I'm, I'm trying to rack  
4 my brain trying to remember what the past drug usage was.

5 what I intend to probably elicit is that the night of  
6 and directly before the killing, the defendant, by his own  
7 admission, had taken multiple people from the incident  
8 location to another location in attempt to purchase cocaine  
9 and Ecstasy. This is just before the killing and I don't  
10 recall any testimony that predates the date of the incident  
11 that dealt with prior drug use.

12 So I don't intend to offer any of that. But by his own  
13 admission, he had taken Jaquala, who is the decedent's  
14 girlfriend, his cousin, to Colonial Avenue in attempts to  
15 purchase cocaine and Ecstasy. He admits that. He says they  
16 were ultimately unsuccessful. Jaquala says oh, no, we were  
17 successful and, in fact, we ingested those drugs and we were  
18 all tweaking.

19 So, Ms. Bruck is right that does tend to go to state of  
20 mind. It tends to show motive because Jaquala will also say  
21 that the defendant went to the decedent's bedroom and there  
22 was some sort of ingestion or exchange of drugs that  
23 happened back there directly preceding the killing.

24 So, I think that addresses the drug issue. I only  
25 intend to talk about the night of and really within an hour

1 of the killing according to the way I understand the  
2 timeline.

3 THE COURT: All right. So, based, based upon that, my  
4 preliminary ruling on that would be that that would be  
5 admissible and that it doesn't -- and that it falls under  
6 the parameters of res gestae as to what happened that  
7 evening. It also goes to prove motive. It also goes to  
8 prove the defendant's state of mind on the date in question.

9 Now, anything before that outside of that timeframe we  
10 don't need -- if, if you want to try to get into some of  
11 that, we would need to do that outside the jury's presence,  
12 and, of course, the defense would need to object at the  
13 appropriate time when that witness is called on these two  
14 sets of information.

15 And so I will find that those preliminarily will be  
16 admissible.

17 All right. What's next?

18 MS. BRUCK: Thank you, Your Honor.

19 I apologize. We probably should of tried to deal with  
20 this a little bit earlier. But as of last week I informed  
21 Judge Clifton Newman that my pathology expert is  
22 unavailable. He's going to testify via webEX.

23 What is most important to me is just that he be able to  
24 hear and see the testimony of Doctor Monroe, the pathologist  
25 that the State is presenting. So I would just, just for

1 kind of housekeeping purposes, I'd ask for some decent  
2 warning before he is called. He's in Pigeon Forge. He said  
3 he's gonna be able to get to a computer. He just needs a  
4 heads-up and then I would ask for a break between the  
5 State's direct and my cross to consult with him.

6 THE COURT: Okay. And that's Doctor Monroe?  
7 That's the State's witness.

8 MS. BRUCK: That would be the State's witness, yes,  
9 sir.

10 THE COURT: And what game plan -- is that wed -- is  
11 that Thursday?

12 SOLICITOR SCOTT: If we get through a couple witnesses  
13 today, probably tomorrow afternoon.

14 THE COURT: Okay. Well, just kind of give her a  
15 heads-up on, you know, the outline of when you think, a ball  
16 park or when he'll be, he or she, whichever one it is, will  
17 be going up.

18 SOLICITOR SCOTT: All right. That's fine.

19 MS. BRUCK: Okay. Thank you, Your Honor.

20 THE COURT: And then we're doing your expert by webEx?

21 MS. BRUCK: If we, if we need to call him, yes.

22 THE COURT: Okay. All right. I don't---

23 MS. BRUCK: But I'm hoping that this---

24 THE COURT: Y'all will have to coordinate how that gets  
25 set up. So I don't know how all that -- you make all the

1 work but --.

2 MS. BRUCK: Me either but we'll figure it out.

3 THE COURT: I mean we've done it. We did it in some  
4 case a few weeks ago. So it's possible. I just need to  
5 make sure that the jury can see the witness, the lawyers can  
6 see the witness, Mr. Bell can see the witness.

7 MS. BRUCK: And for, for my purposes at the moment, I  
8 just want to make sure that my witness can see what's  
9 happening.

10 THE COURT: And which is perfectly fine. That's good.  
11 But, you know, you getting all that set up at the last  
12 minute, you know, if you -- you don't have to tell me. But  
13 in, in, in the back of your mind you need to be processing  
14 through, if I do have to call that guy remotely, how are we  
15 gonna make that work. We can't, you know, stop for a day,  
16 especially on a short week, to, to figure that out.

17 MS. BRUCK: Yes, sir, Your Honor. And then lastly, I  
18 think we just had a couple objections under 403 after we got  
19 a better chance to review some of the State's intended  
20 evidence.

21 MS. WARTHEN: Thank you, Your Honor.

22 We have some concerns about some graphic video and  
23 graphic photos --

24 THE COURT: Okay.

25 MS. WARTHEN: -- of the decedent.

1           Specifically a video, it comes in a body worn camera  
2 of -- actually he's -- he hasn't passed yet of the dying  
3 individual and we're concerned about that and then some --  
4 the stills from that video or from other body worn camera  
5 just of the very bloody body lying there on the bed. You  
6 know, the -- under 403 it's -- South Carolina case law, it  
7 says again and again photo -- photographs calculated to  
8 arouse, arouse the sympathy or prejudice of the jury should  
9 be excluded if they're not necessary to substantiate  
10 material facts or conditions as quoted in a number of cases.

11           THE COURT: Well somebody's gonna have to show me the  
12 stuff if you want me to rule on it.

13           MS. WARTHEN: Yes.

14           THE COURT: I can't rule on it in the abstract.

15           MS. WARTHEN: Okay. Yeah. We'll start with the body  
16 cam.

17           Do y'all have it loaded up, that Deputy Mills clip of  
18 the body cam?

19           (Pause.)

20           THE COURT: And am I, am I gonna be watching a body  
21 cam?

22           SOLICITOR SCOTT: I---

23           MS. BRUCK: It's a short---

24           SOLICITOR SCOTT: It's -- I've cut it down to like 20  
25 seconds.

1 THE COURT: Oh, I remember this now.

2 Okay. This is the female that was the first officer on  
3 the scene?

4 Okay.

5 (WHEREUPON, the body cam video was played at this  
6 time.)

7 THE COURT: Okay.

8 MS. WARTHEN: And so there's that and then there's just  
9 some stills from that---

10 THE COURT: Okay.

11 MS. WARTHEN: ---time.

12 THE COURT: Well, that, that portion of the body cam I  
13 would, would rule, of course, subject to the correct  
14 authentication, is not so prejudicial that it outweighs its  
15 probative effect. It's the testimony of the first officer  
16 on the scene, what she finds, and the condition she finds  
17 the victim in. He's clearly laying on a bed, and I mean  
18 while it is a crime scene photo, it's not so overly  
19 prejudicial that it will -- outweighs any probative value.

20 All right. Let me see the stills.

21 MS. WARTHEN: And, Your Honor, our argument would just  
22 be that there isn't any information conveyed by these images  
23 that contain facts to which law enforcement can't testify.  
24 They don't appear to be essential to proving any elements of  
25 the case, which makes the probative value lower. I mean

1 that case that I can pass up to you now, if I may approach,  
2 State v. Gray, says the more essential evidence the greater  
3 its probative value. I don't know if it's essential if they  
4 do have someone here to testify to all of the contents.

5 okay. You know, additionally I mean it, it could be  
6 interpreted as improper, improper bolstering and the State  
7 v. Gray actually addresses autopsy photos. They decided to  
8 let in autopsy photos in which the body had been cleaned up.  
9 The body was no longer bloody, that -- those weren't a  
10 problem. The -- they showed the site of the wounds in a  
11 clinical way. A motion was removed to the extent possible  
12 when there is a dead body.

13 But there was some questions as to some gorier, more  
14 graphic autopsy photos in which the scalp was pulled back  
15 and the brain was exposed. We don't have anything exactly  
16 like that here but it's a, it's the gore, the blood, that  
17 could arouse the emotions and lead someone to make a  
18 decision on an improper basis under 403 that we are  
19 concerned about.

20 THE COURT: All right. What are your thoughts on 16  
21 and 17, Mr. Scott?

22 SOLICITOR SCOTT: Just, just that you've seen a lot of  
23 crime scenes. I've seen a lot of crime scenes. If that's  
24 not admissible, then I don't know if we'll ever be getting  
25 any pictures of a crime scene --.

1 THE COURT: I mean it's just -- it's really not that  
2 bad.

3 SOLICITOR SCOTT: No.

4 THE COURT: I mean it's, I mean it's, it's a bad  
5 situation. I understand that.

6 But in, in the realm of the thousands of crime scene  
7 photos I've seen, I mean it, it appears to be there's some  
8 kind of substance on the bed which, of course, I don't know  
9 what that is and then there appears to be like his pants are  
10 wet. But, you know, this, this isn't, you know, filleted  
11 open skin, pulled back skin. I mean -- and it -- I think --  
12 I mean I would assume that the position of his body in  
13 relation to where he is in the bedroom is relevant to the  
14 State's theory of the case of how everything happened---

15 SOLICITOR SCOTT: The nail on the head, Judge.

16 THE COURT: ---in regards to---

17 SOLICITOR SCOTT: I mean he, he is given a rather  
18 detailed account of what happened in that very small room.  
19 Of course, he is asserted self-defense and, and he has gone  
20 to great lengths to describe the victim charging and  
21 attacking him. It will make a lot of sense a little bit  
22 later when we present our case as far as the positioning of  
23 the decedent and the state of that particular room.

24 THE COURT: Okay. All right. At this point in time,  
25 assuming the proper foundation is laid, I would find these

1 pictures to be admissible over in any 403 argument assuming  
2 proper foundation.

3 MS. WARTHEN: Your Honor, and there -- I mean there are  
4 a lot of other photos that could come up. But one that the  
5 State has pointed out to us in particular that they intend  
6 to introduce is especially gory and I'm, I'm not sure why  
7 they couldn't use either another less gory photo of the same  
8 thing to show the foot, the wound in the foot.

9 And so we would just ask that, if they choose that  
10 photo instead of this one, that it be redacted because it,  
11 it almost appears in that photo as though he's bleeding from  
12 the crotch. There's a, a lot of blood and gore there that I  
13 think is quite prejudicial and it certainly could be  
14 cropped---

15 THE COURT: Does he get shot in the foot---

16 MS. WARTHEN: ---in order to just show the foot.

17 SOLICITOR SCOTT: Right up through the bottom of his  
18 foot.

19 THE COURT: Okay. All right. Well, this one and they  
20 don't have numbers on them. But the one that shows the foot  
21 with the hand and the stretcher and all the blood coming  
22 from the crotch area is inadmissible. I, I agree with that.  
23 I think that you can demonstrate the wound to the foot with  
24 this one.

25 SOLICITOR SCOTT: This is, this is the actual premarked

1 one.

2 THE COURT: Okay. Yes, sir.

3 SOLICITOR SCOTT: And what I -- is that---

4 THE COURT: That, that one's out.

5 what number is that, 12?

6 SOLICITOR SCOTT: what I would ask, Your Honor, is just  
7 to crop the foot. This is one that it's more clear the  
8 trajectory rod showing up through the bottom. There's one  
9 that they want me to put in. It almost looks like it's  
10 coming through the side.

11 THE COURT: well, I think you can crop 12. You  
12 could -- you see everything up near the crotch and all the  
13 blood and all that?

14 SOLICITOR SCOTT: That's fine.

15 THE COURT: That's, that's what -- the, the actual  
16 wound itself that you're trying to demonstrate doesn't  
17 bother me and I understand that the angle matters to you.  
18 But see if there's a way where you can crop that out to  
19 where the excessive amounts of blood up near the crotch are  
20 out and you can still explain the angle.

21 SOLICITOR SCOTT: Thank you, Your Honor.

22 THE COURT: Okay.

23 MS. WARTHEN: Thank you, Your Honor.

24 THE COURT: All right. Yep.

25 MS. WARTHEN: And, of course, we would object to

1 anything else that is similar to this that we haven't  
2 specifically---

3 THE COURT: Sure.

4 MS. WARTHEN: ---discussed.

5 THE COURT: Sure. I mean yeah. That's fine.  
6 Okay. what else?

7 Anything else from the defense?

8 MS. BRUCK: Nothing from the defense, Your Honor.

9 THE COURT: Okay. Are we sequestering witnesses?

10 MS. BRUCK: No, Your Honor.

11 THE COURT: Okay. And let's see. The State filed a  
12 pretrial---

13 SOLICITOR SCOTT: Yes, Your Honor.

14 THE COURT: ---motion which I have now misplaced.

15 SOLICITOR SCOTT: Okay. I got another copy of it.

16 THE COURT: No, I found it. I got it.

17 Okay. Go ahead.

18 SOLICITOR SCOTT: So really the -- and, Your Honor, you  
19 may recall some of the limited testimony you heard. But the  
20 night of the incident, it -- the testimony will be really  
21 from all parties there that there was some kind of physical  
22 altercation between the decedent and his girlfriend, that  
23 would be Jaquala, that being the defendant's cousin and this  
24 occurred in a kitchen area. By all accounts, the defendant  
25 did not see it. He was not present in the home whenever

1 this assault occurred. But he got wind of it through  
2 another witness in the house.

3 Of course, that's fair game. We're gonna elicit that  
4 testimony through our witnesses. But we would ask that  
5 prior instances of altercations between the two, between the  
6 decedent and his girlfriend, Jaquala, and vice versa, that  
7 those be limited. There was a -- unfortunately there was  
8 some testimony by a witness that was really unsolicited in  
9 the last trial where she indicated that the decedent had  
10 broken out Jaquala's teeth before and that kind of came out  
11 of nowhere and then they asked her, you know -- she said  
12 well, I just heard about that from somewhere.

13 So that's the kind of testimony we would ask to  
14 preclude. Of course, anything that happened the night of  
15 clearly is part of the whole story. But we're just trying  
16 to preclude testimony regarding prior instances, specific  
17 instances of abuse between Mr. Floyd and Jaquala Scipio.

18 THE COURT: All right.

19 MS. WARTHEN: Your Honor, if I may approach?

20 Oh, we think this falls squarely under State v. Day.  
21 Specific instances do come in when particular requirements  
22 are met in a self-defense case. So I do think State v. Day  
23 controls to allow these specific instances in and for two  
24 different reasons. Both to indicate the state of the mind  
25 of the deceased under this case and to show that the

1 defendant had a reasonable apprehension of great bodily  
2 harm.

3       You know, this case is limited to self-defense cases.  
4 So, it is a little bit different from other relevance  
5 analyses. But Day does say that it would be error to  
6 exclude testimony concerning a past act of violence closely  
7 related in time and occasion and serving a strong  
8 corroborating evidence of the victim's character.

9       Now, in Day, the defense wanted to introduce evidence  
10 of another act of violence by the victim which had occurred  
11 four months before the shooting and, as here, the violence  
12 was against a third party and brought in by testimony of a  
13 third party just as we intend to do in this case.

14       Toward -- the bottom of Page 4 of State v. Day, in a  
15 murder prosecution of one pleading self-defense against an  
16 attack by the deceased, if evidence of other specific  
17 instances of violence on the part of the deceased are not  
18 admissible unless they are directed by the defendant or if  
19 directed against others were so closely connected at a point  
20 in time or occasion with a homicide as to -- reasonably to  
21 indicate the state of mind of the deceased at the time of  
22 the homicide to produce reasonable apprehension of great  
23 bodily harm.

24       So what does it mean to be closely connected sufficient  
25 to indicate the defendant's state of minds?

1           It's actually kind of a wide time span. In Day, there  
2 had been a -- an act of violence four months before against  
3 a woman named Ms. Szumowicz, Ms. Szumowicz I'm going to say  
4 it, that had happened four months before the death and they  
5 decided that that was admissible to prove that Mr. Day had a  
6 reasonable apprehension of violence from Renew which was an  
7 essential element of a self-defense claim.

8           So how far in -- back in time can we go under South  
9 Carolina case law?

10           Your Honor, I looked through all 53 cases that have  
11 cited Day to see if they've narrowed it down. But, in Day,  
12 they said definitely four months is within the timeframe.  
13 And then they distinguished their case from an older case  
14 named Brown because that had happened 25 years ago. So  
15 we're at -- somewhere between four months and 25 years.

16           Mr. Meatball and the decedent and his girlfriend,  
17 Quala, had only been dating a bit less than a year. So, I  
18 mean we will argue that things that occurred over the course  
19 of the relationship of months is, is going to be a lot  
20 closer to that four months in date than to the 25 years in  
21 Brown and I really didn't find anything at all with that  
22 case law bringing you much closer except one unpublished  
23 case that said 16 years is also too far. But I couldn't get  
24 any closer than that.

25           THE COURT: So what is the testimony gonna be?

1 MS. WARTHEN: There was -- there are---

2 THE COURT: I thought, I thought mama said last time  
3 that she had heard that -- she had reason to believe that he  
4 was committing domestic violence against her and she didn't  
5 put up with that---

6 MS. WARTHEN: Uh-huh.

7 THE COURT: ---and she never saw it. But she heard it  
8 was going on.

9 MS. WARTHEN: There were a number of people who did see  
10 it. Our client saw it over the months. I mean Mr. Floyd  
11 was violent to a number of different people, including  
12 Quala, in the months and couple of years leading up to his  
13 death.

14 THE COURT: So what's the testimony gonna be, from who?

15 MS. WARTHEN: Quala and other people who witnessed it  
16 will say he knocked out her teeth, will say that he was  
17 violent on multiple occasions over their months long  
18 relationship.

19 THE COURT: All right. What about---

20 MS. WARTHEN: Yeah, both Stephanie and Jaquala  
21 testified to that at the stand your ground hearing.

22 THE COURT: What's your thought on that, Mr. Scott?

23 SOLICITOR SCOTT: The testimony I recall is some  
24 indication that they had prior abuse amongst one another but  
25 never any specific date or time or really any general time

1 period when this would of occurred. I'm just curious what  
2 the testimony will be too.

3 I think the law, according to Day, and I've seen this  
4 before, if it's specific acts, then it needs to be closely  
5 aligned in time and occasion to the event here. Now, this,  
6 this is an occasion where Mr. Bell voluntarily goes to this  
7 location where the decedent is and I guess socializes for  
8 the entire day or most of the night rather before this  
9 incident occurs.

10 So, I'm curious when these particular acts of violence  
11 occurred and what his occasion to witness those were. We've  
12 never heard that before and we've had two days stand your  
13 ground testimony. We've had, I don't know, an interview  
14 with Mr. Hinson that was recorded where we never talked  
15 about specific acts.

16 MS. WARTHEN: Your Honor, Day goes on to elaborate on  
17 Page 5, middle of -- the previous, previous acts came in,  
18 that previous acts four months before, as further evidence  
19 of the continuous and consistent pattern of that victim's  
20 style of violence, which the defendant attempted to  
21 establish at trial. So, in Day, it was violence actually  
22 associated with paranoia problem that that gentleman had,  
23 and, in our case, we can show that Meatball had a pattern of  
24 lashing out in a way that was sudden and alcohol induced and  
25 I think it falls -- it falls squarely into the -- under Day.

1 It's, you know, it's a big question the jury has to answer.

2 It is likely that Meatball suddenly did lash out at  
3 Jaylen as, you know, Jaylen has always said that he did.  
4 And, you know, if we can establish that pattern, I think the  
5 jury needs to hear that yes, this is something that happened  
6 a lot. He lashed out violently a lot in the months leading  
7 up to his death.

8 I, I don't know how it could be more relevant and more  
9 probative and the analysis in Day certainly allows, allows  
10 it in because it is about establishing a pattern of violence  
11 by the, by the decedent in a self-defense case.

12 THE COURT: Okay. Well, I guess I'll just have to take  
13 it as I hear it since no one's gonna tell me what it is. So  
14 --.

15 MS. WARTHEN: I --.

16 THE COURT: Okay. I mean I'm not a mind reader. I've  
17 asked you three times---

18 MS. WARTHEN: I'm sorry.

19 THE COURT: ---to tell me what it is.

20 MS. WARTHEN: It's -- I mean it's, it's just, just  
21 domestic violence over the course of several months.

22 THE COURT: I know. But you can't---

23 MS. WARTHEN: Her teeth came out.

24 THE COURT: ---just get up here and shout out the word  
25 domestic violence and make it admissible. Somebody's got to

1 tell me something real.

2 MS. WARTHEN: He punched her teeth out.

3 THE COURT: When?

4 MS. WARTHEN: In -- I mean it's, it's 2022 now. It --  
5 this happened in 2019 or -- well, in 2019 was when the  
6 relationship began and when he died.

7 THE COURT: Okay. You still haven't answered when.

8 MS. WARTHEN: I, I don't know exactly and I don't know  
9 if anybody remembers exactly the date.

10 THE COURT: Is the person whose teeth punched out gonna  
11 be here?

12 MS. WARTHEN: She is.

13 THE COURT: Is she not gonna be able to tell me when  
14 her teeth got punched out?

15 MS. WARTHEN: I'm not sure. She has some memory  
16 issues.

17 THE COURT: I mean -- and, and you see that's why I  
18 keep asking what is the testimony because there's four  
19 different factors to go into that analysis. I mean, in Day,  
20 they had a hearing outside the presence of the jury where  
21 the judge could hear all the evidence and then make a  
22 decision.

23 MS. WARTHEN: Your Honor, if you want us to proffer the  
24 testimony, I mean it, it would come in from Stephanie, from  
25 Jaylen, from Quala who were all aware of the abuse.

1 THE COURT: So is this things you plan on putting up in  
2 your case or getting out in the State's case?

3 MS. WARTHEN: It just depends on -- I mean in Jaylen --  
4 for -- we'll be calling Jaylen. Obviously I expect that  
5 he -- that the State will call Jaquala Scipio and Stephanie  
6 Jackson.

7 THE COURT: Okay.

8 MS. WARTHEN: Thank you.

9 THE COURT: Uh-huh.

10 I mean the -- I think the standard's pretty clear,  
11 Mr. Scott, that if it's directed against others were so  
12 closely connected at a point of time or occasion with the  
13 homicide as to reasonably indicate the state of the mind of  
14 the victim, the deceased, at the time of the homicide or to  
15 produce reasonable apprehension of great bodily harm unless  
16 you got a case since Day that says different.

17 SOLICITOR SCOTT: No, I, I -- I think it's -- it  
18 probably will be -- I would ask not to -- I would ask for  
19 them not to talk about this in opening cause it's, it's kind  
20 of like Your Honor said. I think we kind of need to hear  
21 what the testimony's gonna be. It says where there's  
22 specific instance of conduct by the deceased is closely  
23 connected in point of time or occasion of the homicide so as  
24 to be admissible is in the trial judge's discretion.

25 So, again, until we kind of hear a little bit more

1 clear what, what this testimony's gonna be and what the  
2 occasion is to witness it by the defendant or by another  
3 witness, then might be putting the cart before the horse  
4 right now.

5 MS. WARTHEN: Your Honor, we don't intend to mention  
6 any previous instances in the opening.

7 THE COURT: Okay.

8 MS. WARTHEN: But, again, I have, you know, been  
9 through all 53 cases and Day's never been treated negatively  
10 for a third party acts of violence against a third party.

11 THE COURT: All right. What else?

12 Anything from the State?

13 SOLICITOR SCOTT: Nothing from the State, Your Honor.

14 THE COURT: From the defense?

15 MS. BRUCK: No, sir, Your Honor.

16 THE COURT: All right. You want to take a five minute  
17 break before opening?

18 Yes, yes, yes?

19 MS. WARTHEN: Yes, thank you.

20 THE COURT: All right. Five minute quick bathroom  
21 break. When we come back in, be ready to go.

22 (WHEREUPON, a short recess was taken at this time.)

23 THE COURT: All right. Let's bring them in.

24 Go ahead and lock the backdoor.

25 (WHEREUPON, the following takes place within the

1 tomorrow than it is today. They turn the air conditioning  
2 off the weekend. But if you find yourself kind of doing the  
3 bob, right, you know, the head bob. You know what I'm  
4 talking about. You've seen those kids in school, right?

5 Just stand up against the wall, right. Just stand up  
6 against the wall. That's perfectly fine to kind of wake you  
7 up and we're gonna take breaks and things like that. But if  
8 you find yourself dozing, you know, just stand up against  
9 the wall. You'll still be able to see everything and hear  
10 everything and that will help keep you awake.

11 Okay. All right. And we're ready for the State's  
12 opening statement.

13 SOLICITOR WHITMIRE: We are, judge.

14 THE COURT: All right. Whenever you're ready, Mr.  
15 Whitmire.

16 SOLICITOR WHITMIRE: This case occurs in a world of  
17 guns and illegal drugs and it's about Defendant Jaylen  
18 Bell's wanton disregard for the value of human life.

19 The evidence will show that on November 24<sup>th</sup>, 2019,  
20 the victim, Demetrius Floyd, was at home, was alone in his  
21 bedroom minding his own business. The door was shut when,  
22 at some point after 9:00PM, defendant, Jaylen Bell, entered  
23 his home that he was living at, ■ Dubard-Boyle Road, went  
24 straight to the bedroom and shot him nearly a dozen times.

25 Thirty-four year old, then 34 year old victim,

1 Demetrius Boyd, died of the trauma caused by those gunshot  
2 wounds. He was isolated and alone when he was mowed down.

3 The evidence will show that the defendant fled the  
4 scene and hid from the police and -- but no eye witnesses to  
5 the crimes that occurred within that bedroom.

6 But, during the course of this trial, you are gonna  
7 hear testimony from the people that spent November 24<sup>th</sup>,  
8 2019, both defendant, Jaylen Bell, and victim, Demetrius  
9 Floyd. Y'all will hear that, in the Fall of 2019, victim,  
10 Demetrius Floyd, was living with his girlfriend, Jaquala  
11 Scipio. They had a room at Jaquala's mother's house where  
12 they mostly stayed, ■ Dubard-Boyle Road.

13 Y'all will hear guns weren't allowed in that house.  
14 Y'all will also hear that, on November 24<sup>th</sup>, 2019, the  
15 defendant, Jaylen Bell, spent his afternoon out looking for  
16 narcotics.

17 Additionally you're gonna hear from Richland County  
18 Sheriff's Deputy Imel, now Lexington County Sheriff's  
19 Department, she was on shift that night. She was one of the  
20 first responders to the scene. Y'all are gonna hear from  
21 Investigator Hinson. He was lead on this case. He got to  
22 interview numerous witnesses.

23 Y'all are gonna hear from CSI Investigator Oates. He  
24 documented the scene. He collected evidence and y'all are  
25 gonna hear from Doctor Monroe. He's the pathologist that

1 performed the autopsy on Demetrius' body and he'll tell you  
2 all about the nine gunshot wounds Demetrius suffered and  
3 some of the other injuries he notated.

4 And after hearing all the evidence and testimony in  
5 this case, the judge will instruct y'all, instruct y'all on  
6 the law and we'll get a chance to give another speech just  
7 like I'm giving here now to talk about the law and how it  
8 fits into the case as the evidence that you've heard because  
9 it's the State's burden to prove and to prove that Defendant  
10 Jaylen Bell committed a murder and possession of a weapon  
11 during commission of a violent offense. That is to prove  
12 the elements of each crime, particularly malice and murder,  
13 and we welcome that burden.

14 But the term beyond a reasonable doubt is a term that I  
15 want to talk to y'all about today. Beyond a reasonable  
16 doubt is evidence that leaves you firmly convinced of  
17 defendant's guilty.

18 I'll tell you what it doesn't mean. It doesn't mean  
19 all doubt. It doesn't mean any doubt. It doesn't mean 100  
20 percent certainty cause I submit to you-all there are very  
21 few things in this world that any of us know with 100  
22 percent certainty and you've been selected for this trial  
23 for your common sense.

24 So when y'all deliberate, take that with you. Look at  
25 all the evidence. Look at all of it in its entirety. Look

1 at the crime scene, the evidence collected from CSI, how it  
2 corresponds to the evidence from the pathologist and his  
3 testimony. Don't see the forest just for trees. See it  
4 all.

5 And the last thing I'm gonna tell y'all before I sit  
6 down that this is real life. This really happened about  
7 two miles from here to real people and some of those people  
8 are with us today and some of them aren't. This was a  
9 callous killing, unjustified.

10 In this trial we're gonna ask y'all to return guilty  
11 verdicts for both murder, possession of a weapon during the  
12 commission of a violent offense.

13 Thank you.

14 THE COURT: All right. Thank you, Mr. Whitmire.

15 MS. WARTHEN: May it please the Court?

16 THE COURT: Yes, ma'am, thank you.

17 MS. WARTHEN: This is a story about relentless  
18 drinking, relentless bullying, relentless violence. That is  
19 how Meatball lived. Relentless through rationality,  
20 relentless attacks, but relentless assault on Jaylen and  
21 that is how Meatball died.

22 He kept going until Jaylen was actually forced to  
23 wrestle Meatball's own gun away from him and still Meatball  
24 wouldn't stop. He rushed at Jaylen forcing Jaylen to stop  
25 him with his own gun. He just would not stop.

1           On the night of November 24<sup>th</sup>, Meatball choked his  
2 girlfriend, Jaquala Scipio, and he did not stop there. He  
3 then shoved her head up against a hard surface, a  
4 refrigerator, in front of her 13 year old daughter.

5           His girlfriend is Jaylen's cousin, Quala Scipio, whom  
6 you'll hear more about the abuse that she suffered in her  
7 mother's house. This was the home of Jaylen's Aunt Neco and  
8 it may sound like we are beating up on the victim in the  
9 crime, the alleged victim in this crime. But we really  
10 don't have to try to make Meatball sound like a bad guy.  
11 Meatball wrote that story himself everyday.

12           He was a violent drunk who frequently drank to excess.  
13 When he drinks, he bullies. He fights. He wasn't just a  
14 bully. He was, he was that or he was something more. He  
15 hit women. He didn't pick on people his own size. He  
16 terrorized everyone around him and he was not ashamed of it.

17           He would attack people in front of witnesses. He  
18 attacked Quala in front of Jaylen on multiple occasions. He  
19 attacked Quala in front of her 13 year old daughter,  
20 Jamaría. Her daughter had to watch that happen to her mom.

21           Meatball came into this family's home, Jaylen's  
22 family's home, and he brought violence and that violence and  
23 that trauma started seeping over and affecting everyone else  
24 including the children.

25           So, as you'll hear when Meatball started getting

1 violent with her mom on this particular night,  
2 November 24<sup>th</sup>, Jamaria asked to please leave and go to her  
3 dad's house. So Jaylen's girlfriend, Stephanie, offered her  
4 a ride, a way out of the violent scenario. And as they were  
5 preparing to go, Jamaria told Jaylen what had happened and  
6 Jaylen would -- he became concerned, you know, as anybody  
7 would when they heard -- hear that a child has witnessed  
8 this against her mother.

9 He just didn't understand it. He had witnessed -- he's  
10 been -- so he was aware of Meatball's abuse of Jaquala.  
11 He'd seen it before but he stayed out of it because he  
12 figured they were adults. This was adult business.

13 Meatball was 34 years old. Quala was 36 years old.  
14 Jaylen, at the time, was an 18 year old kid. He was not yet  
15 the young man that you see before you today. Believe it or  
16 not he's actually gained 50 pounds since this incident. I  
17 know it doesn't look like he had 50 pounds to gain. But he  
18 has bulked up. He's grown. So he's different from the  
19 scared teenager that he was the night a grown man attacked  
20 him and would not stop.

21 So, before, during previous attacks, previous meetings,  
22 Jaylen had figured he was not getting involved in adult  
23 matters. When he saw him the first time -- the effect of  
24 that abuse on his little cousin, he found it -- it was  
25 shocking to do that in front of a child and it was, it was

1 just so bizarre that it was puzzling.

2       And so he went to ask Meatball an honest question.  
3 what's going on. It was a simple question. It was an  
4 honest question. It was a reasonable question but Meatball  
5 was not a reasonable person.

6       So a simple question triggered a sudden violent  
7 response from Meatball. He starts shoving Jaylen. He  
8 fumbles around in his pants where he usually keeps a knife.  
9 Failing that, he reached for a hidden gun. He pulled it out  
10 and he pointed it in Jaylen's face.

11       Jaylen tried to diffuse the situation. He tried saying  
12 things to distract Meatball but Meatball was relentless. He  
13 would not stop. Even after Jaylen was able to wrestle the  
14 gun away from Meatball, Meatball kept coming. He rushed  
15 Jaylen with a closed fist at really close quarters.

16       And so Jaylen was forced to defend himself. He  
17 defended himself as he had every legal right to do. He  
18 defended himself as he had no other choice but to do and  
19 that's why, once you've heard everything that happened  
20 tonight, we're going to confidently come to you and ask you  
21 to find Jaylen not guilty.

22       But Jaylen's always been honest about what happened.  
23 He cooperated with the police. He signed away his right to  
24 remain silent. Told them the whole story. And the truth is  
25 what Jaylen has always said.

1           He told the investigators he went out there to talk.  
2 He said I asked him, Meatball, what was going on. He told  
3 them he asked a simple question. He said I was not coming  
4 on aggressive. He said I asked him what was his reasons for  
5 putting his hands on her, what was the purpose. And instead  
6 of thinking about it or answering reasonably he attacked.

7           Now, you're gonna see a lot of people asked tough  
8 questions up, up here on the witness stand over the course  
9 of this trial. It's gonna be confrontational frankly. But  
10 these questions are not gonna end in bloodshed. Of all the  
11 questions you're gonna hear posed in this trial, none of  
12 them are going to end in violence because that is not a  
13 normal response to being asked a question.

14           It's not a reasonable response to answer a question.  
15 It's also not a predictable response to being asked a  
16 question. Like putting a gun to somebody's face, that's,  
17 that's not a predictable response to a question.

18           I mentioned briefly, since the state mentioned that he  
19 fled the scene, I would -- I'm just gonna ask you to listen  
20 really carefully to the allegation about Jaylen running  
21 afterward.

22           Did he go out of state?

23           Did he grab a passport?

24           Where did he go, to friend's houses where everybody  
25 knew he would be?

1           You're gonna hear that he was a scared kid actively  
2 trying to figure out how to turn himself in so he could tell  
3 his story. I'm just gonna ask that y'all listen really  
4 carefully to the evidence, to what is actually being said,  
5 not to anybody's interpretations but to the actual words.

6           What you're going to hear is that he felt attacked and  
7 it threw Jaylen into a scene of sheer panic. What you're  
8 going to hear is that Meatball forced Jaylen into a  
9 terrifying position. What you're going to hear is that  
10 Meatball just wouldn't stop.

11           THE COURT: All right. Thank you, Ms. Warthen, and the  
12 State may call their first witness.

13           SOLICITOR SCOTT: Thank you, Your Honor.

14           State calls Deva Imel.

15           THE COURT: All right. Please come forward and be  
16 sworn.

17           We can unlock the backdoor now.

18           THE CLERK: State your full name please.

19           THE WITNESS: Deva Imel.

20           THE CLERK: Spell it.

21           THE WITNESS: D-E-V-A. I-M-E-L.

22           THE CLERK: I'm sorry.

23           THE WITNESS: I-M-E-L.

24           THE CLERK: D-E-V-A. I-M-E-L.

25           THE WITNESS: Yes, ma'am.

Deva Imel - Direct examination  
By Solicitor Scott

1 DEVA IMEL, being first duly  
2 sworn, testified as follows:

3 THE CLERK: Thank you. You can have a seat right  
4 there.

5 DIRECT EXAMINATION

6 BY SOLICITOR SCOTT:

7 Q. Okay. Deputy Imel, you are currently employed with the  
8 Lexington County Sheriff's Department?

9 A. Yes, sir.

10 Q. But back October -- wait a minute. Right.

11 On November 24<sup>th</sup> of 2019 you were with the Richland  
12 County Sheriff's Department.

13 Is that correct?

14 A. Yes, sir.

15 Q. And what were your duties with the Richland County  
16 Sheriff's Department?

17 A. Patrol deputy, take call for services. If that's  
18 medical, someone's crisis emergencies, I respond.

19 Q. Okay. So October 24<sup>th</sup>, 2019, did you have occasion to  
20 respond to ■ Dubard-Boyle Road?

21 A. Yes, sir.

22 Q. Okay. And what were the nature of that call?

23 A. It came out as a shooting incident, a shooting hit.  
24 And, upon arrival, myself and other deputies responded and I  
25 was first on scene and observed that there's a black male

Deva Imel - Direct examination  
By Solicitor Scott

1 subject laying in the bed covered with blood and  
2 unresponsive. It appeared he had multiple gunshot wounds to  
3 his person. I observed two gunshot wounds to his upper  
4 torso, one to his lower abdomen, and one gunshot wound to  
5 his lower leg and closer to his like femoral artery, which  
6 is like the main artery in your leg and then a wound to the  
7 top of his left ear.

8 Q. You attempted first aid on the victim?

9 A. I did. I had trauma sheers at the time. Cut the  
10 victim's shirts and pants off so we could better assist the  
11 victim until EMS arrived. Deputies located a gunshot wound  
12 to the victim's leg and applied a tourniquet, stopped the  
13 bleeding, the victim's left leg -- oh, sorry. Hold on.

14 We did do CPR. Obviously we had a -- like a faint  
15 pulse. So, we see if we can resuscitate him. EMS then was  
16 on scene and loaded him in the ambulance and transported him  
17 where he had approximately 11 gunshot wounds to include one  
18 gunshot wound to the back of the victim's head.

19 Q. Okay. That's [REDACTED] Dubard-Boyle Road address, is that in  
20 Richland County?

21 A. Yes, sir.

22 Q. And when you get there, you're trying to ascertain who  
23 the shooter was?

24 A. Yes, sir.

25 Q. Okay. To your understanding, was he still on the

Deva Imel - Direct examination  
By Solicitor Scott

1 scene?

2 A. Not to my knowledge. When I first got on scene,  
3 there's a lot of folks on the porch. So, I was trying to  
4 identify everyone to make sure no one had a weapon or  
5 anything and then I approached inside the, inside the house  
6 and identify myself as Sheriff's Department.

7 I was told that there was no one inside, that I could  
8 go ahead and proceed back, and that he was in the back room  
9 and that's where I found him laying on the bed on his back  
10 kind of like halfway on the bed, halfway on the floor.

11 Q. Okay. Were you wearing body camera---

12 A. Yes, sir.

13 Q. ---at the time?

14 Are y'all required to do that?

15 A. Yes, sir, every interaction we had with the community  
16 or assistance we had to have those activated.

17 Q. Okay. Road deputies?

18 A. Yes, sir.

19 Q. All right. Were you wearing it on this particular  
20 night?

21 A. Yes, sir.

22 Q. Let me show you State's 15.

23 Do you recognize that?

24 A. Yes, sir.

25 Q. What is that?

Deva Imel - Direct examination  
By Solicitor Scott

1 A. That's a clip on my body cam.

2 Q. Okay. How were you able to recognize it?

3 A. It has my initials on it.

4 Q. Okay. So, you reviewed this I think in my office,  
5 didn't you?

6 A. Yes, sir.

7 Q. And does it fairly and accurately represent what you  
8 yourself witnessed on that particular night?

9 A. Yes, sir.

10 Q. Okay. And this is just a portion. We clipped it down  
11 just to kind of show your -- what you saw when you  
12 immediately go into the residence.

13 A. Yes, sir.

14 SOLICITOR SCOTT: Okay. Your Honor, the State offers  
15 15 for admission into evidence.

16 MS. BRUCK: Objection. 403.

17 THE COURT: All right. Objection's noted for the  
18 record. My ruling upon it would be the same and the --  
19 State's Exhibit No. 15 is admitted.

20 SOLICITOR SCOTT: Thank you, Your Honor.

21 (WHEREUPON, State's Exhibit No. 15 was received into  
22 evidence at this time.)

23 SOLICITOR SCOTT: The State is gonna publish that now.

24 THE COURT: Okay. Can everybody see that from this  
25 angle?

Deva Imel - Direct examination  
By Solicitor Scott

1 (WHEREUPON, there was no audible response and State's  
2 Exhibit No. 15 was played for the jury at this time.)

3 Q. Okay. Is that pretty much what you viewed when you  
4 first got in there?

5 A. Yes, sir.

6 Q. And then let me show you State's No. 16 and 17.  
7 Do you recognize those?

8 A. Yes, sir.

9 Q. What are those?

10 A. Looks like from my body cam.

11 Q. Just still shots from your body cam?

12 A. Yes, sir.

13 SOLICITOR SCOTT: Your Honor, State offers 16 and 17  
14 for admission into evidence.

15 MS. BRUCK: Objection. 403.

16 THE COURT: All right. Objection's noted for the  
17 record. My ruling upon it would be the same. State's  
18 Exhibit 16 and 17 are admitted.

19 (WHEREUPON, State's Exhibit Nos. 16 and 17 were  
20 received into evidence at this time.)

21 Q. Does this -- showing this still shot what you're  
22 describing earlier the victim's positioning where his feet  
23 are on the ground and he's laid back in the bed?

24 A. Yes, sir.

25 Q. And would you agree this is left of this particular

Deva Imel - Direct examination  
By Solicitor Scott

1 picture, this being State's 16, is the threshold of the  
2 bedroom door?

3 A. Yes, sir.

4 Q. Okay. And, and the dimensions of this room, is this a  
5 big room, a small room?

6 A. It was really small.

7 Q. A really small room?

8 A. Yes, sir.

9 Q. And -- okay. State's 17.

10 Again, is that just a still shot from your camera?

11 A. Yes, sir.

12 Q. Does that show how much you describe the victim laid  
13 back in the bed?

14 A. It would.

15 Q. All right. And that's, that's pretty much the entirety  
16 of your involvement, is it not?

17 Did you, you kind of stick around for scene security  
18 afterwards?

19 A. For scene security, yes, sir.

20 Q. Okay.

21 A. But --.

22 Q. And then did you kind of describe your findings to some  
23 of the detectives?

24 A. Just a brief what I -- basically what I typed on my  
25 incident report.

Deva Imel - Direct examination  
By Solicitor Scott

1 Q. Okay. And any other involvement there from you on this  
2 particular case?

3 A. Not to my knowledge.

4 Q. Deputy Imel, would you answer any questions the defense  
5 may have for you.

6 THE COURT: Cross-examination.

7 MS. BRUCK: Thank you.

8 May it please the court?

9 THE COURT: Yes, ma'am.

10 CROSS-EXAMINATION

11 BY MS. BRUCK:

12 Q. So, Deputy Imel, you were the first to arrive on scene?

13 A. Yes, ma'am.

14 Q. And you said that there were a lot of folks on the  
15 porch?

16 A. Yes, ma'am.

17 Q. Do you recall about four people on the porch?

18 A. I don't recall. It was about four or five probably.

19 Q. Okay. And you walked straight to the back bedroom?

20 A. After I made contact with the people on the porch.

21 Q. And you stayed in that back bedroom until EMS joined  
22 you in the bedroom?

23 A. From what I recall I did.

24 Q. Now, the individuals on the porch, did you ever  
25 follow-up with those people?

Deva Imel - Cross-examination  
By Ms. Bruck

1 A. Not to my knowledge.

2 Q. Did you get their information?

3 A. Not to my knowledge.

4 Q. Did you ever interview them?

5 A. No, ma'am, not to my knowledge.

6 Q. And when you arrived on scene to that [REDACTED] Dubard-Boyle  
7 address, it's a, it's a pretty long walk up that driveway,  
8 right?

9 A. I would say about average.

10 Q. Do you recall how many seconds it took you to walk,  
11 walk up to that porch?

12 A. I mean obviously -- from what I recall, probably was  
13 like running since -- like fast pacing since there was  
14 someone that was shot.

15 Q. And you were running body camera at the time as we've  
16 seen, right?

17 A. Correct.

18 Q. If I showed you your body cam, would that help you  
19 remember exactly how long it took you to get up to that  
20 porch?

21 A. Sure.

22 MS. BRUCK: May I approach the witness?

23 THE COURT: Yes, ma'am.

24 Q. Just tell me to pause it when you get up on her porch.

25 A. Let me -- one second.

Deva Imel - Cross-examination  
By Ms. Bruck

1 Q. Okay. So that captured you exiting your squad car,  
2 correct?

3 A. Correct.

4 Q. Twenty-eight seconds?

5 A. Correct.

6 Q. And you said that you're, you're running, correct?

7 A. Correct.

8 Q. And you said you think there were five, five people on  
9 the porch?

10 A. Approximately. I don't recall. I wasn't counting.

11 Q. Would it refresh your recollection to take a look at  
12 the rest of that---

13 A. Probably so.

14 Q. ---body cam?

15 How many people are up on the porch?

16 A. Four.

17 Q. And they're people exiting the house as you were  
18 approaching the porch, correct?

19 A. Correct.

20 Q. I have nothing further. Thank you, Deputy Imel.

21 REDIRECT EXAMINATION

22 BY SOLICITOR SCOTT:

23 Q. Do you recognize the lady in the blue to be Jaquala  
24 Scipio?

25 A. Yes, I do recognize her.

Deva Imel - Redirect examination  
By Solicitor Scott

1 Q. Okay. And she's the one who said she doesn't know who  
2 did the shooting?

3 MS. BRUCK: Objection. Hearsay.

4 THE COURT: The question is what?

5 SOLICITOR SCOTT: Is she the one who was saying she  
6 doesn't know who did the shooting.

7 THE COURT: Overruled.

8 You can answer the question.

9 Q. All right.

10 A. Correct. I asked who has the gun, and whose been shot,  
11 and she says she didn't know.

12 Q. Okay. And do you know Melzie Hammond?

13 A. If I saw a picture probably.

14 Q. He was on the porch.

15 MS. BRUCK: Objection. Foundation to the question. I  
16 don't think she's established she has any knowledge of that.

17 THE COURT: You can ask the foundation question.

18 Q. I think it was just that these are the people you spoke  
19 with who were on the porch when you got there.

20 A. Correct.

21 Q. Okay.

22 A. Before I entered the house.

23 Q. Okay. And you don't know whether or not they'll be  
24 called to the stand this week, do you?

25 A. I'm not sure they would.

Deva Imel - Redirect examination  
By Solicitor Scott

1 Q. Your job was to -- well, I guess, number one, to make  
2 sure if any aid that needed to be rendered was rendered?

3 A. Correct.

4 Q. And then to establish whether the shooter was still on  
5 the scene?

6 A. Correct.

7 Q. And your understanding from these witnesses was that he  
8 was on scene or was not on scene?

9 A. That they didn't, they didn't know.

10 Q. They didn't know and you, you know about what time it  
11 was that you got there?

12 A. Roughly about 9:49PM.

13 Q. 9:49PM.

14 Okay. Thank you, deputy.

15 MS. BRUCK: Nothing further, Your Honor.

16 THE COURT: All right. Have a great day. Thank you,  
17 ma'am.

18 THE WITNESS: Yes, ma'am.

19 THE COURT: You may call your next witness.

20 SOLICITOR WHITMIRE: Neco Millhouse.

21 THE CLERK: Could you state your full name please?

22 THE WITNESS: Neco Millhouse.

23 THE CLERK: Could you spell your name please?

24 THE WITNESS: N-E-C-O.

25 THE CLERK: N---

Neco Millhouse - Direct examination  
By Solicitor Whitmire

1 THE WITNESS: E---

2 THE CLERK: ---E-C-O?

3 THE WITNESS: M---

4 THE CLERK: Uh-huh.

5 THE WITNESS: ---I-L-L---

6 THE CLERK: Uh-huh.

7 THE WITNESS: ---H-O-U-S-E.

8 THE CLERK: Neco Millhouse?

9 THE WITNESS: Yes, ma'am.

10 NECO MILLHOUSE, being first duly  
11 sworn, testified as follows:

12 THE CLERK: Thank you. Have a seat.

13 THE BAILIFF: Watch your step.

14 DIRECT EXAMINATION

15 BY SOLICITOR WHITMIRE:

16 Q. Good afternoon, Neco.

17 A. How you doing?

18 Q. Where do you live?

19 A. ■ Dubard-Boyle Road.

20 Q. How long have you lived there?

21 A. All my life.

22 Q. And how long have you owned the property?

23 A. About five years now.

24 Q. And back in the Fall of 2019, your daughter, Jaquala,  
25 and her boyfriend, Demetrius Floyd, were living with you?

Neco Millhouse - Direct examination  
By Solicitor Whitmire

- 1 A. Not living. Just when she was there.
- 2 Q. But they had a bedroom?
- 3 A. She had a bedroom, yes.
- 4 Q. And they stayed multiple nights there?
- 5 A. They stayed multiple night, yeah.
- 6 Q. Jaquala, you remember testifying -- not Jaquala.
- 7 Ms., Ms. Millhouse, you remember testifying at a prior
- 8 hearing on February 18<sup>th</sup>, 2022, under oath---
- 9 A. Uh-huh.
- 10 Q. ---here at the courthouse?
- 11 A. Yeah.
- 12 Q. You remember Ms. Bruck asking you if they lived
- 13 together?
- 14 A. Yeah.
- 15 Q. And then what did you say?
- 16 A. I say sometime when she are there -- when she there.
- 17 Q. But that never---
- 18 A. They didn't live together.
- 19 Q. Did they have a primary residence at your house?
- 20 A. Well, yeah, use to stay there, yeah, sometime.
- 21 Q. Had all---
- 22 A. Not all the time.
- 23 Q. They had all their stuff in that bedroom?
- 24 A. Yeah.
- 25 Q. Is there a queen sized bed in that bedroom?

Neco Millhouse - Direct examination  
By Solicitor Whitmire

1 A. Queen sized, uh-huh.

2 Q. Okay. Do you have any house rules about firearms?

3 A. I do.

4 Q. What are they there?

5 A. No guns in my house.

6 Q. And what would you have done had you found Demetrius  
7 had a gun?

8 A. Call the police. I don't have no guns in my house.

9 Q. Kicked him out?

10 A. Yeah.

11 Q. And where were you the night of November 24<sup>th</sup>, 2019?

12 A. In my bed asleep.

13 Q. You remember the police coming?

14 A. Uh-huh.

15 Q. You stuck around for that?

16 A. What you say now?

17 Q. You stuck around?

18 You were still on the scene when the police showed up?

19 A. Yeah, I was still on the scene.

20 Q. Do you remember seeing a gun anywhere in your house?

21 A. No, wasn't no gun in my house.

22 Q. All right. And what would you have done if you had  
23 seen a firearm?

24 A. I'd of called the police.

25 Q. And you would of told them that night---

Neco Millhouse - Direct examination  
By Solicitor Whitmire

1 A. I'd of told them---

2 Q. ---when you---

3 A. ---that night, yeah.

4 SOLICITOR WHITMIRE: Beg the Court's indulgence.

5 (Pause.)

6 Q. Real quick.

7 And who is Jaylen Bell?

8 A. That's my cousin.

9 Q. You known him his whole life?

10 A. All my life, yeah, as a baby.

11 Q. But he didn't live with you?

12 A. No, he didn't live with me, no.

13 Q. No further questions.

14 MS. BRUCK: May it please the court?

15 THE COURT: Please.

16 CROSS-EXAMINATION

17 BY MS. BRUCK:

18 Q. Hey, Ms. Millhouse.

19 A. Hey.

20 How you doing, Zoe?

21 Q. I'm doing well. Thank you.

22 So, that house at ■ Dubard-Boyle, you said you'd  
23 owned it for about five years?

24 A. Uh-huh.

25 Q. Who did you get that house -- who owned it before you?

Neco Millhouse - Cross-examination  
By Ms. Bruck

- 1 A. My grandmama---
- 2 Q. And---
- 3 A. ---and my mom gave it to me.
- 4 Q. Your grandma gave it to you?
- 5 A. Uh-huh.
- 6 Q. And where did she live?
- 7 A. Next door.
- 8 Q. And how close were those two residences to one another?
- 9 A. About here to where y'all at.
- 10 Q. To where I'm standing?
- 11 A. Uh-huh.
- 12 Q. Really close---
- 13 A. Real close.
- 14 Q. ---right?
- 15 A. Uh-huh.
- 16 Q. And did y'all own the land that those houses were on?
- 17 A. We did what now?
- 18 Q. Did you own the land surrounding---
- 19 A. Yeah.
- 20 Q. ---those houses?
- 21 A. Yeah, both of them. Yeah.
- 22 Q. And that plot of land had been in your, in your family
- 23 for quite a long time?
- 24 A. A long time.
- 25 Q. Right?

Neco Millhouse - Cross-examination  
By Ms. Bruck

- 1 A. Uh-huh.
- 2 Q. Jaylen's (indiscernible)?
- 3 A. Yeah.
- 4 Q. And how long had Jaylen been coming over to that family  
5 plot of land?
- 6 A. All the time.
- 7 Q. Since he was a baby?
- 8 A. Since he was a baby.
- 9 Q. Now, Demetrius Floyd, did you know him as Demetrius?
- 10 A. (WHEREUPON, there was no audible response.)
- 11 Q. What did you call him?
- 12 A. Meatball.
- 13 Q. And did he pay rent to you?
- 14 A. No.
- 15 Q. Was his name on any lease?
- 16 A. No.
- 17 Q. Was he paying you any money as far as your bills?
- 18 A. No, ma'am, he didn't.
- 19 Q. Jaylen had been coming over to that, that house since  
20 he was a baby.
- 21 Did he have permission to be there?
- 22 A. Yes.
- 23 Q. Did he need to ask you---
- 24 A. No.
- 25 Q. ---ahead of time?

Neco Millhouse - Cross-examination  
By Ms. Bruck

1 A. He didn't.

2 Q. Let me ask you a little bit about that day on  
3 November 24<sup>th</sup>, 2019. I know it was a while. Y'all had  
4 some family over throughout the day.

5 Is that right?

6 A. We did.

7 Q. Do you remember Jaylen's dad being there?

8 A. He was.

9 Q. Do you remember seeing Jaylen that day?

10 A. Yes, he came and talked to his daddy.

11 Q. How'd he appear to you?

12 A. He was fine like he always. Give us a hug and go on  
13 about his business.

14 Q. Did you see Meatball during that day?

15 A. Yes, he was in the house.

16 Q. Did anything seem out of the ordinary with him?

17 A. No.

18 Q. And you, you worked really early, right?

19 You have to get up really early in the morning?

20 A. Five o'clock in the morning.

21 Q. So what time did you go to sleep that night?

22 A. Well, it was a game on and I had family members there  
23 and we was in there looking at the game till its end.

24 Q. Did you go to sleep before nine o'clock?

25 A. Yeah, when the game was over, uh-huh.

Neco Millhouse - Cross-examination  
By Ms. Bruck

1 Q. And, Ms. Millhouse, what did you think about your  
2 daughter's relationship with Meatball?

3 A. Well, it was all right. I didn't think nothing of it.

4 Q. Were you aware of any issues that they had before?

5 A. No, I wasn't aware.

6 Q. Now you say -- I'm sorry.

7 I'm gonna pass this up to get marked as defense exhibit  
8 for ID purposes.

9 (WHEREUPON, a photograph was marked as Defendant's  
10 Exhibit No. 1 for identification purposes only at this  
11 time.)

12 Q. Now, Ms. Millhouse, I'm gonna show you a photo. You  
13 can hold onto it for a second.

14 Is that a hallway in your home?

15 A. Yes.

16 Q. And can you tell where that photo was taken from?

17 A. In the hallway.

18 Q. Was it closer to the kitchen?

19 A. Uh-huh.

20 THE COURT: Is that a yes?

21 THE WITNESS: Yes.

22 THE COURT: Thank you.

23 THE WITNESS: I'm sorry.

24 THE COURT: That's okay.

25 Q. And you can see down the hallway, right?

Neco Millhouse - Cross-examination  
By Ms. Bruck

1 A. You can see down the hallway.

2 Q. And is that how your hallway in your home at [REDACTED]  
3 Dubard-Boyle appeared November 24<sup>th</sup>, 2019?

4 A. Yes.

5 MS. BRUCK: At this time I would offer Defense Exhibit  
6 1 into evidence.

7 SOLICITOR WHITMIRE: Without objection. Yes, judge.

8 THE COURT: All right. Defense Exhibit No. 1 is  
9 admitted without objection.

10 (WHEREUPON, Defendant's Exhibit No. 1 was received into  
11 evidence at this time.)

12 MS. BRUCK: And then I'd ask to publish it to the jury.

13 THE COURT: Yes, ma'am, of course.

14 MS. BRUCK: Thank you.

15 Okay. Ms. Millhouse, so this would be your view if  
16 you're standing in the kitchen --

17 A. Uh-huh.

18 Q. -- of your, of your home, correct?

19 A. Uh-huh.

20 Q. Can you see okay?

21 A. I can see.

22 Q. Okay. And so directly back --

23 A. Uh-huh.

24 Q. -- whose bedroom is this?

25 A. That's mines.

Neco Millhouse - Cross-examination  
By Ms. Bruck

1 Q. Okay. And this bedroom to the right, you can see how  
2 it's cut off right here---

3 A. Uh-huh.

4 Q. ---correct?

5 That would of been the room that Jaquala was staying in  
6 at the time?

7 A. Uh-huh.

8 Q. And that was the---

9 THE COURT: Ma'am, I, I need you to say---

10 THE WITNESS: Yes.

11 THE COURT: ---yes or no.

12 THE WITNESS: I'm sorry. Yes.

13 THE COURT: I understand, I understand you know what  
14 you mean.

15 THE WITNESS: Yeah.

16 THE COURT: But we want to make sure it's picked up  
17 accurately.

18 THE WITNESS: Okay.

19 THE COURT: So if you'd please do that for me I'd  
20 appreciate it.

21 THE WITNESS: I will.

22 THE COURT: Thank you, ma'am.

23 Q. And I'll try to slow it down a bit.

24 A. Go ahead.

25 Q. Okay. So this to -- this to the right is the room

Neco Millhouse - Cross-examination  
By Ms. Bruck

1 where the shooting happened.

2 Is that right?

3 A. Yes.

4 Q. And, Ms. Millhouse, with -- the State's asked you.

5 You know, you don't, you don't allow in guns in your  
6 house, right?

7 A. I don't.

8 Q. Were you regularly searching that room?

9 A. No, I wasn't.

10 Q. Were you searching the mattresses?

11 A. No, I wasn't.

12 Q. Do you let drugs in your house?

13 A. No, I don't.

14 Q. Thank you, Ms. Millhouse. I have nothing further at  
15 this time.

16 THE COURT: Mr. Whitmire.

17 SOLICITOR WHITMIRE: No redirect.

18 THE COURT: All right. Thank you, Ms. Millhouse. You  
19 may step down, ma'am.

20 THE WITNESS: You welcome.

21 THE COURT: All right. Who's next?

22 SOLICITOR SCOTT: Ronnie Hinson, Your Honor.

23 THE CLERK: Would you state your full name please?

24 THE WITNESS: Ronnie Hinson.

25 RONNIE HINSON, being first duly

Neco Millhouse - Cross-examination  
By Ms. Bruck

1 sworn, testified as follows:

2 THE CLERK: Thank you. Have a seat.

3 DIRECT EXAMINATION

4 BY SOLICITOR SCOTT:

5 Q. Investigator Hinson, where are you employed?

6 A. Richland County Sheriff's Department.

7 Q. All right. And at what point did you become involved  
8 in the homicide occurring at ■ Dubard-Boyle Road?

9 A. Yes, I was the on call homicide investigator that week  
10 that this occurred. It -- the murder occurred on November  
11 the 24<sup>th</sup>, 2019, which is a Sunday evening. I was called  
12 in the next morning, Monday morning. We had a briefing and  
13 a conference about the investigation and what was going on  
14 so far and I took over the investigation that following  
15 Monday morning after the murder.

16 Q. Okay. And what, what -- say the date again.

17 That Monday, is that the 25<sup>th</sup>?

18 A. The 25<sup>th</sup>.

19 Q. Okay. And what are you doing once you first get  
20 involved in the case?

21 A. I met with the investigators who were on the scene the  
22 night of the, the murder. Also had meetings with -- we all  
23 met in the conference room, supervisors and other members of  
24 major crimes. Talked about what had -- the investigators  
25 had done the night before and, after the murder, their

Neco Millhouse - Cross-examination  
By Ms. Bruck

1 investigation so far and then we proceeded to make a game  
2 plan of what needed to be -- to happen next.

3 Q. Okay. At this point had you identified who the shooter  
4 was?

5 A. Yes, the, the investigators, Investigator Brown and the  
6 other investigators, had already, had already identified  
7 that the shooter was Jaylen Bell.

8 Q. Okay. And where was Jaylen Bell at this point?

9 A. He was a fugitive at that point. Nobody knew where he  
10 was at.

11 Q. So, at, at this point when you become involved, had  
12 there been multiple attempts to reach out to him?

13 A. Yes.

14 Q. Okay. Had you identified who his girlfriend was at the  
15 time?

16 A. Yes, we identified his girlfriend.

17 Q. And what's her name?

18 A. It was -- I'm sorry. Let me get that.  
19 was it Stephanie Jackson?

20 Q. Okay.

21 A. And she lived in Winnsboro.

22 Q. Okay. Was she able to get in touch with Jaylen Bell?

23 A. No, she had made attempts to call his phone that he had  
24 at the time. At -- that Monday morning she was not able to  
25 make contact with him on that phone. She did, further in

Neco Millhouse - Cross-examination  
By Ms. Bruck

1 the investigation, she did get phonecalls from different  
2 blocked numbers and it was Jaylen calling her from an  
3 unknown location. He wouldn't tell his location that he was  
4 making---

5 MS. WARTHEN: Objection. Foundation. Hearsay.

6 THE COURT: Sustained as to hearsay.

7 Q. Did you -- you contacted -- you had to get a fugitive  
8 task force?

9 You had to actually go find a unit specifically to---

10 A. Yes, once---

11 Q. ---track down Jaylen Bell?

12 A. Once we obtained the probable cause and obtained  
13 warrants from the judge for murder, and use of a weapon  
14 during an unlawful -- during the murder, we immediately  
15 turned over -- we do a packet and turn it over to the  
16 fugitive task force which is comprised of investigators with  
17 Richland County and the U.S. Marshals in order to try to  
18 locate Mr. Bell.

19 Q. Okay. And, and were they directed to go to -- did you  
20 look at his driver's license and see that Lexington address,  
21 address that he had?

22 A. Yes, I think it was the following morning, that Tuesday  
23 morning, which would of been on the 26<sup>th</sup>. He did have a  
24 driver's license where I think his parents or one of his  
25 parents lived in an apartment complex in Lexington County

Neco Millhouse - Cross-examination  
By Ms. Bruck

1 right after Bush River Road. That morning we set up two  
2 operations with two different groups to include  
3 investigators and the fugitive task force. One to go to  
4 that location and another to go to his girlfriend's house in  
5 Winnsboro to try to locate Mr. Bell.

6 Q. Okay. So he, he was not at either address you---

7 A. He was not located at either, either location.

8 Q. Okay. So, then November 26<sup>th</sup> comes.

9 were y'all able to locate him at that point?

10 A. That was the -- that was on the 26<sup>th</sup> when we I think  
11 did the, did that operation early in the morning on the  
12 26<sup>th</sup> which was that Tuesday.

13 Q. Okay. Let me see.

14 was he apprehended on---

15 A. The 27<sup>th</sup>.

16 Q. ---November 26<sup>th</sup> or the 27<sup>th</sup>?

17 A. The 27<sup>th</sup> he was app -- apprehended early morning on the  
18 27<sup>th</sup>.

19 Q. So it took three days and then the, the fugitive task  
20 force had to go out and find him first thing?

21 A. Correct.

22 Q. And 4:45AM about is when they get him?

23 A. Yes.

24 Q. Were you able to identify -- speak with him?

25 A. Yes, I was notified early in the morning hours that he

Neco Millhouse - Cross-examination  
By Ms. Bruck

1 was in custody. Myself and Investigator Roberts, who was  
2 assisting me on this investigation, responded to our  
3 headquarters where Mr. Bell was being held.

4 Q. Okay. And did you take him into headquarters to -- you  
5 said you did take him into headquarters to speak with him?

6 A. Yeah, he was in headquarters. We took him to our  
7 interview room and he was Mirandized, read his rights,  
8 waived his Miranda and began to speak to us about the  
9 incident.

10 Q. Okay. And I've got about 7:10AM is when y'all started  
11 to speak with him?

12 A. Correct.

13 Q. You say you Mirandized him first of all?

14 A. Yes.

15 Q. Because he is in custody at this point?

16 A. Right.

17 Q. And so Miranda is just, what?

18 Tell, tell the jury what rights that encapsulates.

19 A. Miranda is basically -- your basic -- right to remain  
20 silent, right to have an attorney with you during  
21 questioning, right to stop questioning at anytime. So he  
22 was read those rights on a form we have. I let him -- I  
23 read them and I let the defendant read them and initial to  
24 make sure that he -- they know what their rights are. Then  
25 they sign at the end and then they have a waiver of the

Neco Millhouse - Cross-examination  
By Ms. Bruck

1 rights at the bottom where they sign when they agree to  
2 speak to us about the investigation and Mr. Bell signed all  
3 forms.

4 Q. All right. And he, he seemed to understand them as you  
5 read them to him?

6 He, he signed off that he understood them?

7 A. Yes.

8 Q. Did you record this interview?

9 A. Yes, it was video and audio recorded.

10 Q. Okay. Let me show you State's No. 3.

11 Do you recognize that?

12 A. Yeah, that's a copy of the jail and bail interview.

13 Q. Okay. How do you recognize that?

14 A. It's -- I initialed it after reviewing it.

15 Q. Okay. And so it does reflect your recollection of  
16 y'all's interview?

17 A. Correct.

18 Q. All right. So was he -- was this ex -- explanation,  
19 explanation of events that night, did you talk about what  
20 time he gets over to the house on Dubard-Boyle?

21 A. Yeah, he -- I think he, he said he got over there  
22 around 6:00PM on that Sunday evening.

23 Q. Okay. Did he say that -- why -- did he say anything  
24 about being scared of Demetrius Floyd in that interview?

25 A. The only -- on one, one part of the interview he did

Neco Millhouse - Cross-examination  
By Ms. Bruck

1 say that Demetrius got loud and aggressive.

2 Q. Okay. And did, did he say that he was scared to go  
3 over to that house, that he was scared of Mr. Floyd?

4 A. No, he didn't. At one point -- one part of the  
5 interview he did, he did -- his statement was none of, none  
6 of that was -- is, is scaring me.

7 Q. Okay. Did he say Demetrius Floyd engaged in relentless  
8 violence like the defense attorney said in opening?

9 A. No.

10 Q. Did he say that Mr. Floyd engaged in relentless  
11 drinking?

12 A. No.

13 Q. Did he say that---

14 MS. WARTHEN: Objection.

15 Can we approach, Your Honor?

16 THE COURT: Sure.

17 (WHEREUPON, a bench conference was held out of the  
18 hearing of the jury at this time.)

19 THE COURT: Overruled.

20 You may continue.

21 Q. All right. And at what point did he say that Demetrius  
22 Floyd had relentlessly bullied him?

23 A. He never said that.

24 Q. Okay. Did he ever say that night that he was the  
25 victim of an -- of relentless assault?

Neco Millhouse - Cross-examination  
By Ms. Bruck

1 A. No, he didn't.

2 Q. Okay. Did he say that he was the victim of a violent  
3 drunk?

4 A. No, he didn't.

5 Q. Okay. All right. Did he say anything about being  
6 scared of going over to Dubard-Boyle that night or what was  
7 the occasion for him to go over there?

8 A. He just said he went over -- he was -- referring to my  
9 notes. He did go over there with the -- Stephanie and her  
10 son. They were, were going over there to get some lasagna  
11 at one point, that it had been cooked for them.

12 Q. Okay.

13 A. He, he went by Farrow -- he, he saw his dad at the fire  
14 barrel. They have a fire, fire barrel where they hang out  
15 --

16 Q. Okay.

17 A. -- and -- a lot of times and he saw his father out  
18 there and spoke to him and then --

19 Q. Okay.

20 A. -- basically just visiting.

21 Q. Upon arrival, did he ever indicate that he left the  
22 scene?

23 A. No.

24 Q. Okay. Did he ever indicate that he and Jaquala had  
25 left to go to the Colonial Avenue?

Neco Millhouse - Cross-examination  
By Ms. Bruck

1 A. Yeah, he did say---

2 MS. WARTHEN: Objection. Leading, Your Honor.

3 SOLICITOR SCOTT: All right. Let's do this -- Your  
4 Honor, State offers State's No. 3 for admission into  
5 evidence. That was previously ID'd by Investigator  
6 Hinson---

7 THE COURT: Okay.

8 SOLICITOR SCOTT: ---and we'll just publish that now.

9 THE COURT: All right. Any objections?

10 MS. WARTHEN: Your Honor, may we approach?

11 THE COURT: Okay.

12 (WHEREUPON, a bench conference was held out of the  
13 hearing of the jury at this time.)

14 THE COURT: Exhibit No. 3 is admitted.

15 (WHEREUPON, State's Exhibit No. 3 was received into  
16 evidence at this time.)

17 SOLICITOR SCOTT: Your Honor, this is about an hour  
18 long video.

19 THE COURT: Okay.

20 SOLICITOR SCOTT: So --.

21 THE COURT: Well, why don't we go ahead and just stop  
22 there for the day and then we can start with that first  
23 thing in the morning --

24 SOLICITOR SCOTT: Okay.

25 THE COURT: -- wherever you want to in the -- okay.

1 your hard work today.

2 Everyone else stay seated while the jury's excused for  
3 the evening.

4 Thank you.

5 (WHEREUPON, the following takes place outside the  
6 presence of the jury.)

7 THE COURT: I thought y'all agreed on what was in and  
8 what was out of the video?

9 SOLICITOR SCOTT: We did but I haven't -- I wasn't  
10 gonna publish the thing but she wouldn't let me get through  
11 it with the, the witness. So now it's incumbent upon me to  
12 introduce it.

13 What we'll do, in the mean time, is cut it short with  
14 the gang activity type part of the interrogation cause I --  
15 that's not relevant to our case. I'll cut that part out.

16 THE COURT: Okay.

17 MS. BRUCK: And, Your Honor, if -- what we just talked  
18 about in pretrial, it was much more than the gang activity.  
19 It was all of the mention of guns and I specifically stated,  
20 you know, that the State's agreeing not to elicit that  
21 through their own witnesses.

22 THE COURT: Well, he was trying not to but y'all  
23 stopped him.

24 MS. BRUCK: Well, Your Honor, I mean he, he can show  
25 portions of the, of the video. But we've all decided that

1 those, that those portions, the gun part---

2 THE COURT: Right. He, he was gonna do it without  
3 playing the video. But he was trying to lead the witness  
4 around the testimony so that the officer doesn't say  
5 something that y'all don't want him to say. But y'all don't  
6 want to do it that way cause you want to object to leading.  
7 So now he's gonna have to go back and edit the video tonight  
8 and just hit play.

9 MS. BRUCK: That's fine. We---

10 THE COURT: But---

11 MS. BRUCK: We -- yeah, we---

12 THE COURT: But he was, he was trying to help you but  
13 it's okay.

14 So you need to get the video edited to where that  
15 previous gun stuff and the gang stuff is out.

16 SOLICITOR SCOTT: Yes, sir, I -- what I'm gonna do is  
17 I'm gonna cut it after that 56 -- well 56 minutes and 15  
18 seconds. That's whenever he's in the room alone with Carey  
19 Roberts and that's when the gun testimony is alluded to.  
20 But I don't have any notes of any kind of prior gun stuff in  
21 here.

22 MS. BRUCK: We've notated it all out and shared it in  
23 an email. So, I'll get with Mr. Scott and we'll---

24 SOLICITOR SCOTT: No, I don't, I don't think I'm gonna  
25 be able to chop it up that way. I can end it at a certain

1 portion. But if -- I'm not -- I don't have the ability to  
2 cut out portions all throughout that make any sense.

3 MS. WARTHEN: We can show you how to cut it in  
4 evidence.com.

5 SOLICITOR SCOTT: No, I'll -- I don't want to chop a  
6 video up where it's taken out of context.

7 MS. WARTHEN: I mean it's just taking out a few  
8 seconds, 11 seconds, where there's an admission of carrying  
9 guns previously. There's six minutes of discussing gang  
10 activity.

11 SOLICITOR SCOTT: Your Honor, he's gonna take the  
12 stand. He will have to testify that he has experience  
13 carrying guns. He's done so already. I've got a  
14 transcript. I don't know why we're cutting it out of his  
15 interview here.

16 MS. BRUCK: There's a difference between a familiarity  
17 with guns, which I knew would come up when he takes the  
18 stand, versus an actual admission to previously carrying  
19 guns. One statement in particular, I use to carry guns,  
20 ain't gonna lie to you, when I (indiscernible) Investigator  
21 Hook came to my house, thought that the State and I agreed  
22 that that should not come in. It's an, it's an admission to  
23 carrying guns previously of previous bad act.

24 THE COURT: I, I don't understand why you can't just  
25 cut that out.

1 SOLICITOR SCOTT: If it's just that portion, I don't  
2 mind muting it -- I guess that part.

3 THE COURT: Well, you can't mute it cause it -- once it  
4 goes into ev -- I mean y'all cut videos all the time. Every  
5 case I try in here y'all cut videos.

6 SOLICITOR SCOTT: I think -- I've seen what they've  
7 done before is there's no audio for that portion.

8 THE COURT: That's fine.

9 SOLICITOR SCOTT: I know we can do that.

10 THE COURT: As long as it's -- there's no audio in the  
11 version that's going back in evidence.

12 SOLICITOR SCOTT: will do and that, and then, for the  
13 record, we are going to end it at 56 minutes and 15 seconds.  
14 That's whenever he goes into the room with just the one  
15 investigator.

16 MS. BRUCK: If that's where it's ended, then the only  
17 thing that we need cut out is that one gun --.

18 THE COURT: Okay. And can you give Mr. Scott the  
19 timing on that when this is over?

20 MS. BRUCK: Yes.

21 THE COURT: Okay.

22 MS. BRUCK: I certainly can.

23 THE COURT: All right. Anything else from the State  
24 before we break?

25 SOLICITOR SCOTT: No, Your Honor.

1 THE COURT: All right. From the defense?

2 MS. BRUCK: No, Your Honor.

3 THE COURT: All right. 9:30.

4

5 (WHEREUPON, Court was in recess for the evening.)

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1 Clerk's Office. That's all you got to do, right, and just  
2 let us know. You know, one level of -- I tell people all  
3 the time one level of communication can make everything make  
4 a whole lot more sense.

5 So we'll get to the bottom of it and I'll figure it  
6 out. Y'all don't need to worry about that at all.

7 We are in the presentation of the State's case and we  
8 are in the direct of Investigator Hinson.

9 Investigator Hinson, come on back up.

10 Let's re-swear him in please, Janie.

11 THE CLERK: Yes, sir.

12 State your full name please.

13 THE WITNESS: Ronnie Hinson.

14 RONNIE HINSON, being first duly  
15 sworn, testified as follows:

16 THE CLERK: You can have a seat.

17 THE COURT: All right. Thank you, Investigator Hinson.

18 CONTINUED DIRECT EXAMINATION

19 BY SOLICITOR SCOTT:

20 Q. All right. Investigator Hinson, you were talking  
21 yesterday about an interview you conducted with Jaylen Bell.  
22 It was videotaped and that I think you testified  
23 November 27<sup>th</sup>, 2019?

24 A. Correct. Yes.

25 Q. 7:10AM.

Ronnie Hinson - Direct examination  
By Solicitor Scott

1 Is that right?

2 A. 7:10AM, that's correct.

3 Q. Okay. And this was after the fugitive task force you  
4 said had to go out and find him and bring him in?

5 A. Yes.

6 Q. Did you also have an opportunity to interview Jaquala  
7 Scipio and Stephanie Jackson?

8 A. Yes, I did.

9 Q. And do you recall me -- do you have that in front of  
10 you when you interviewed Jaquala?

11 A. I interviewed her on November the 24<sup>th</sup>, 2019, at  
12 approximately 11:31PM.

13 Q. Okay. And Stephanie Jackson, that, that is -- is that  
14 the girlfriend of the defendant?

15 A. Yes.

16 Q. Okay. And did you interview Stephanie Jackson?

17 A. Yes. Let me go back. I, I read the wrong one.  
18 Jaquala Scipio was actually interviewed by me. She was  
19 in -- the first interview that I just quoted on the  
20 24<sup>th</sup> was in -- she was interviewed by Investigator Brown.  
21 She was interviewed by me and Lieutenant Galloway on  
22 November the 25<sup>th</sup>, 2019, at 12:19PM.

23 Q. Okay. That's Jaquala's Scipio?

24 A. That's Jaquala.

25 Q. And she is, to, to remind the jury cause we talked

Ronnie Hinson - Direct examination  
By Solicitor Scott

1 about it yesterday, how is she related to the defendant?

2 A. Jaquala is, is the aunt of the defendant.

3 Q. Okay. And we heard from Neco Millhouse yesterday and  
4 Jaquala Scipio is Neco's daughter?

5 A. Correct.

6 Q. Jaquala scipio is also Mr. Floyd, the decedent, it's  
7 his girlfriend, right?

8 A. Correct.

9 Q. Okay.

10 A. Correct.

11 Q. And -- okay. You interviewed Jaquala you said on  
12 November 25<sup>th</sup>. Stephanie Jackson -- and how is she  
13 related to the defendant, Mr. Bell?

14 A. Stephanie Jackson is Mr. Bell's girlfriend.

15 Q. Okay. And you interviewed Stephanie Jackson when?

16 A. I interviewed her on November the 26<sup>th</sup>, 2019, at  
17 7:53AM.

18 Q. Okay. So you interviewed both -- these two while Mr.  
19 Bell was still on the run.

20 Is that right?

21 A. Correct.

22 Q. Okay. And I want to show you, just for identification,  
23 State's 1 and 2.

24 State's 1 is what?

25 A. That's the interview of Stephanie Jackson.

Ronnie Hinson - Direct examination  
By Solicitor Scott

1 Q. Okay. So it was recorded?

2 A. Yes.

3 Q. Okay. And are you able to identify that?

4 A. Yes, my initials are on it.

5 Q. Okay. And does that, and does that reflect the  
6 conversation you had that was recorded with Stephanie  
7 Jackson?

8 A. Yes, it does.

9 Q. All right. And State's No. 2, do you recognize that?

10 A. Yeah, that's the interview of Jaquala Scipio.

11 Q. Okay. And you -- how do you recognize that one?

12 A. My initials are on it also.

13 Q. Okay. So you've been able to review both of these and  
14 they fairly and accurately represent the interview you had  
15 with those two people?

16 A. Yes, sir.

17 Q. All right. We're talking about -- again, we jumped  
18 around. The interview with the defendant, Jaylen Bell, that  
19 you have, you said it was recorded and that's kind of where  
20 we ended yesterday. It was introduced into evidence.

21 Right?

22 A. Right.

23 Q. And during the break, we, we cut out a few parts that  
24 were -- really had nothing to do with the case.

25 Is that true?

Ronnie Hinson - Direct examination  
By Solicitor Scott

1 A. That's true. Correct.

2 Q. And if -- the judge agreed to it. The defense agreed  
3 to it.

4 So, if there's a little bit of hiccups in there, that  
5 was everybody's agreement that those portions didn't really  
6 have anything to do with this case?

7 A. Yes.

8 Q. Okay. But your original video would of been unin --  
9 uninterrupted?

10 A. Yes.

11 Q. Taken an hour long interview?

12 A. Yes.

13 SOLICITOR SCOTT: All right. Your Honor, this was  
14 previously introduced yesterday. I believe it's State's No.  
15 3 --

16 THE COURT: That's correct.

17 SOLICITOR SCOTT: -- and we're gonna publish that at  
18 this point.

19 THE COURT: Okay. Now, ladies and gentlemen, the, the  
20 goal is that you can see and hear whatever they're --  
21 whatever they're showing you, right?

22 So if you can't see it or you can't hear it, you know,  
23 somebody wave at me or, you know, wave at one of the lawyers  
24 cause the goal is that you can see it and hear it. So, if  
25 you can't do that, let me know.

Ronnie Hinson - Direct examination  
By Solicitor Scott

1           Okay.

2           (WHEREUPON, State's Exhibit No. 3 was published to the  
3 jury at this time.)

4 Q.   Okay. That was the discussion you had with Mr. Bell at  
5 the time?

6 A.   Yes.

7 Q.   And you never found the gun.

8           Is that correct?

9 A.   Never did.

10 Q.   And y'all had crime scene respond to the scene of  
11 (indiscernible) a gun?

12 A.   Yes.

13 Q.   And no where in the house?

14 A.   No where.

15 Q.   And so, Mr. Bell, in that video, he mentioned at least  
16 twice that he wasn't scared during this altercation.

17           Is that---

18 A.   Yes, he did.

19 Q.   And he indicated to you I guess sort of the distance  
20 apart these two were?

21           THE COURT: Who, who is -- who is that feedback, Rod?

22           THE DIGITAL REPORTER: I think it's that one, right  
23 there.

24           THE COURT: You think it's that one?

25           THE DIGITAL REPORTER: Yeah, I'm texting them now to

Ronnie Hinson - Direct examination  
By Solicitor Scott

1 see if it --.

2 THE COURT: Okay.

3 UNIDENTIFIED SPEAKER: This one?

4 THE DIGITAL REPORTER: I'm texting them now. It's  
5 gonna keep doing it.

6 THE COURT: Can we move that one and see if it will  
7 make it better?

8 THE DIGITAL REPORTER: We can. Put it straight up.

9 THE COURT: Say something.

10 Q. Is -- so that was the extent pretty much of y'all's  
11 conversation that we just watched in State's No. 3?

12 A. Yes.

13 Q. All right. And we all watched it but he, he kind of  
14 got up and described to you distance --

15 A. Yes, he did.

16 Q. -- to where he fired?

17 A. Yes.

18 Q. And what -- I got it marked on here the timestamp. The  
19 jury will get to watch all that again if you want to.

20 He kind of holds his arms out about this distance,  
21 right?

22 A. That's correct.

23 Q. And he describes, when he's shooting at Mr. Floyd,  
24 they're both standing up.

25 Is that your understanding?

Ronnie Hinson - Direct examination  
By Solicitor Scott

1 A. Right.

2 Q. Okay. Okay. And you observed the crime scene?

3 A. Yes, I did. The next day I went and looked at the  
4 crime scene.

5 Q. Okay. Did, did the evidence you observe match Mr.  
6 Bell's version of events?

7 A. No.

8 Q. Okay. And he talked about -- what did he just say  
9 about his phone?

10 You were asking for the phone and what did he say?

11 A. He said he had one and then he said it was cracked and  
12 then he said it didn't work and he didn't know where it --  
13 basically didn't know where it was at.

14 Q. Okay. But your understanding was, on the night of this  
15 event, he had a phone with him?

16 A. Correct.

17 Q. Okay. One second.

18 (Pause.)

19 Q. Did -- all right. And have you done any report as far  
20 as looking up Deme -- or a search rather, in, in your  
21 database, law enforcement database, for the address [REDACTED]  
22 Dubard-Boyle Road?

23 A. Yes, I did.

24 Q. All right. Were you able to find any cause for  
25 domestic violence type situations from there?

Ronnie Hinson - Direct examination  
By Solicitor Scott

1 A. No, I, I researched 2018 and 2019 with -- for that  
2 address. Also researched both their names and didn't find  
3 any. I found some calls for service but no domestic related  
4 calls at that address or domestic related calls with both of  
5 their names, Meatballs and Jaquala's.

6 Q. Okay. So, so nobody called from that location saying  
7 there's a domestic violence situation going on here?

8 A. No.

9 Q. Ever?

10 A. No.

11 Q. And you also searched Jaquala Scipio's name.

12 You never had her come up as a complainant saying any  
13 domestic violence situation going on here?

14 A. Never did.

15 Q. Okay. And then you searched the victim, Demetrius  
16 Floyd's name, and you never saw his come up as the subject  
17 for domestic violence---

18 A. Never.

19 Q. ---call on that?

20 okay. All right. All right. Thank you. That's all  
21 the questions I have for you, Mr. Hinson. Answer any  
22 questions the defense has for you please.

23 MS. WARTHEN: May it please the Court?

24 THE COURT: Yes, ma'am.

25 CROSS-EXAMINATION

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 BY MS. WARTHEN:

2 Q. Good morning.

3 A. Good morning.

4 Q. I just wanted to ask a few questions about your  
5 experience.

6 How long have you been at Richland County?

7 A. I've been -- I got 24 years total.

8 Q. Okay. And, as an investigator, how many years?

9 A. I had a break of roughly 12 or so as an investigator.

10 Q. Twelve or so years.

11 Okay. You had a break?

12 A. Yeah, I -- with another agency for approximately 12  
13 years.

14 Q. Oh. And then you came back to Richland County?

15 A. Came back to Richland County, yes.

16 Q. Okay. So, where have you done your law enforcement  
17 training?

18 A. We had training at the South Carolina Criminal Justice  
19 Academy --

20 Q. Uh-huh.

21 A. -- our initial training and then training -- we have to  
22 train every year to keep up our certification and then I've  
23 done numerous other classes and courses pertaining to law  
24 enforcement.

25 Q. How many hours of continuing education do you have to

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 go through?

2 A. I'm not sure exactly how many hours. We have to do  
3 several days of in-service training and I'm not sure of the  
4 exact amount of hours. I know, I know a get enough hours to  
5 keep getting certified each year. So --.

6 Q. Okay. Or you wouldn't be here, would you?

7 A. Right.

8 Q. So, you were trained at some point to write reports,  
9 write thorough reports?

10 A. Correct.

11 Q. And to make them very detailed --

12 A. Yes.

13 Q. -- correct?

14 To include every step including who you talked to?

15 A. Yes.

16 Q. And when you talked to them?

17 A. Yes.

18 Q. So cases can take a few years to go to court, right?

19 A. Right.

20 Q. So your memories about like exactly what happened can  
21 fade?

22 A. Correct.

23 Q. So you rely on your reports to testify in court  
24 sometimes?

25 A. Sometimes, yes.

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 Q. And other investigators might rely on their reports to  
2 know what happened?

3 A. Yes.

4 Q. And lawyers are -- rely on your reports?

5 A. Yes.

6 Q. So, you agree that it's important to take notes on  
7 everything you've learned during an investigation?

8 A. Yes.

9 Q. Can you describe the role of an investigator on a case?

10 A. The -- you have several investigators especially when  
11 it comes to a homicide or murder. I was the lead  
12 investigator. At that time we had what we called secondary  
13 homicide investigators who were picked to assist me with  
14 reports, search warrants, and other things. So, the lead  
15 investigator basically oversees the investigation. Other  
16 investigators are also used to help write search warrants,  
17 do other things.

18 Q. Okay. And so you were the lead investigator on this  
19 case?

20 A. Yes.

21 Q. And so you decide -- you help decide what leads to  
22 follow?

23 A. Yes.

24 Q. Okay. And what evidence needs to be collected?

25 A. Yes. But crime scene basically does their -- I

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 don't -- yes and -- yes and no. Crime scene will do the  
2 evidence collection. They're certified and, and have a lot  
3 of knowledge in that. So they do their, their part in the,  
4 in the collection of evidence.

5 Q. And do they determine what evidence will be tested for  
6 DNA or do you help them determine that?

7 A. I, I determine that along with---

8 Q. Okay.

9 A. ---other investigators.

10 Q. And you also help determine who to interview?

11 A. Yes.

12 Q. And who to show photo lineups to?

13 A. Correct.

14 Q. And then who to charge?

15 A. Yes.

16 Q. Okay. And you prepared the arrest warrants?

17 A. Yes.

18 Q. Okay. So, it's going to be very important to carefully  
19 inspect the scene of a potential crime or is that something  
20 you delegate to CSI?

21 A. CSI does it. I did -- I came in on the day after  
22 during the day cause I was the on, on call homicide  
23 investigator.

24 Q. All right.

25 A. I just go out -- usually normally I go out to the

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 scenes. If I'm not there responding when it happens, I'll  
2 go and walk the scene and look just to get an idea of  
3 what's -- what we have.

4 Q. In your, in your -- sounds like you've had a lot of  
5 years of training and a lot of years of continuing  
6 education.

7 Have you ever learned about the weapons focus effect --

8 A. No.

9 Q. -- in all your training?

10 Have you learned about the, the circumstance where a  
11 person focuses on a gun when it is pointed at them to the  
12 exclusion of other details?

13 A. No.

14 Q. You, you haven't learned about that.

15 Have, have you experienced that over the course of your  
16 many years of practice that people have a tendency not to  
17 look around at other details and just witnesses, witnesses'  
18 faces or when there's a gun pointed at them?

19 A. I think it's according to the situation at hand. I  
20 mean I've had witnesses or victims that know everything  
21 around them including the person that's pointing the gun at  
22 them and then you have witnesses that they're focused  
23 basically on the person with the gun.

24 Q. Uh-huh.

25 A. So it's, it's basically whatever situation they're in.

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 Q. So you would agree with me that it's important to  
2 identify everyone on the premises when a potential crime  
3 occurs, correct?

4 A. Yes.

5 Q. Just like to identify anybody who might know something  
6 related to the incident?

7 A. Correct.

8 Q. And to interview them to find out what they know?

9 A. Yes.

10 Q. What, what they saw, what they heard, and what they  
11 did?

12 A. Correct.

13 Q. And to get like remains and contact information in case  
14 you have any follow-up---

15 A. Yes.

16 Q. ---questions?

17 A. Yes.

18 Q. And we saw -- Mr., Mr. Bell told you that his father  
19 had been on the scene at some point that evening, correct?

20 A. Yes.

21 Q. And do we have a statement from him?

22 A. No.

23 Q. That's---

24 A. I think he was out at the, the fire barrel outside  
25 earlier. I'm not sure if he was there during the incident

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 or her -- from Mr. Bell's questioning, he was -- his dad was  
2 around the fire barrel out in the yard.

3 Q. Okay. So he's immediately outside the house?

4 A. I'm not sure. I can't remember exactly where the fire  
5 barrel's located. It's out in the front yard somewhere.

6 Q. And then we also learned that Cornelius Green is  
7 Jaylen's cousin was hanging outside as well?

8 A. Yes.

9 Q. Okay. So, did you get any statement from Cornelius  
10 Green?

11 A. I don't think we -- we have what we have is several  
12 investigators that respond to the scene when we have a scene  
13 like this. At the time, those investigators will follow --  
14 will get those names and numbers and statements if there's  
15 witnesses there willing to speak to them at the time. I  
16 know we -- they had several witnesses that night that they  
17 did interview that were willing to speak. I'm not sure who  
18 was still on the scene after the shooting. A lot of times  
19 people, when they hear gunshots, when somebody's got shot,  
20 they flee the scene. So I'm not sure who else was out  
21 there.

22 Q. Okay. So there were some people who just weren't  
23 willing to talk?

24 A. Correct.

25 Q. Okay. And so you don't necessarily know who they were?

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 A. I don't know.

2 Q. And you don't necessarily know if they're like the  
3 person who could of moved the gun?

4 A. No, I don't know.

5 Q. Okay. And your team processed the scene multiple  
6 times, right?

7 A. Correct.

8 Q. So, they secured the scene initially the night of the  
9 shooting?

10 A. Yes.

11 Q. And then they held it at least for the next day?

12 A. Yeah, I think we held it throughout the next day.

13 Q. And they processed the scene again, went back and  
14 looked a couple of times?

15 A. Yes.

16 Q. But you weren't able to recover the gun?

17 A. That's right.

18 Q. So, it -- is it possible that someone hid evidence  
19 before you got there?

20 A. That's a possibility.

21 Q. And Jaylen did tell you that he left the gun on the  
22 couch in clear view, correct?

23 A. Yes.

24 Q. All right. And he explained that he did it to you so  
25 law enforcement wouldn't think that he was armed and

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 dangerous?

2 A. That's what he said --

3 Q. Right. He, he said---

4 A. ---interview.

5 Q. -- that he had a fear of being labeled armed and  
6 dangerous?

7 A. Yes.

8 Q. And, and, in your experience, this is probably not the  
9 first time that things have gone missing from a crime scene,  
10 correct?

11 A. Yes.

12 Q. And sometimes witnesses or people either think they're  
13 being helpful or meddling and they take things that---

14 A. There's times.

15 Q. ---may be evidence, right?

16 A. That happens.

17 Q. Okay. And there were at least three people, other than  
18 Jaylen, that we know of who were in the house when he --  
19 Meatball was shot, right?

20 A. Yes.

21 Q. There was Jaquala Scipio and Neco Millhouse?

22 A. Yes.

23 Q. I'm sorry. I have to hear. Say yes please.

24 A. Yes.

25 Q. And then a Melzie Hammond who goes by Black?

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 A. Yes.

2 Q. Okay. But there's no evidence that Quala was in the  
3 bedroom where the fight took place, correct?

4 A. Correct.

5 Q. And there's no evidence Neco and Black were in the  
6 room---

7 A. That's---

8 Q. ---right?

9 A. ---correct.

10 Q. And there's no evidence that any of the three of those  
11 people saw the shooting?

12 A. Yes, no evidence.

13 Q. And nobody at that house can tell you what any  
14 conversation was about between Neco and, I'm sorry, between  
15 Jaylen and Meatball?

16 A. That's right.

17 Q. Okay. So, you learned that there was a domestic  
18 violence situation that evening --

19 A. Yes.

20 Q. -- earlier that evening?

21 Did you talk to her family and friends about that  
22 abuse?

23 A. I can't remember right off hand if I talked to them. I  
24 probably asked if that was, if that was normal, if he's ever  
25 done that before. I did talk to -- I -- obviously with the

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 interview of Jaylen. He spoke about it.

2 Q. Okay. Did you do anything as far as documenting  
3 pictures of her neck since there was an allegation that she  
4 was choked?

5 A. No, we didn't.

6 Q. No pictures.

7 Okay. Or of her head --

8 A. No.

9 Q. -- if she had hit the refrigerator. No.

10 Okay. But you did learn over the course of the  
11 investigation that many people were aware of that ongoing  
12 abuse?

13 A. Yeah, at times. Yes.

14 Q. Now, yesterday you testified that Jaylen didn't tell  
15 you about any words anxieties or relentless violence, right?

16 A. Yes.

17 Q. But he actually did in the interview tell, tell you  
18 that this abuse was nothing new, right?

19 A. Yes.

20 Q. And he said that he had seen it plenty of times?

21 A. That's what he said.

22 Q. Okay.

23 A. Yes, ma'am.

24 Q. All right. And you took out the warrant on  
25 November 25<sup>th</sup>, correct?

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 Does that sound right?

2 A. Yes, I think so.

3 Q. Okay.

4 A. The following day.

5 Q. And then -- the following day after the incident?

6 A. Yes.

7 Q. And then you talked to Jaylen for the first time on  
8 November 27<sup>th</sup>?

9 A. Yes.

10 Q. Now, you pro -- told the prosecutor just now that  
11 Jaylen said -- told you that he wasn't scared?

12 A. Yes, he stated -- said on two different occasions  
13 during my interview.

14 Q. Okay. But precisely what he told you was that, in  
15 fact, he had told Meatball he wasn't scared on those two  
16 occasions?

17 A. No, I -- on one occasion he, he told me, he said none  
18 of that, none of that is scaring me and then he told -- then  
19 he stated that bro, that shit don't scare me. It doesn't  
20 phase me --

21 Q. Okay.

22 A. -- whenever Meatball had the gun on him.

23 Q. Okay. So he was speaking in the present tense  
24 quoting---

25 A. Correct.

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 Q. ---himself to Meatball earlier?

2 A. He was -- I think he was quoting at one point to me  
3 what he was saying to Meatball. Then he was quoting to me,  
4 from what I gathered, that, that nothing was scaring him,  
5 that basically he's been in a situation before, that guns  
6 don't scare him is what I gather.

7 Q. But he's actually quoting himself as I think -- and we  
8 can play it again and --.

9 A. I mean he, he may of been quoting himself. But if he  
10 was telling Meatball that he wasn't scared, then he was  
11 quoting to me that he wasn't scared, then my assumption is  
12 that he wasn't afraid when he was getting a gun pointed at  
13 him.

14 Q. Okay. So that's an assumption --

15 A. well, my---

16 Q. -- or an---

17 A. Yes.

18 Q. ---interpretation?

19 A. My interpretation, yes, ma'am.

20 Q. Okay. In fact, he actually told you that he was in a  
21 state of panic during this standoff, didn't he?

22 A. I think he did say that he panicked at one time.

23 Q. He said that after he wrestled the gun away from him he  
24 felt rushed at him, right?

25 A. Right.

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 Q. And he actually said he panicked and squeezed the  
2 trigger?

3 A. Yes.

4 Q. You asked him the question you just started pulling the  
5 trigger fast, right?

6 A. Right.

7 Q. And then he answered, yeah, I panicked.

8 A. Yes.

9 Q. Okay. And aside from telling -- aside from telling  
10 Meatball that you're not scaring me, he said a number of  
11 other things to Meatball in that -- in those few moments,  
12 right?

13 A. Correct.

14 Q. He said bro, back up. You ain't got to tell me  
15 nothing. It is what it is.

16 A. Yes.

17 Q. Okay. But then they bull rushed at him?

18 A. Yes.

19 Q. Now, a knife was found on Meatball's person over the  
20 course of this investigation, right?

21 A. Yes, it was.

22 Q. Okay. And it was found like in or -- his hands or his  
23 pocket?

24 A. In his pocket.

25 Q. Okay. And it was actually -- the blade was broken,

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 right?

2 A. Correct.

3 Q. Broken off?

4 A. Yes.

5 Q. Okay. And the blade was found separately?

6 Like the tip of the blade was found separately

7 somewhere in Meatball's hands?

8 A. Yes.

9 Q. Okay. And that was swabbed for DNA?

10 A. Yes.

11 Q. Yes.

12 And Jaylen's DNA was no where on the knife?

13 A. I don't have the DNA report on me. But I don't think

14 it was.

15 Q. You don't think it was?

16 A. No.

17 Q. All right. He was -- the incident occurred about

18 9:30PM?

19 A. That's correct.

20 Q. Something like that?

21 A. Yes.

22 Q. On the 24<sup>th</sup>?

23 A. Yes.

24 Q. And then he was apprehended the 27<sup>th</sup>, early morning,

25 correct?

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 A. Correct.

2 Q. So about 55 hours had passed before Jaylen was  
3 arrested?

4 A. Yes.

5 Q. Okay. And you've heard he spent most of that time on  
6 the (indiscernible) the people that he knew?

7 A. Yes.

8 Q. Right?

9 A. Yes.

10 MS. WARTHEN: And beg the Court's indulgence.

11 THE COURT: Yes, ma'am.

12 (Pause.)

13 Q. Now, you did say when the State was questioning you  
14 that you did look for an old domestic violence report and  
15 you looked for it like Due -- Dubard-Boyle address?

16 A. Yes, I looked at 2018 and 2019 cause they're -- they  
17 wasn't -- they weren't together too long. I looked at the  
18 address and also looked through our system --

19 Q. Okay.

20 A. -- from -- with both of their names.

21 Q. But if this DV had taken place at the Carriage House  
22 you may not have found it by looking it up through the  
23 address?

24 A. I would of found it by looking -- I also searched by  
25 both of their names. It would of been, it would of been in

Ronnie Hinson - Cross-examination  
By Ms. Warthen

1 our system.

2 Q. Okay.

3 A. I can find it by that -- either an address or the  
4 victim or the defendant's name.

5 Q. Okay. But you, you just didn't search by that address  
6 of the Carriage House?

7 A. No, I just searched by their names and --.

8 MS. WARTHEN: Okay. I don't think I have any further  
9 questions at this time.

10 THE COURT: Okay. All right. Any redirect, Mr. Scott?

11 SOLICITOR SCOTT: Yes, sir.

12 REDIRECT EXAMINATION

13 BY SOLICITOR SCOTT:

14 Q. The re -- the defense attorney was asking you about  
15 your training, report writing, and whatnot.

16 You got firearms training too you have to do?

17 A. Yes.

18 Q. Let me ask you. Does a bullet travel in a straight  
19 path?

20 A. Not -- no, not often.

21 Q. A bullet doesn't travel in, in a straight path?

22 A. It travels in a straight path until it hits something,  
23 correct.

24 Q. But what I'm saying is they don't, they don't wave all  
25 through the air---

Ronnie Hinson - Redirect examination  
By Solicitor Scott

1 A. No.

2 Q. ---or anything like that, do they?

3 A. No.

4 MS. WARTHEN: Your Honor, objection. He hasn't been  
5 certified as an expert---

6 THE COURT: All right. Overruled.

7 MS. WARTHEN: ---in ballistics.

8 THE COURT: Go ahead.

9 Q. Okay. That's your training and experience. I mean  
10 everybody's experience is a bullet travels in a straight  
11 path---

12 A. Correct.

13 Q. ---when it's fired from the gun?

14 A. Yes.

15 Q. And do you understand the difference in the -- between  
16 a semiautomatic pistol and a revolver?

17 A. Yes, I do.

18 Q. All right. What is a shell casing?

19 A. A shell casing is the casing that come -- the bullet,  
20 when the bullet's fired, a casing will eject out of the gun  
21 in a semiautomatic. The bullet is the part that travels.

22 Q. Okay. In a revolver, the casing stays in the cylinder,  
23 right?

24 A. Yes, it does.

25 Q. A semiautomatic, the casing is ejected out of the gun?

Ronnie Hinson - Redirect examination  
By Solicitor Scott

1 A. Right.

2 Q. All right. And, and there were casings found in the  
3 bedroom where Demetrius Floyd was shot?

4 A. Yes.

5 Q. All right. You, you know what caliber they were?

6 A. 9-millimeter.

7 Q. 9-millimeter.

8 Now, the defense attorney was asking you about  
9 something that she called, and I don't know how she  
10 researched this, but weapons focused effect.

11 A. Yes.

12 Q. Do you---

13 A. I'm, I'm not familiar with that.

14 Q. Okay. But she says it's a -- the idea that somebody  
15 would be focused on a gun to the detriment of the rest of  
16 the surroundings. I think that's what I understood.

17 Is that what you understand?

18 A. That's what I understand it being.

19 Q. And I think you testified sometimes you got witnesses  
20 who -- they observe but the gun?

21 A. Correct.

22 Q. Is it common, in your experience, for somebody not only  
23 to identify generally the color of a gun but they're able to  
24 identify the make, the model, and the caliber of a gun  
25 during a struggle?

Ronnie Hinson - Redirect examination  
By Solicitor Scott

1 A. I've never seen it, in my experience --

2 Q. Okay.

3 A. -- the make and the caliber of a gun being the --  
4 identified by a victim or witness.

5 Q. Okay. Cause a 9-millimeter is very similar caliber to  
6 what, .380?

7 A. .380, a little smaller than a .40, yes.

8 Q. And so -- but Mr. Bell claims that during this struggle  
9 he's able to say this gun that Demetrius Floyd has is a  
10 Smith & Wesson, chrome and black, and it's a 9-millimeter.

11 That's what he told you?

12 A. Yes, that's what he told us.

13 Q. Okay. Matter of fact, the casings found there happened  
14 to be 9-millimeter casings?

15 A. Correct.

16 Q. And had you ever heard of such, somebody struggling,  
17 life and death situation, they're gonna determine the  
18 pistol's a Smith & Wesson 9-millimeter?

19 A. No, it's usually just a color and the size.

20 Q. Okay. Now, Jaylen Bell's dad was over there.

21 Has he ever come forward and say I know where the gun  
22 is or I'll take you to the gun?

23 A. No.

24 Q. He never has?

25 A. No.

Ronnie Hinson - Redirect examination  
By Solicitor Scott

1 Q. This Cornelius I think they talked about, that's Jaylen  
2 Bell's cousin, has he ever come forward---

3 A. No.

4 Q. ---and told you where the gun was?

5 A. No, sir.

6 Q. Matter of fact, all these people on the scene knew the  
7 defendant's family members.

8 Is that right?

9 A. Correct.

10 Q. Okay. Did you find them to be particularly cooperative  
11 at the time this investigation was kicking off?

12 A. No.

13 Q. Okay. Stephanie Jackson, were you able to immediately  
14 get in touch with her?

15 A. No, not, not -- we were not immediately right after get  
16 in touch with her or find her.

17 Q. And was she indicated where she was---

18 A. No.

19 Q. ---early on?

20 A. No.

21 Q. Okay. Okay. And, and just you interviewed Jaquala  
22 Scipio very shortly after this?

23 A. Yes, I did.

24 Q. Did you observe any signs of an injury on her?

25 A. No, I didn't. If I, if I did observe any, any outward

Ronnie Hinson - Redirect examination  
By Solicitor Scott

1 signs of injury, injury, I'm sorry, I would of documented  
2 that.

3 Q. Okay. And then there was no request for any kind of  
4 medical assistance or anything?

5 A. No.

6 Q. All right. Thank you. That's all I have.

7 THE COURT: Recross.

8 MS. WARTHEN: Just very briefly, Your Honor.

9 RE CROSS EXAMINATION

10 BY MS. WARTHEN:

11 Q. (Indiscernible) so you -- did you talk to John Bell at  
12 any point?

13 A. No, I didn't.

14 Q. And did you talk to his cousin, Cornelius, at any  
15 point?

16 A. No.

17 Q. Did you talk to Stephanie Jackson in this case?

18 A. I don't -- no, I didn't talk to her for a couple of  
19 days.

20 Q. But you did talk to her at some point?

21 A. Yes, I talked to her. The, the following wednesday we  
22 interviewed her.

23 Q. And she wasn't willing to speak with you?

24 A. Yes, we had -- after we went to her house with a  
25 fugitive team to look for Jaylen, we asked her -- well, we

Ronnie Hinson - Recross examination  
By Ms. Warthen

1 basically told her it's in her best interest to come talk to  
2 us and she agreed.

3 Q. Thank you. No further questions.

4 THE COURT: All right. Investigator, you can step  
5 down.

6 THE WITNESS: Thank you.

7 THE COURT: All right. Call -- you can call your next  
8 witness.

9 SOLICITOR SCOTT: I call -- State calls Stephanie  
10 Jackson.

11 THE COURT: All right. Miss Jackson, come on up.

12 THE CLERK: State your full name please.

13 THE WITNESS: Stephanie Jackson.

14 STEPHANIE JACKSON, being first duly  
15 sworn, testified as follows:

16 THE CLERK: Thank you. Have a seat right there.

17 DIRECT EXAMINATION

18 BY SOLICITOR SCOTT:

19 Q. Morning, Stephanie.

20 A. Good morning.

21 Q. How old are you today?

22 A. I'm fine.

23 Q. Good.

24 How old are you today?

25 A. Oh, how old I am today?

Stephanie Jackson - Direct examination  
By Solicitor Scott

1. Q. Yeah.
2. A. Thirty.
3. Q. Thirty.
4. Okay. And who is your boyfriend?
5. A. Jaylen.
6. Q. Okay. How long have you two been seeing one another?
7. A. About -- all -- well, probably three years now.
8. Q. Three years?
9. A. Uh-huh.
10. Q. Okay. And was he living with you November 24<sup>th</sup> of
11. 2019?
12. A. Living?
13. Q. Yes.
14. A. He actually was still staying with his parents. He
15. would just come up there.
16. Q. Okay. Was he staying in that Lexington apartment?
17. A. Yes.
18. Q. What's that called?
19. A. I think Lexington Green.
20. Q. Lexington Green?
21. A. Yeah.
22. Q. Okay. So that's where he lived?
23. A. Yes.
24. Q. On November 24<sup>th</sup> of 2019, did he stay at your house
25. this particular night?

Stephanie Jackson - Direct examination  
By Solicitor Scott

- 1 A. The 24<sup>th</sup>?
- 2 Q. Yeah.
- 3 A. The date of the incident?
- 4 Q. Yeah.
- 5 A. No, he did not stay that night.
- 6 Q. Okay. Tell me where you were -- well, I guess the day
- 7 be -- the night before.
- 8 A. The night before he stayed at my house.
- 9 Q. Okay. And your house --
- 10 A. Yes.
- 11 Q. -- is where?
- 12 A. It's in Ridgeway.
- 13 Q. Okay. So, the night of November 23<sup>rd</sup> he stayed at
- 14 your house?
- 15 A. Yes.
- 16 Q. Okay. And then tell me about November 24<sup>th</sup>, the day
- 17 of the incident, kind of how things happened that morning.
- 18 A. Well, we got up like around the afternoon and he stated
- 19 that we had to go to Columbia to go talk to his cousin. And
- 20 so that's when I got the baby situated and we went on to
- 21 Columbia.
- 22 Q. Who, who -- what cousin was it?
- 23 Jaquala?
- 24 A. Cornelius.
- 25 Q. Cornelius?

Stephanie Jackson - Direct examination  
By Solicitor Scott

- 1 A. Yes.
- 2 Q. What's Cornelius's name?
- 3 A. Cornelius Green.
- 4 Q. Green?
- 5 A. Uh-huh.
- 6 Q. Okay. And do you know what they had to go talk about?
- 7 A. No, sir.
- 8 Q. Okay. You didn't say hey, before we drive 25, 30  
9 minutes from Ridgeway, what, what we going to talk about?
- 10 A. No.
- 11 Q. Okay. Wasn't important to you?
- 12 A. It wasn't important.
- 13 Q. Now, if my notes -- y'all woke up about 4:00PM---
- 14 A. Yeah, around 3:00---
- 15 Q. ---on the 24<sup>th</sup>?
- 16 A. ---or 4:00PM.
- 17 Q. Was that normal to sleep till then?
- 18 A. It depends. We was up all night playing with like my  
19 baby and having water fights and stuff.
- 20 Q. Okay. And then he just -- he says I, I got to go see  
21 Cornelius?
- 22 A. Yes.
- 23 Q. Okay. And you -- where was Cornelius on that day?
- 24 A. On Dubard-Boyle Road.
- 25 Q. Okay. Is that somewhere you had been before?

Stephanie Jackson - Direct examination  
By Solicitor Scott

- 1 A. Yes.
- 2 Q. And who lived at that location?
- 3 A. Neco and her boyfriend, Black.
- 4 Q. Okay. Who else?
- 5 A. Jaquala stayed there off and on.
- 6 Q. Okay. And Jaquala, who is that to you?
- 7 A. That's my friend.
- 8 Q. Your friend?
- 9 A. Yes.
- 10 Q. All right. I mean are y'all best friends or --?
- 11 A. You can say that.
- 12 Q. All right. Did y'all -- y'all usually ride -- did
- 13 y'all ride here today together?
- 14 A. Yes.
- 15 Q. And y'all sit together during court and everything?
- 16 A. Well, we not beside each other. It's some -- was
- 17 somebody in-between us.
- 18 Q. Is that her right there on the end---
- 19 A. Yeah, that's---
- 20 Q. ---in the white?
- 21 A. Yes, that's Quala on the end.
- 22 Q. Okay. And y'all were sitting beside each other just
- 23 now, right?
- 24 A. No, I was sitting in-between Jaylen's mama and his
- 25 sister.

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 Q. Okay. But you, you would go over to that Dubard-Boyle  
2 house to hang out with Jaquala from time to time?

3 A. From time to time, yes.

4 Q. All right. And so about what time did y'all get there  
5 on the 24<sup>th</sup>?

6 A. Around 5:00 or 6:00.

7 Q. All right. Okay. And, and what was going on right  
8 when you got there?

9 A. Basically like all the men was standing by the barrel  
10 and then you had people on the porch.

11 Q. Okay. It look like a -- kind of like a little get  
12 together or something going on?

13 A. No, that's just normal. They usually do that on  
14 weekends. That's normal weekends.

15 Q. What normally happens over there at that Dubard-Boyle  
16 house?

17 A. They play cards and dominoes and drink. They---

18 Q. Drinking?

19 A. Yeah.

20 Q. A lot of people drinking that day?

21 A. Oh, I didn't get out the car. So I don't know.

22 Q. Okay. So right when you get there, you stay in the  
23 car?

24 A. I stayed in the car.

25 Q. Who gets out?

Stephanie Jackson - Direct examination  
By Solicitor Scott

- 1 A. Jaylen gets out. Quala gets in.
- 2 Q. Okay. And that's about 5:00 or 6:00 in the afternoon?
- 3 A. Yes.
- 4 Q. Okay. Jaylen gets out. Jaquala gets in.
- 5 A. Yes.
- 6 Q. And what happens then?
- 7 A. Me and Jaquala was just talking.
- 8 Q. Okay. And what, what was Jaylen doing?
- 9 A. He was by the barrel with the men.
- 10 Q. Okay. Did you see Demetrius Floyd at this time?
- 11 A. Yes.
- 12 Q. What was he doing?
- 13 A. By the barrel.
- 14 Q. Okay. Everybody was just hanging out at the barrel?
- 15 A. By the barrel, yes.
- 16 Q. What do you know Demetrius as?
- 17 A. Meatball.
- 18 Q. A lot of people call him Meatball?
- 19 A. Yes.
- 20 Q. Okay. And so you and Jaquala were in the car talking.
- 21 Jaylen, and Meatball, and everybody else around the fire
- 22 pit.
- 23 what happens next?
- 24 what, what are you and Jaquala talking about?
- 25 A. Just different stuff. Like what's going on, stuff

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 we've seen or heard and stuff like that.

2 Q. At some point did you guys leave Dubard-Boyle Road?

3 A. Yes.

4 Q. So did you ever get out of the car when you first get  
5 there?

6 A. No.

7 Q. Okay. Who all leaves Dubard-Boyle Road?

8 A. Me, Jaquala, Jaylen, and Ike.

9 Q. Who is Ike?

10 A. Ike is my son.

11 Q. How old is Ike?

12 A. Three.

13 Q. He is right now?

14 A. Yes, he's three.

15 Q. How old was he at the time?

16 A. One.

17 Q. Okay. All right. Where, where are y'all gonna go once  
18 Jaylen gets back in the car?

19 A. We, we rode over there, over there to Beltline and  
20 Colonial area.

21 Q. Okay. What's over there?

22 A. Well, I know Colonial is his uncle place and, and we  
23 went over somewhere by the store over there on Beltline.

24 Q. Okay. What was going on at his uncle's house?

25 A. Oh, it was just a whole bunch of the boys, the usual

Stephanie Jackson - Direct examination  
By Solicitor Scott

- 1 boys that be over there.
- 2 Q. Okay. Did you get out of the car at Colonial?
- 3 A. No, sir.
- 4 Q. All right. And did Jaquala get out of the car?
- 5 A. Not at the moment, no, sir.
- 6 Q. At what moment did she get out of the car?
- 7 A. Like later on after me and her came back.
- 8 Q. Okay. So let me get this straight.
- 9 You drive to Colonial?
- 10 A. Uh-huh.
- 11 Q. Does Jaylen get out?
- 12 A. Jaylen gets out.
- 13 Q. He jumps out and did he tell you what he was gonna do?
- 14 A. No, he just said that basically he fixing to -- no, he
- 15 did say. He say he was gonna talk to his brother.
- 16 Q. Okay.
- 17 A. Yeah.
- 18 Q. And you and Ike, your one year old --
- 19 A. Uh-huh.
- 20 Q. -- and Jaquala leave?
- 21 A. No, we still sitting in the car. We was sitting in my
- 22 car.
- 23 Q. Okay.
- 24 A. Yeah.
- 25 Q. And then does Jaylen come out?

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 A. He came out and he talked to me a little bit, asked me  
2 was I okay, and I told him that I was hungry, and that we  
3 was gonna go to -- back to Jaquala mama house so I can get  
4 me something to eat.

5 Q. Okay. How far is Colonial and Unc's house -- is it  
6 Uncle or Unc?

7 what do you call him?

8 A. Unc.

9 Q. Unc?

10 A. Uh-huh.

11 Q. How far is Unc's house on Colonial from the  
12 Dubard-Boyle Road house?

13 A. I want to say probably 10 to 15 minutes if that.  
14 Probably about 10 minutes---

15 Q. Did you---

16 A. ---if that. I'm not sure.

17 Q. Did you tell Jaylen you were gonna drive off?

18 A. Yeah, he knew.

19 Q. Okay. So he said I'm just gonna hang here with Unc and  
20 then y'all went---

21 A. Yeah, he grabbed Ike out the car and he went in the  
22 house. Took Ike in the house.

23 Q. Now you leave with Jaquala and go back to Dubard-Boyle  
24 Road?

25 A. Yes.

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 Q. what happens when y'all go back?

2 A. Quala checked in on me while he was asleep and we fixed  
3 him something to eat and then we went outside, sat in the  
4 car and ate. I ate my food and then we left.

5 Q. Okay.

6 A. Uh-huh.

7 Q. what -- lasagna?

8 Is that what you had to eat?

9 A. Yep, lasagna.

10 Q. And you said Demetrius was asleep?

11 A. Yeah, he was. Well, I don't know. I'm not sure if he  
12 was asleep. But what was told to me was he was in the room.  
13 I guess she just peeped in the room but didn't open the  
14 door.

15 Q. Okay. And so you get your lasagna?

16 A. Uh-huh.

17 Q. Get in the car and eat it?

18 A. Uh-huh.

19 Q. And whose in the car now, you---

20 A. Just me and Jaquala.

21 Q. Okay. And then y'all go where?

22 A. Back to Colonial Drive.

23 Q. Back to Colonial?

24 A. Yes.

25 Q. And at that point is Jaylen done with whatever he was

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 doing there?

2 A. Yeah, he came back. He came, brought Ike out to me,  
3 and was talking to me and then he asked me was I ready to go  
4 home. I told him I was, I was fine. I wasn't in no rush to  
5 go home.

6 Q. Okay. Did you stay in the car?

7 A. Yeah, I stayed in the car.

8 Q. Is there a reason you don't go into Unc's house?

9 A. I'm not -- I'm a people's person but I'm not a people's  
10 person.

11 Q. Okay.

12 A. I just like to be by myself. I don't like all that  
13 negative energy and all in other people.

14 Q. Okay.

15 A. That's it.

16 Q. So, so there's some negative energy over at---

17 A. No, it's just -- I just don't know what type of energy  
18 you will bring about me to interfere with my energy.

19 Q. Okay. So it's just best for you to stay in the car  
20 then?

21 A. Yeah, it's just best for me to stay by myself.

22 Q. So you, you don't want to know what's going on in the  
23 house?

24 A. I don't want to know what's going. None of that.

25 Q. I appreciate that.

Stephanie Jackson - Direct examination  
By Solicitor Scott

1           So he's, he's in Unc's house and when does Jaquala go  
2 in there?

3 A.   When we get back. She was talking to -- she got out  
4 the car and talked to Rah and then she walked in the  
5 house---

6 Q.   Okay.

7 A.   ---for the---

8 Q.   We're, we're still at Colonial, right?

9 A.   Yeah, we're still in Colonial.

10 Q.   Okay. And Jaylen's in the house and then Jaquala goes  
11 in there?

12 A.   Yes.

13 Q.   Did she tell you why she was going in there?

14 A.   No, I knew she was talking to Rah. So that was it.

15 Q.   Okay. But you stay in the car---

16 A.   I stayed in the car.

17 Q.   ---and she goes in there --

18 A.   And Jaylen---

19 Q.   -- and Jaylen's in there?

20 A.   No, Jaylen's still outside talking to me and he gets in  
21 the car --

22 Q.   Okay.

23 A.   -- and was talking to me.

24 Q.   And then at what point do you guys leave?

25 A.   Talking about that night from colonial?

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 Q. Yeah. We're trying to, we're trying to build up to the  
2 scene that we're here for.

3 A. Okay.

4 Q. So, walk us through that cause you were there, right?

5 A. Right. I want to say we probably left there from  
6 Colonial headed back to Quala mama house around like 8:45.

7 Q. Okay. Quala's mama's house---

8 A. Uh-huh.

9 Q. ---is the [REDACTED] Dubard-Boyle?

10 A. Yes, sir.

11 Q. Tell me again what time that was.

12 A. Around probably like 8:45, close to nine o'clock.

13 Q. And did you, did you know -- did you find out at any  
14 point what Jaquala had gotten at Unc's house?

15 A. No.

16 Q. So about 8:45 to 9:00 you get back to Dubard-Boyle and  
17 it's you, Jaquala, Jaylen, and Ike?

18 A. Yes.

19 Q. All right. And was this kind of close to the end of  
20 the night or had y'all planned on going back to Ridgeway  
21 that night?

22 A. Yes.

23 Q. And once y'all get back there, it's 8:45, 9:00.

24 were y'all planning on staying there a lot longer or  
25 just kind of---

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 A. No, Jaylen goes -- Jaylen -- me, Jaylen -- everybody  
2 gets out the car --

3 Q. Okay.

4 A. -- cause Mauria's there. Everybody gets out the car.  
5 We was going to fix Jaylen something to eat and clean -- I  
6 was gonna fix Ike a bottle and then that's when Jaylen goes  
7 to the barrel and was talking to Cornelius. Me, Quala,  
8 Mauria, Ike goes in the house.

9 Q. All right. And so -- all right. What's, what's going  
10 on when you go in the house?

11 Just for -- go ahead. I'm sorry.

12 A. Yeah, Jaquala and -- Jaquala walks in the house. She  
13 goes back there and checks on Meatball. I guess, by this  
14 time, he's aware that she's in the house cause I guess he  
15 hears all of us talking. So, they in the room and they  
16 getting into it. The door closes.

17 Q. They're arguing back and forth with each other?

18 A. Yes.

19 Q. Okay. And the door's closed.

20 A. The---

21 Q. Cause it's a small house though?

22 A. Yeah, it's a real small house.

23 Q. So, you can hear arguing from the back bedroom?

24 A. You can hear the arguing but I tuned it out a little  
25 bit so that way I didn't hear too much was going on.

Stephanie Jackson - Direct examination  
By Solicitor Scott

- 1 Q. Okay. So you tuned it out?
- 2 A. Yes, sir.
- 3 Q. And what happens next?
- 4 A. Me and Mauria -- I asked Mauria to change Ike Pamper  
5 and I'm fixing -- washing the bottles out, to try to wash  
6 his bottle out, and then Jamarina comes back in the kitchen  
7 with Ike and Quala and Meatball comes out the bedroom.
- 8 Q. Okay. And everybody seem okay when they come out of  
9 the bedroom?
- 10 A. No, Quala and Meatball steady arguing.
- 11 Q. They're still arguing?
- 12 A. Yeah.
- 13 Q. And at some point was Jaquala laughing or something  
14 when she comes out of the bedroom?
- 15 A. Yes, she was laughing about what he said.
- 16 Q. Okay. And they, they come to the kitchen?  
17 Is that what you just testified to?
- 18 A. Yes, sir.
- 19 Q. Okay. Was anybody crying?  
20 Was anybody -- is there any reason to call the police  
21 at this point or anything or --
- 22 A. No.
- 23 Q. -- anything concerning to you?
- 24 A. I really wasn't too much paying attention.
- 25 Q. Okay. And -- all right. So what happens --

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 A. They---

2 Q. -- in the kitchen?

3 A. While I got my back turned, I'm fixing Ike a bottle and  
4 then you hear like a pop noise.

5 Q. Uh-huh.

6 A. And so then that's when I -- that's when I turned  
7 around and you hear Mauria says that's not cool.

8 Q. Okay. So you didn't see what happened?

9 You just heard like kind of a -- some kind of a smack  
10 or something?

11 A. Somebody got smacked, yeah.

12 Q. Okay. And -- okay. And then what happens after that?

13 A. He -- they was -- Mauria -- no, Quala told Mauria to  
14 stay -- something. She said something to Mauria and then  
15 that's when Meatball said something to Quala and then that's  
16 when he reached down and tried to pick up my baby and I told  
17 him don't pick him up. So, when I picked up my baby, he  
18 swatted at him -- at my child.

19 Q. Okay. So he picks up your baby and you said put, put  
20 Ike down?

21 A. Put Ike down.

22 Q. And is it fair to say that Demetrius, he, he -- kind of  
23 been drinking that night?

24 A. He's been drinking, yes.

25 Q. Yeah.

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 And so you, you don't want him around your baby?

2 A. I -- no.

3 Q. Okay. So does he put the child down?

4 A. He puts the child back down.

5 Q. And then, then what happens next?

6 A. Mauria stated that she wanted to go to her daddy's  
7 house.

8 Q. Okay. And did you agree to take her to her dad's?

9 A. I agreed to take her to -- I told her -- I told Quala I  
10 would take her to her daddy's house.

11 Q. Now, just for -- just to be clear, Jamaría is Jaquala's  
12 daughter?

13 A. Daughter, yes.

14 Q. Okay. And she said I want to go to my dad's house.  
15 He lives somewhere else?

16 A. Yes, he lives on Broad River.

17 Q. Okay. Do you agree to take her there?

18 A. I agreed to take her.

19 Q. And did you guys leave at that point?

20 A. We goes outside and then we gets in the car. Well,  
21 Jaylen comes -- well, Mauria was talking and I was talking.  
22 I was telling her stuff, stuff and then that's when all of  
23 us walks to the car, me, Ja -- not Jaquala. Me, Jamaría,  
24 Ike, and Jaylen walks and gets in the car.

25 Q. Okay. Just, just to be clear, you didn't fear for

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 Jaquala's safety at that point?

2 A. I'm not gonna say I didn't fear for her safety. I'm  
3 just say it just wasn't on my mind. I'm just thinking about  
4 getting Mauria out the house.

5 Q. Okay. Well, let's just -- Jaquala's one of your best  
6 friends --

7 A. Right.

8 Q. -- is what you testified to?

9 A. Yes.

10 Q. If you thought she was in danger, would you have left  
11 her at that house?

12 A. Not --.

13 Q. Is your answer yes, you would leave her at a house when  
14 you thought she was---

15 A. No, not really. No. No.

16 Q. Not really?

17 A. No, I wouldn't.

18 Q. Okay.

19 A. No.

20 Q. And so you didn't think we need to get Jaquala out of  
21 here?

22 A. My main concern was Jamarina at the moment, my main  
23 concern.

24 Q. You had no concern for Jaquala?

25 A. No.

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 Q. All right. Okay. Because, if you did, you would of  
2 said let's get her out of here?

3 A. I mean Neco and Black was in the house.

4 Q. And they were asleep?

5 A. Yes.

6 Q. Okay. I, I mean I guess this was not -- I'm not trying  
7 to trick you but if, if you -- you know, one of your loved  
8 ones, you think they're in danger, you get them out of that  
9 dangerous situation normally.

10 MS. BRUCK: Objection. Asked and answered.

11 SOLICITOR SCOTT: I---

12 THE COURT: Overruled.

13 Q. Did -- right?

14 A. I'm -- excuse me.

15 Can you repeat that?

16 Q. Okay. If, if one of your loved ones, someone you care  
17 about, you think they're in danger---

18 A. Right.

19 Q. ---or you're worried about them---

20 A. Right.

21 Q. ---you want to get them away from the danger if you  
22 can, correct?

23 A. I mean yes. But at the same time I feel like you would  
24 want to -- if you would want to leave that person, you would  
25 leave that person. As many times as she has done left him

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 and done went back, I just felt like --.

2 Q. I mean she was allowing him to live with her in this  
3 house?

4 A. Yeah, she was allowing him to spend the night over  
5 there, yes.

6 Q. Okay. And, and you didn't call the police either  
7 cause---

8 A. No.

9 Q. would you have called the police if you thought  
10 somebody was in danger that you cared for?

11 A. I, I mean no, in the -- yeah, but no at the same time.

12 Q. Okay.

13 A. I would call the police like if it was a serious,  
14 serious threat. Like a serious threat. But at the same  
15 time, I felt like this is Neco house. Neco is there. Black  
16 is there. Cornelius is outside. Her grandmother and her  
17 family lives next door.

18 Q. Okay.

19 A. And I felt like that it wasn't just my place to step in  
20 when I constantly done told her to --

21 Q. Okay.

22 A. -- go back, yeah.

23 Q. Well, I guess -- can you answer with a yes, and, if you  
24 can't, that's fine.

25 A. Yeah.

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 Q. Would you remove somebody from a dangerous situation if  
2 you thought they were in danger?

3 A. Yeah, serious danger. Yes.

4 Q. Okay. Any danger?

5 A. Serious danger, yes.

6 Q. So, if they're just in regular danger, you leave them  
7 to fend for themselves?

8 A. No, because it was people at the house.

9 Q. Okay. All right. But the -- you didn't think that  
10 Jaquala -- you didn't -- you weren't worried about her I  
11 guess?

12 A. No, I was worried about her child.

13 Q. All right. And you, you leave the scene and leave  
14 Jaquala there and pull out of the driveway.

15 Is that right?

16 A. Yes.

17 Q. Okay. And what happens when you're pulling out of the  
18 driveway?

19 A. Jaylen asked Mauria if she wanted to come to our house  
20 and she said yes. So, I proceeded to pull right back in the  
21 driveway.

22 Q. Okay. And what happens -- all right. So, you're,  
23 you're leaving Dubard-Boyle. You're leaving Jaquala at the  
24 house and you're going to your house.

25 A. No. I'm pulling out the driveway and I'm fixing to

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 make -- what is this?

2 A right to go to Broad River.

3 Q. Okay.

4 A. And when -- as I'm pulling out, Jaylen asked Jamarria if  
5 she would like to come to our house. She said yes, she  
6 didn't have no clothes. So, I proceeded to pull right back  
7 in the driveway --

8 Q. Okay.

9 A. -- so she can go back in the house and get clothes.

10 Q. Okay. I'm straight with you now.

11 A. Yeah.

12 Q. So, did you have to turn around or did you just put it  
13 in reverse and---

14 A. No, just go right back in the driveway.

15 Q. Okay.

16 A. It's -- yeah, just go in and out.

17 Q. So you turn around. I think there was testimony  
18 earlier from the road to the house, one of the deputies said  
19 it took him 28 seconds to get there.

20 So, it's, it's -- is it a long driveway?

21 A. No, it's -- basically -- it's three ways in but I was  
22 in the middle way. Come in, pull in, turn out. Like you  
23 basically turn out and then, as you're turning out, soon as  
24 you hit the road, you can actually turn right back in to the  
25 driveway.

Stephanie Jackson - Direct examination  
By Solicitor Scott

- 1 Q. Okay. So you, you go back to get---
- 2 A. Yes.
- 3 Q. ---Jamaria's clothes?
- 4 A. Yes.
- 5 Q. And then, when you pull back up to the house, who gets
- 6 out now?
- 7 A. Jamaria gets out and Jaylen asked me where his food at.
- 8 Q. Okay. So Jamaria's going to get some clothes and
- 9 Jaylen says where's my lasagna?
- 10 A. Yes.
- 11 Q. And what was the answer?
- 12 A. In the house.
- 13 Q. Okay. And so does he get out too?
- 14 A. He got right out to go get his food.
- 15 Q. So he got out to go get lasagna?
- 16 A. Yes.
- 17 Q. And he -- you stay in the car?
- 18 A. Yes, I stand by.
- 19 Q. Okay. And tell me -- tell us -- what's the next thing
- 20 you remember?
- 21 A. My baby being real fussy.
- 22 Q. Okay. It's getting kind of late now?
- 23 A. Yes.
- 24 Q. And what else do you remember?
- 25 A. All I was doing was trying to soothe my baby. So, I

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 turned on like some music and turned it up for him to try to  
2 calm him down.

3 Q. Okay. And then next what happens?

4 A. I see Jamaría walk out and then that's when she paused  
5 and then I see Jaylen come out not too long afterwards.

6 Q. Do you remember about -- Jamaría comes out first?

7 A. Yes.

8 Q. And, and then Jaylen comes out?

9 A. Yeah, not too far behind her, yeah.

10 Q. Okay. And you didn't have any worries about sending  
11 Jamaría into the house, did you, to get her clothes?

12 A. No.

13 Q. Okay. So, do you remember how long they were in the  
14 house, Jaylen and Jamaría?

15 A. Between like five, six, seven minutes.

16 Q. All right.

17 A. It wasn't long. I mean it was -- wasn't no 10, no 20  
18 minutes. It was probably like between five to seven  
19 minutes.

20 Q. Well, I understand---

21 A. Yeah.

22 Q. ---you didn't have a stopwatch on.

23 A. Yeah.

24 Q. But you're saying somewhere five, six, seven minutes?

25 A. Yeah, my main focus was on calming my baby down. So I

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 really wasn't --

2 Q. Okay.

3 A. -- focused on them.

4 Q. And Jamaria comes out first?

5 A. Uh-huh.

6 Q. You said she paused?

7 A. She paused and then stop -- proceeded to walk to the  
8 car.

9 Q. Where did she pause?

10 A. Like the steps.

11 Q. Did you hear anything when she paused?

12 A. No.

13 Q. She just -- okay. You're just watching her and she  
14 just comes and pauses?

15 A. Yeah, pause and then proceed to walk and I turned back  
16 around to my child.

17 Q. Okay. Did, did -- you didn't watch Jamaria anymore?

18 A. No.

19 Q. Okay. At what point did Jaylen come out?

20 A. Right too much like -- as she's proceeded to walk,  
21 continued to walk, that's when he came out the house.

22 Q. Okay. And to your understanding he had gone in to get  
23 lasagna?

24 A. Yes.

25 Q. And when he comes out, what is -- you understand

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 demeanor when I say that, what his demeanor was?

2 A. Um.

3 Q. How did he appear to you when he -- when you observed  
4 him?

5 A. He was quiet. Jaylen's a quiet person but he was  
6 quiet. He was just quiet.

7 Q. Okay. But would you say he walked to the car calmly?

8 A. Yes.

9 Q. Okay. Did he seem upset?

10 Did he seem panicky or anything?

11 A. It is dark out there and Jaylen is very dark. I could  
12 not see -- really see his face.

13 Q. Okay. Did he get in the car?

14 A. Yes.

15 Q. Okay. Did he say anything to you?

16 A. No, not -- no, he didn't.

17 Q. He didn't say anything about --

18 A. No, he didn't --

19 Q. -- being scared?

20 A. -- say nothing. He just gets in the car.

21 Q. Okay. Did he seem to be -- did you observe him to be  
22 acting differently when he got in the car?

23 A. No.

24 Q. Okay. And, and he didn't say anything that had just  
25 happened inside the house?

Stephanie Jackson - Direct examination  
By Solicitor Scott

- 1 A. No, he's very quiet. So, no, he didn't say anything.  
2 Q. Okay. And that's it?  
3 Y'all leave Dubard-Boyle Road?  
4 A. We leave Dubard Road, Dubard-Boyle Road and proceeded  
5 to head to my house.  
6 Q. Okay. And you're driving?  
7 A. To Fairfield County.  
8 Q. Okay. But, but you're---  
9 A. Yeah, I'm driving, yeah.  
10 Q. And who's in the front seat beside you?  
11 A. Jaylen.  
12 Q. Okay. And I know we talked about this before but  
13 what's he doing with the radio?  
14 A. He changing from off of what I had on.  
15 Q. Okay. He's trying to find a different song?  
16 A. Yeah, basically he just basically hit the -- pretty  
17 much the -- the first song he seen he just hit it.  
18 Q. Okay.  
19 A. Like he---  
20 Q. You didn't tell -- you didn't testify he'd -- had a  
21 playlist that he was playing?  
22 A. Yeah, it's on the playlist, yeah.  
23 Q. Okay. He put in a playlist to play?  
24 A. Yeah.  
25 Q. And anything else that, that he said on a -- I mean

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 how, how long does it take to get from -- from Dubard-Boyle  
2 up to Ridgeway?

3 A. Probably like 15, 25 minutes. I timed it since then.  
4 It's about -- yeah, about 20 to 25 minutes.

5 Q. 20, 25?

6 A. Yeah.

7 Q. And what was the conversation on the way up there?

8 A. It wasn't really no conversation until after Leilamae  
9 called.

10 Q. All right. Somebody called?

11 THE COURT: Until what?

12 THE WITNESS: Yeah. It wasn't no conversation until  
13 after Leilamae called.

14 THE COURT: Okay.

15 Q. Now I didn't understand that.

16 what was the name?

17 A. Leilamae.

18 Q. Leilamae?

19 A. Yeah.

20 Q. Okay. And at -- so at some point, without saying what  
21 Leilamae told you, did you realize something had happened  
22 while you were in the car?

23 A. No.

24 Q. You still didn't know?

25 A. still didn't know, no.

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 Q. Okay. Well, at some point did you realize something  
2 happened in that house?

3 A. After Leilamae called and told me.

4 Q. Okay. And do you continue onto Ridgeway?

5 A. I look back and I looked at both of them and I said  
6 what happened.

7 Q. Okay. And did, did anybody talk about---

8 A. They didn't---

9 Q. ---self-defense or anything like that?

10 A. Nobody didn't talk about what happened to me.

11 Q. So you just keep driving?

12 A. Yeah.

13 Q. When you get to Ridgeway, what happens?

14 A. I told Jaylen to get Ike out the car and he gets Ike  
15 while I gets the stuff and Mauria -- help Mauria get out  
16 the, the car, get her stuff.

17 Q. Okay. Now do you-all stay at Ridgeway that night?

18 A. No, I told Jaylen that he could not stay there.

19 Q. Okay. Because you had found out something happened.

20 A. Something happened. So I just basically told him he  
21 could not stay there.

22 Q. Where did you -- okay. So, where'd you take him?

23 A. Back to Colonial.

24 Q. Now he lives, you just testified, Lexington Green's  
25 Apartment?

Stephanie Jackson - Direct examination  
By Solicitor Scott

- 1 A. Uh-huh.
- 2 Q. Why didn't you just take him there?
- 3 A. Oh, cause his mother and father had already called me.
- 4 Q. They didn't, they didn't want him there either?
- 5 A. No.
- 6 Q. Okay. Did, did you talk to him about let's go over to  
7 the Sheriff's Department and go ahead and deal with this now  
8 or anything like that?
- 9 A. No, I don't thinks.
- 10 Q. Okay.
- 11 A. I'm not -- I don't recall.
- 12 Q. Okay. But he -- I guess I just -- what did you say to  
13 him when you went to Colonial?
- 14 A. Basically I said to him was what -- I don't know. I  
15 know he said -- basically all he told me was that he loved  
16 me and I told him that I love him too and then he got out --  
17 he gave me a kiss and got out the car.
- 18 Q. Okay. And at the time he had a -- was it a Motorola?  
19 what kind of phone did he have?
- 20 A. He had a photo -- Motorola that he was using.
- 21 Q. And how did you have him saved in your phone?
- 22 A. My husband.
- 23 Q. Husband?
- 24 A. Yeah.
- 25 Q. Are y'all married?

Stephanie Jackson - Direct examination  
By Solicitor Scott

- 1 A. No.
- 2 Q. That's just what you call him?
- 3 A. Yes.
- 4 Q. You, you want to be married to him?
- 5 A. Sometimes.
- 6 Q. But that number was saved?
- 7 A. Yes.
- 8 Q. And that night you drop him off at Colonial and you go  
9 back to Ridgeway.
- 10 Is that accurate?
- 11 A. I go to Wal-Mart --
- 12 Q. Okay.
- 13 A. -- to get my baby some milk and then go back to  
14 Ridgeway.
- 15 Q. Okay. And did you hear from Jaylen anymore that night?
- 16 A. Not that night, no.
- 17 Q. Okay. What about the next day?
- 18 A. The next day, yes.
- 19 Q. Okay. And he was -- what, what was the number he was  
20 calling you from?
- 21 A. It said unknown caller.
- 22 Q. Okay. Was that -- did you think anything of that?
- 23 A. No, I just knew that he wasn't gonna call me from no  
24 regular number.
- 25 Q. Okay. And tell me about how many times while he was --

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 while law enforcement was looking for him did he call you.

2 A. Probably around three or four.

3 Q. Okay. And how long were these conversations?

4 A. Five to six minutes. It wasn't long phonecalls. It  
5 wasn't very long.

6 Q. Did you---

7 A. Mostly he just checked up on Ike and asked me was I  
8 okay.

9 Q. All right. And you said that he, he was keeping calls  
10 short?

11 A. Yes.

12 Q. At some -- did he ever ask you about you talking to  
13 police?

14 A. I don't recall. I, I didn't talk to him after I was  
15 picked up. I haven't talked to him afterwards.

16 Q. Okay.

17 THE COURT: Can you ballpark me on how much longer you  
18 have?

19 SOLICITOR SCOTT: I'm sorry, Your Honor?

20 THE COURT: Can you ballpark me on how much longer you  
21 have with her?

22 SOLICITOR SCOTT: Oh, I'm winding down, judge. I --  
23 can I have five more minutes?

24 THE COURT: Yep, yep. You can, you can have as much  
25 time as you want but --.

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 week.

2 So, if you see them sitting out there with their  
3 nametags on, you'll, you'll know who they are. So, I always  
4 like to be -- help out and -- so people can get to see real  
5 court cause you learn more in real court than you do in law  
6 school, right, Cameron?

7 CAMERON: I think so.

8 THE COURT: Okay. All right.

9 All right. Mr. Scott, we're still in your direct  
10 examination. Whenever you're ready, sir.

11 SOLICITOR SCOTT: All right. Thank you, Your Honor,  
12 and I'm winding down.

13 CONTINUED DIRECT EXAMINATION

14 BY SOLICITOR SCOTT:

15 Q. But I think where we left off we're talking about  
16 Jaylen after you dropped him off at Colonial. He called you  
17 over the next several days from an unknown number.

18 A. Yes, sir.

19 Q. And, in fact, was it more than one unknown number?

20 A. Oh, I don't know. It just said unknown number.

21 Q. Okay. And you said he -- I think you were testifying,  
22 correct me if I'm wrong, that he was keeping the  
23 conversation shorter than normal?

24 A. No, he was just basically calling to check up on Ike  
25 and me and that really was it.

Stephanie Jackson - Direct examination  
By Solicitor Scott

- 1 Q. Okay. And did he tell you where he was?
- 2 A. No, sir.
- 3 Q. Okay. He wouldn't tell you where he was?
- 4 A. No, sir.
- 5 Q. Was that -- did that stick out to you?
- 6 A. No, sir.
- 7 Q. Did it --?
- 8 A. It was normal.
- 9 Q. It was normal for him not to tell you where he was?
- 10 A. Uh-huh.
- 11 Q. Okay. Well so that was -- was -- that was often that
- 12 he would go off somewhere for days and not tell you where he
- 13 was?
- 14 A. No. But it was just like every now and then. I didn't
- 15 really ask where he was at. I just -- and if he didn't want
- 16 me to know, he'll just say -- just switch the subject,
- 17 whatever.
- 18 Q. And did -- I asked did he call and kind of ask you
- 19 about speaking to the police?
- 20 A. Yes, you did ask me that.
- 21 Q. I'm sorry?
- 22 A. You asked me that. Yes, you did.
- 23 Q. All right. What was your answer?
- 24 A. I didn't recall.
- 25 Q. Let me show you something just real quick just to see

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 if this refreshes your memory. You don't have to read this  
2 out loud but read it to yourself.

3 A. Oh, okay.

4 Q. Okay. So, does that refresh your memory that he called  
5 you and asked you if you'd spoke to police?

6 A. Not really. No, it still doesn't.

7 Q. You testified to the jury---

8 A. I---

9 Q. ---from this courtroom, correct?

10 A. Yes, I know.

11 Q. Right?

12 A. Yes.

13 Q. And did I just show you---

14 A. You showed me what I said. But that still doesn't --  
15 you asking me now do I recall. I still doesn't recall  
16 actually saying that.

17 Q. Okay. But you testified at least once under oath that  
18 he had called you asking if you'd spoken to the police?

19 A. Yes.

20 Q. All right. And do you recall whether he gave you any  
21 messages that he wanted you to pass on to police?

22 A. No.

23 Q. He didn't---

24 A. No.

25 Q. ---tell you hey, I want the police to know about --?

Stephanie Jackson - Direct examination  
By Solicitor Scott

1 A. No.

2 Q. All right. And, again, I think that's -- let me just  
3 check with co-counsel real quick.

4 (Pause.)

5 Q. All right. Stephanie, answer any questions the defense  
6 attorney has for you please.

7 CROSS-EXAMINATION

8 BY MS. BRUCK:

9 Q. Morning, Stephanie.

10 A. Good morning, Zoe.

11 Q. Back on November 4<sup>th</sup>, 2019, about how long had you  
12 been dating Jaylen for?

13 A. A couple of months.

14 Q. On -- and Ike's one at the time, your baby?

15 A. Yes.

16 Q. So he has known Ike since he was a real little man?

17 A. I think Ike was like two or three months when he met  
18 him.

19 Q. And was it common for Jaylen to take care of Ike?

20 A. No. Yeah, he took care of him a lot.

21 Q. While you were at work?

22 A. While I'm at work or he just had him just to give me a  
23 break.

24 Q. So, it wasn't unusual for Jaylen and Ike to be together  
25 without you?

Stephanie Jackson - Cross-examination  
By Ms. Bruck

- 1 A. Right. It wasn't unusual.
- 2 Q. Now, when y'all went to [REDACTED] Dubard-Boyle Road that day,
- 3 did anything strike you as unusual about going over there?
- 4 A. No, it seemed like a normal time going over there.
- 5 Q. And it was a Sunday, right?
- 6 A. A Sunday, yes.
- 7 Q. Somewhere you went occasionally on Sundays?
- 8 A. Yes.
- 9 Q. And you mentioned Leilamae on direct.
- 10 That's Jaylen's grandmother, right?
- 11 A. I know it's Quala's grandma but I know he called her
- 12 his grandma too.
- 13 Q. She's blood to him and---
- 14 A. Yeah, she's blood to him, yes.
- 15 Q. And she lived next door --
- 16 A. To---
- 17 Q. -- to Ms. Millhouse?
- 18 A. Yes, ma'am.
- 19 Q. They all live on the same plot of land, right?
- 20 A. Yes, ma'am.
- 21 Q. So, the family would get together at that address --
- 22 A. Yes, ma'am.
- 23 Q. -- pretty often?
- 24 A. Yes, ma'am.
- 25 Q. And when you pulled up that day, Jaquala got in the car

Stephanie Jackson - Cross-examination  
By Ms. Bruck

1 with you, right?

2 A. Right.

3 Q. At -- do you recall saying y'all were clearly gossiping  
4 if, if I could put it that way?

5 A. Yes.

6 Q. Like she's showing you things on her phone and vice  
7 versa?

8 A. Yes.

9 Q. It's just the girls in the car, right?

10 A. Right, and Ike.

11 Q. And, and the baby --

12 A. Uh-huh.

13 Q. -- and Ike.

14 Don't notice anything unusual about Jaylen?

15 A. No.

16 Q. Nothing unusual about his interactions with anyone  
17 there, right?

18 A. Right.

19 Q. But you didn't get out of the car?

20 A. I didn't get out of the car.

21 Q. So, when Jaylen comes back to the car, he asked you to  
22 drive him to Unc's house on Colonial Drive, right?

23 A. Right.

24 Q. And y'all go over there.

25 Is that -- is it all guys in that house on Colonial

Stephanie Jackson - Cross-examination  
By Ms. Bruck

- 1 Drive?
- 2 A. From my understanding it is.
- 3 Q. Okay. So you stay in the car with Jaquala?
- 4 A. Yes.
- 5 Q. Continuing to have your, your girl talk---
- 6 A. Yes.
- 7 Q. ---right?
- 8 A. Right.
- 9 Q. Talking about relationships and things?
- 10 A. Yes.
- 11 Q. And then you go back to Dubard-Boyle and back to
- 12 colonial?
- 13 A. Uh-huh.
- 14 Q. Right?
- 15 A. Right.
- 16 Q. When you get back to Dubard-Boyle for the second time,
- 17 it's nighttime, right?
- 18 A. Yes.
- 19 Q. You said about 8:50?
- 20 A. Around -- yeah, around. 8:45.
- 21 Q. Nine o'clock?
- 22 A. Yeah, nine o'clock.
- 23 Q. And Jamaría's there now?
- 24 A. Right.
- 25 Q. And just to be crystal clear, who is Jamaría?

Stephanie Jackson - Cross-examination  
By Ms. Bruck

1 A. Jamaria is Quala's daughter.

2 Q. Jamaria's Jaquala's daughter and how old was she at the  
3 time?

4 A. Thirteen.

5 Q. And you go inside?

6 A. Right. Yes, ma'am.

7 Q. Jaylen stays outside---

8 A. Yes, ma'am.

9 Q. ---in the yard, right?

10 A. Yes, ma'am.

11 Q. You're going inside to get milk for your baby?

12 A. Yes, ma'am.

13 Q. And you could hear Meatball and Jaquala arguing in the,  
14 the back bedroom?

15 A. Yes, ma'am.

16 Q. And how did that sound to you?

17 A. I can just tell that they was arguing. I really didn't  
18 too much pay it no attention. I just knew they was arguing.

19 Q. Okay. And what happened after that?

20 A. When they walked out, he was still saying stuff, and  
21 when he made a certain remark, that's when Jaquala left.

22 Q. And what remark did he make?

23 SOLICITOR SCOTT: Your Honor, unless there's an  
24 exception, I don't know that -- if it's hearsay, that would  
25 be the objection unless there's an exception that they have.

Stephanie Jackson - Cross-examination  
By Ms. Bruck

1 THE COURT: What exception is it under?

2 MS. BRUCK: Your Honor, I think -- it's, it's part of  
3 the ongoing argument that it's important -- the -- to the  
4 actions taken later. I wouldn't say it's, it's hearsay  
5 because it's not actually for the truth of the matter  
6 asserted. It's for the entire altercation that happens  
7 within the home.

8 THE COURT: All right. Sustained. She can say that  
9 they were arguing and that she overheard them arguing or she  
10 witnessed them arguing. But what specifically was said by  
11 the decedent would be hearsay.

12 Q. So, Stephanie, they are in the kitchen at this point?

13 A. Yes, ma'am.

14 Q. And it's you, Meatball, Jaquala, Jamaría, and Ike all  
15 in that kitchen?

16 A. Yes, ma'am.

17 Q. And what happened after that?

18 A. That's when I was fixing Ike a bottle and I had my back  
19 turned and then you heard like a pop noise.

20 Q. And what did that sound like to you?

21 A. Somebody was hit.

22 Q. What happened after that?

23 A. Mauria said that wasn't cool.

24 Q. And how did she sound to you?

25 A. Upset.

Stephanie Jackson - Cross-examination  
By Ms. Bruck

- 1 Q. Were you surprised---
- 2 A. No.
- 3 Q. ---by that?
- 4 A. No, ma'am.
- 5 Q. And why not?
- 6 A. Because I actually seen with my own eyes him hit
- 7 Jaquala.
- 8 Q. How many times?
- 9 A. A good bit.
- 10 Q. Usually when those altercations would happen, usually
- 11 when Meatball would hit Jaquala, where, where did that occur
- 12 at?
- 13 A. At -- on the Carriage House. I've seen it at Neco's
- 14 house but it been like outside when we was outside like at
- 15 nighttime.
- 16 Q. And the Carriage House, is that Jaquala's husband's
- 17 house?
- 18 A. That's Jaquala's and her husband's house, yes.
- 19 Q. So, Jaquala was married during the relationship with
- 20 Meatball, right?
- 21 A. Yes, ma'am.
- 22 Q. And how did Meatball appear to you during all of this?
- 23 A. He was mostly drunk all the time.
- 24 Q. Was he drunk that night?
- 25 A. Yes, ma'am.

Stephanie Jackson - Cross-examination  
By Ms. Bruck

1 Q. And when he drinks, how does he act?

2 A. He -- it, it varies. Like it varies. A lot of times  
3 he be arguing with different people or it's just different  
4 stuff or he be like demanding. Like he'll tell Quala go fix  
5 her some -- he say go fix me something to eat now woman or  
6 something like that.

7 Q. Go fix me something to eat now woman?

8 A. Yes, ma'am.

9 Q. And in the past times that you've seen Meatball put his  
10 hands on Jaquala, has he been drinking?

11 A. Yes, ma'am.

12 Q. Now, Jamaría, you said she's upset at this point,  
13 right?

14 A. Yes, ma'am.

15 Q. And before y'all leave the house -- so Meatball picked  
16 up Ike, right?

17 A. Yes, ma'am.

18 Q. And you told him to put, put your baby down?

19 A. Yes, ma'am.

20 Q. Why did you tell him to do that?

21 A. Cause he was drunk for one and I told him not to pick  
22 him up before when he's been drinking.

23 Q. Okay. So he's picked your baby up before when he's  
24 been drinking?

25 A. Yes, ma'am.

Stephanie Jackson - Cross-examination  
By Ms. Bruck

- 1 Q. And I missed this on direct.  
2 what did, what did you say he did after you told him to  
3 put the baby down?  
4 A. He swatted at my child and told me that he didn't want  
5 to pick my jughead baby up.  
6 Q. Did that concern you?  
7 A. He, he always called my baby jughead. So --.  
8 Q. That Mr. ---  
9 A. Co---  
10 Q. At this point Jamaría wants to leave, right?  
11 A. Yes, ma'am.  
12 Q. She's fed up with the situation?  
13 A. Yes, ma'am.  
14 Q. She's upset?  
15 A. Yes, ma'am.  
16 Q. Jaquala knows you're leaving with Jamaría, right?  
17 A. Yes, ma'am.  
18 Q. And so you take your baby?  
19 A. Yes, ma'am.  
20 Q. And you take Jamar?  
21 A. Yes, ma'am.  
22 Q. And you get in the car?  
23 A. Yes, ma'am.  
24 Q. And Jaylen follows y'all, right?  
25 A. Yes, ma'am.

Stephanie Jackson - Cross-examination  
By Ms. Bruck

1 Q. And the plan originally was you were gonna take Jamaria  
2 to her father's house, right?

3 A. Yes, ma'am.

4 Q. And that is the Carriage Apartment like you said,  
5 right?

6 A. Yes, ma'am.

7 Q. So at some point Jaylen says do you just want to come  
8 with me and Stephanie to Ridgeway?

9 A. Yes, ma'am.

10 Q. You offered to do that because Jamaria was, was pretty  
11 upset at that point?

12 A. Yes, ma'am.

13 Q. And so y'all decided that's the plan. We're gonna take  
14 Jamaria to Ridgeway but she doesn't have any clothes.

15 A. Yes, ma'am.

16 Q. Because her clothes would be at her Auntie Neco's or at  
17 her dad's, right?

18 A. Yes, at her grandma's or her dad's house, yes, ma'am.

19 Q. So, how far out of the drive -- I know we've been over  
20 this.

21 How far out of the driveway were you before you turned  
22 around?

23 A. As soon as I'm going out the driveway like literally  
24 going out the driveway, he asks her. So I presume to turn  
25 right back into the driveway.

Stephanie Jackson - Cross-examination  
By Ms. Bruck

- 1 Q. You made a circle, right?
- 2 A. Yes, ma'am.
- 3 Q. How long do you think you were in the car before
- 4 Jamaría and Jaylen got out?
- 5 A. Probably 30 seconds to a minute.
- 6 Q. And Jaylen accompanies Jamaría back inside, right?
- 7 A. Yes, ma'am.
- 8 Q. You're in your car with your music on?
- 9 A. Yes, ma'am.
- 10 Q. And the driveway's a good ways a bit from, from the
- 11 actual house, right?
- 12 A. Right.
- 13 Q. And you said baby Ike is, is fussing?
- 14 A. Yes, ma'am.
- 15 Q. You see Jamaría come out of the house first---
- 16 A. Yes, ma'am.
- 17 Q. ---and Jaylen short -- shortly behind her?
- 18 A. Yes, ma'am.
- 19 Q. And on that drive back to Ridgeway, you got a couple of
- 20 calls, right?
- 21 A. Right.
- 22 Q. From family members?
- 23 A. Yes, ma'am.
- 24 Q. People were concerned?
- 25 A. Yes, ma'am.

Stephanie Jackson - Cross-examination  
By Ms. Bruck

1 Q. You were concerned?

2 A. Yes, ma'am.

3 Q. What was going through your mind on that drive to your  
4 house in Ridgeway?

5 A. I was wondering what happened and I just basically --  
6 my mindset was just basically get the kids back to the  
7 house.

8 Q. The kids meaning your baby?

9 A. And Jamaría, yes, ma'am.

10 Q. And Jamaría.

11 Now, throughout the course of that day, you spent  
12 essentially the whole day with Jaylen, right?

13 A. Yes, ma'am.

14 Q. With the exception being the first time he's at  
15 Colonial when he goes in without you, right?

16 A. Yes, ma'am.

17 Q. And the only other time would of been -- and correct me  
18 if I'm wrong.

19 The only other time would of been when you dropped him  
20 off at the end of the night actually?

21 A. Yes, ma'am.

22 Q. During the course of that day, did you see him drinking  
23 alcohol?

24 A. No, ma'am.

25 Q. Did you see him doing drugs?

Stephanie Jackson - Cross-examination  
By Ms. Bruck

- 1 A. No, ma'am.
- 2 Q. Did you see him in possession of drugs?
- 3 A. No, ma'am.
- 4 Q. Did you see Meatball doing drugs?
- 5 A. No, ma'am.
- 6 Q. Did you see Jaylen with a weapon of any kind?
- 7 A. No, ma'am.
- 8 Q. No knife?
- 9 A. No knife.
- 10 Q. No gun?
- 11 A. No gun.
- 12 Q. And you woke up with Jaylen that morning, right?
- 13 A. Yes, ma'am.
- 14 Q. You saw him get dressed?
- 15 A. Yes, ma'am.
- 16 Q. And you never saw him with a gun that day?
- 17 A. Never saw him with a gun that day.
- 18 Q. And neither of y'all, you or Jaylen, went anywhere with
- 19 Meatball that day, right?
- 20 A. Right.
- 21 Q. The only time you saw him was a brief moment earlier on
- 22 Dubard-Boyle, right?
- 23 A. Yes, ma'am.
- 24 Q. And then inside the house when he shoved Jaquala and
- 25 when he messed with your baby, right?

Stephanie Jackson - Cross-examination  
By Ms. Bruck

1 A. Yes, ma'am.

2 Q. And you talked to law enforcement on November 26<sup>th</sup>.

3 Is that right?

4 A. Yes, ma'am.

5 Q. If, if you don't remember the exact date it's --

6 A. The day before.

7 Q. -- the night of the incident and then---

8 A. I know it's the day before he went -- got locked up.

9 Q. And you weren't under arrest?

10 A. No, ma'am.

11 Q. You voluntarily went and gave your statement, right?

12 A. Yes, ma'am.

13 MS. BRUCK: Court's indulgence.

14 THE COURT: Yes, ma'am.

15 (Pause.)

16 MS. BRUCK: I have no further questions. Thank you,

17 Your Honor.

18 REDIRECT EXAMINATION

19 BY SOLICITOR SCOTT:

20 Q. All right, Stephanie. You said on, on the ride home

21 you were wondering what happened.

22 A. Yes.

23 Q. And did you try to ask Jaylen what happened back there?

24 A. I asked him what happened. Nobody said nothing. They

25 didn't tell me what happened.

Stephanie Jackson - Redirect examination  
By Solicitor Scott

- 1 Q. Wouldn't tell you?
- 2 A. No.
- 3 Q. So you, you didn't see him with a gun?
- 4 A. Right.
- 5 Q. How many guns does he have?
- 6 MS. BRUCK: Objection.
- 7 THE COURT: What's the objection?
- 8 MS. BRUCK: 404(b).
- 9 THE COURT: Overruled.
- 10 Q. How many guns does he have?
- 11 A. I don't know if he got no gun. I don't see him with
- 12 none.
- 13 Q. Okay.
- 14 A. But --.
- 15 Q. You've seen him with a gun?
- 16 A. Before.
- 17 Q. You testified---
- 18 A. Yes.
- 19 Q. Okay.
- 20 A. Once before, yes.
- 21 Q. Okay. And, and tell the jury how he carries the gun
- 22 when you see him with it.
- 23 A. I seen it on his waistband when he had it.
- 24 Q. And he usually puts a shirt over, over it, right?
- 25 MS. BRUCK: Objection. Leading.

Stephanie Jackson - Redirect examination  
By Solicitor Scott

1 THE COURT: Sustained as to Leading.

2 Q. How does he normally carry the gun when he puts it on  
3 his---

4 A. On his waistband.

5 Q. Shirt under it or over it?

6 A. I guess over it, over it but you can still see it.

7 Q. Okay. Why does it -- do you know why he puts his shirt  
8 over the gun when he carries it on the waist?

9 A. No, he just wear big shirts. Not big, big shorts but  
10 like shirts that fit him --

11 Q. Okay.

12 A. -- which, you know, it goes right there to your  
13 waistband, waistline, or whatever.

14 Q. Well, I mean you, you've never seen him with a gun  
15 where everybody could see it where he, where he's walking  
16 around with it in his belt?

17 A. Not really, no.

18 Q. I mean you'd probably say something if he did that,  
19 wouldn't you?

20 A. Right.

21 Q. So, whenever you see him carrying a gun, he puts his  
22 shirt over it?

23 A. I only seen him carry a gun like once or two times  
24 before and that was like when we first started talking.

25 Q. But when he carries it, he puts his shirt over it I

Stephanie Jackson - Redirect examination  
By Solicitor Scott

- 1 mean cause he -- you don't want people to see it, do you?  
2 A. Right.  
3 Q. All right. So he -- if he had a gun with him that day  
4 and you don't remember what kind it was?  
5 A. I would of still seen it if he had it on him that day.  
6 Q. Okay. You sure about that?  
7 A. I'm positive I still would of seen it.  
8 Q. Okay. Where did he keep it at your house when he had  
9 one?  
10 A. Who keep what gun at my house?  
11 Q. Where did---  
12 A. Ain't no---  
13 Q. ---he keep the gun?  
14 Did he keep it at your house or --?  
15 A. No, there's no guns allowed in my house.  
16 Q. Okay. Just -- well, Neco says she doesn't allow them  
17 in her house either.  
18 A. Yeah. But everybody knows there's no gun and I checks  
19 my house.  
20 Q. All right.  
21 A. There's no guns allowed in my house.  
22 Q. Okay. Do you remember what kind it was?  
23 A. Sir, no.  
24 Q. Okay.  
25 A. No.

Stephanie Jackson - Redirect examination  
By Solicitor Scott

1 Q. But he -- but when he carries it, he puts the shirt  
2 over it so people can't see it?

3 A. Right.

4 Q. All right. Thank you.

5 THE COURT: Recross.

6 MS. BRUCK: No, sir.

7 THE COURT: All right. Thank you, ma'am. You may step  
8 down.

9 All right. Let's call your next witness.

10 SOLICITOR SCOTT: Jaquala Scipio, Your Honor.

11 THE COURT: All right. Come on up.

12 THE CLERK: Could you state your full name please?

13 THE WITNESS: Jaquala Scipio.

14 THE CLERK: Could you spell your first name please?

15 THE WITNESS: J-A-Q-U-A-L-A.

16 THE CLERK: And your last name.

17 THE WITNESS: S-C-I-P-I-O.

18 JAQUALA SCIPIO, being first duly  
19 sworn, testified as follows:

20 THE CLERK: Thank you. You can have a seat right  
21 there.

22 DIRECT EXAMINATION

23 BY SOLICITOR SCOTT:

24 Q. Jaquala, how are you today?

25 A. I'm doing okay.

Jaquala Scipio - Direct examination  
By Solicitor Scott

- 1 Q. How old are you?
- 2 A. I'm 38.
- 3 Q. Thirty-eight.
- 4 where do you live now?
- 5 A. I live in Carriage House Apartments.
- 6 Q. Are you back with your husband?
- 7 A. Yes.
- 8 Q. Okay. Back in November of 2019, were you separated
- 9 from him?
- 10 A. Yes.
- 11 Q. Okay. Did he stay at the Carriage House Apartments?
- 12 A. Yes.
- 13 Q. And where were you staying?
- 14 A. I was staying with my mom off and on.
- 15 Q. And what was that address?
- 16 A. ■ Dubard-Boyles Road.
- 17 Q. Okay. And you're separated from your husband.
- 18 who, who were you dating at that time?
- 19 A. Demetrius Floyd.
- 20 Q. Okay. And did you call him Demetrius or what did you
- 21 call him?
- 22 A. Meatball.
- 23 Q. Meatball.
- 24 And he stayed at Neco Mill -- your mom's house from
- 25 time to time with you?

Jaquala Scipio - Direct examination  
By Solicitor Scott

1 A. Yes.

2 Q. And you were staying there in November of 2019?

3 A. Yes.

4 Q. Okay. We, we heard from your mom yesterday and what  
5 was the rule about guns in that house when you were staying  
6 there?

7 A. She didn't not allow them in the house.

8 Q. Okay. That, that was a rule, no guns allowed in the  
9 house?

10 A. Uh-huh.

11 Q. Okay. And how big was that room that you and Meatball  
12 were staying in?

13 A. It wasn't big at all. It ain't big at all.

14 Q. Okay. But just the two of you were the only two that  
15 stayed in there?

16 A. Uh-huh.

17 Q. And there was a bed in there?

18 A. Yeah.

19 Q. Okay. Did -- the box springs and mattresses?

20 A. Yes.

21 Q. And what was that -- is it a queen sized bed?

22 A. Queen size.

23 Q. Okay. And on November -- do you remember the night of  
24 this incident, November 24<sup>th</sup>, 2019?

25 A. Yes.

Jaquala Scipio - Direct examination  
By Solicitor Scott

- 1 Q. You remember that day?
- 2 A. (WHEREUPON, there was no audible response.)
- 3 Q. Okay. What was going on at ■ Dubard-Boyle Road that
- 4 evening?
- 5 A. Nothing. We just -- on the weekends, we just all be at
- 6 my mom house.
- 7 Q. Okay. A lot of drinking going on?
- 8 A. Yes.
- 9 Q. And that -- that's what was going on that day?
- 10 A. Yes.
- 11 Q. Was your mom drinking?
- 12 A. Yes.
- 13 Q. Were you drinking?
- 14 A. No, I don't drink.
- 15 Q. You don't?
- 16 What do you do?
- 17 A. I don't do nothing no more.
- 18 Q. And what were you doing at the time?
- 19 A. Popping pills.
- 20 Q. Okay. What kind of pills did you like to pop?
- 21 A. Ecstasy.
- 22 Q. Any cocaine?
- 23 A. No.
- 24 Q. Okay. On that particular day, were you looking for
- 25 some Ecstasy?

Jaquala Scipio - Direct examination  
By Solicitor Scott

- 1 A. I was.
- 2 Q. Okay. Do you remember Stephanie Jackson, who we just  
3 heard from, and Jaylen Bell, you remember them coming over  
4 to the house?
- 5 A. Yes.
- 6 Q. Do you remember why they came there?
- 7 A. No, they came to see Cornelius.
- 8 Q. Cornelius?
- 9 A. (WHEREUPON, there was no audible response.)
- 10 Q. Okay. Do you know why they were going to see  
11 Cornelius?
- 12 A. No.
- 13 Q. Okay. And, and just -- we're trying to figure out the  
14 relationships to everybody.
- 15 How are you related to Jaylen?
- 16 A. I'm his cousin.
- 17 Q. Okay. And we heard from Neco yesterday.
- 18 How are you related to Neco?
- 19 A. My mom.
- 20 Q. That's your mother.
- 21 All right. And who is Stephanie to you?
- 22 A. Stephanie my best friend.
- 23 Q. Okay. And, and y'all, y'all hang out a lot?
- 24 A. Yes.
- 25 Q. Y'all do a lot together?

Jaquala Scipio - Direct examination  
By Solicitor Scott

- 1 A. Yes.
- 2 Q. Does she give you rides back and forth to court?
- 3 A. Yes.
- 4 Q. Okay. And back in November of 2019, y'all were good  
5 friends then too?
- 6 A. Yes.
- 7 Q. And when they come over to the house to see Cornelius,  
8 who all was at the house?
- 9 A. My mama, Black, and me.
- 10 Q. Black is your mom's boyfriend?
- 11 A. Yes, Melzie Hammond.
- 12 Q. Melzie Hammond is his name?
- 13 A. (WHEREUPON, there was no audible response.)
- 14 Q. Okay. And -- well, you, you left somebody out.  
15 who else was there?
- 16 A. Oh, Meatball.
- 17 Q. He was there too?
- 18 A. Yeah.
- 19 Q. All right. And what was he doing?
- 20 A. He was at the barrel with everyone else.
- 21 Q. Okay. And everybody, what, what was the mood of  
22 everybody?
- 23 A. I don't, I don't recall that.
- 24 Q. Anybody angry, fighting, anything like that?  
25 Do you remember?

Jaquala Scipio - Direct examination  
By Solicitor Scott

- 1 A. Oh, no.
- 2 Q. Okay. All right. At some point did you, and  
3 Stephanie, and Jaylen leave?
- 4 A. Yes, we left and went to Colonial.
- 5 Q. Okay. And what was the purpose of going to Colonial?
- 6 A. The -- Jaylen wanted to see his homeboy.
- 7 Q. All right. Anybody looking for Ecstasy?
- 8 A. We was.
- 9 Q. All right.
- 10 A. But that -- we couldn't find any.
- 11 Q. Okay. Did you eventually find some?
- 12 A. No.
- 13 Q. Did you tell law enforcement that y'all did find some?
- 14 A. I don't recall.
- 15 Q. Okay. Do you remember talking with officers about  
16 tweaking?
- 17 Do you remember that?
- 18 A. Yeah.
- 19 Q. Do you remember explaining what tweaking was?
- 20 A. Yes.
- 21 Q. Tell the jury what tweaking is.
- 22 A. It mean you high.
- 23 Q. You high?
- 24 A. (WHEREUPON, there was no audible response.)
- 25 Q. All right. And who was tweaking after y'all went to

Jaquala Scipio - Direct examination  
By Solicitor Scott

- 1 Colonial?
- 2 A. Me and Jaylen.
- 3 Q. Okay. So, you didn't find Ecstasy.
- 4 How were y'all tweaking?
- 5 A. Well, I said I didn't recall did we find any.
- 6 Q. Okay. Maybe y'all did find some then?
- 7 A. Yes.
- 8 Q. All right. And then at least when you tweak, what,
- 9 what kind of -- how do you act when you tweak?
- 10 A. No way.
- 11 Q. Does it make you feel good?
- 12 A. Yes.
- 13 Q. Does it -- is there any -- you can't -- I mean, you
- 14 know, I, I can explain what it's like to be drunk.
- 15 A. A lot of giggling. I be laughing a lot.
- 16 Q. Okay. And, and do you do stuff you normally wouldn't
- 17 do or how do you feel?
- 18 A. No.
- 19 Q. You do everything you normally would?
- 20 A. Uh-huh.
- 21 Q. Okay. But it just makes you high?
- 22 A. Yes.
- 23 Q. Okay. So, you go to Colonial Avenue and then you -- is
- 24 that when you get the Ecstasy at Colonial?
- 25 A. Yes.

Jaquala scipio - Direct examination  
By Solicitor Scott

- 1 Q. Okay. After you get the Ecstasy, where do you go next?
- 2 A. You go back home.
- 3 Q. All right. And when y'all went to get the Ecstasy at
- 4 Colonial Avenue, where was Demetrius Floyd?
- 5 A. He was home.
- 6 Q. Okay.
- 7 A. Well, at my mama house.
- 8 Q. And so you and Jaylen are out buying dope and he's just
- 9 staying at the house?
- 10 A. Yeah.
- 11 Q. All right. And when y'all get back with the dope, what
- 12 is Demetrius doing then?
- 13 A. He drinking.
- 14 Q. Okay. And is Neco drinking or is she gone to bed then?
- 15 A. She gone to bed already.
- 16 Q. But I went to that house.
- 17 Did you know that?
- 18 A. No.
- 19 Q. Is that a big -- it is a big cage about that tall full
- 20 of crushed beer cans.
- 21 Is that --
- 22 A. Yeah.
- 23 Q. -- still out there?
- 24 A. Yeah.
- 25 Q. And how -- you said about it was eight foot tall cold

Jaquala Scipio - Direct examination  
By Solicitor Scott

- 1 beer?
- 2 A. Yeah.
- 3 Q. So that's kind of a party house, isn't it?
- 4 A. Yes.
- 5 Q. People go to Neco's to drink?
- 6 A. Uh-huh.
- 7 Q. Okay. So there's nothing wrong with that if you stay  
8 in house when you're drinking, is there?
- 9 A. No.
- 10 Q. So, Demetrius is there drinking. Neco's there  
11 drinking. You said you didn't drink---
- 12 A. No.
- 13 Q. ---cause you're doing Ecstasy.
- 14 A. Yeah.
- 15 Q. And when you get back, is Demetrius awake or is he  
16 asleep?
- 17 A. He awake.
- 18 Q. Okay. And did you go talk to him?
- 19 A. Yeah, I went in and talked to him.
- 20 Q. Okay. And what happens?
- 21 A. He got upset cause we didn't bring no beer back.
- 22 Q. Okay. Did you give him any of the Ecstasy?
- 23 A. No.
- 24 Q. Okay. who had all of the -- who had it?
- 25 I mean you took some but where was the -- did you just

Jaquala Scipio - Direct examination  
By Solicitor Scott

1 take enough for y'all to take or did you have extra left  
2 over?

3 A. No, just enough for us to take.

4 Q. Okay. All right. So he's upset about the beer.

5 Did, did you and him argue?

6 A. Yes.

7 Q. And is that something common, you two argue with one  
8 another?

9 A. Yes.

10 Q. Let me ask you this.

11 Okay. You allowed Demetrius to stay in the home with  
12 you?

13 A. Yes.

14 Q. Okay. And he didn't even have to pay rent or anything  
15 like that?

16 A. He didn't actually stay there. He come there time to  
17 time and spend the night cause I wasn't actually staying  
18 there all the time neither.

19 Q. Well, I mean -- but I guess what I'm saying is he  
20 didn't break through the door and say I'm staying here?

21 A. Oh no.

22 Q. And he didn't even have to pay rent or anything there,  
23 right?

24 A. No.

25 Q. Okay. He had all his belongings there?

Jaquala Scipio - Direct examination  
By Solicitor Scott

- 1 A. Some of them.
- 2 Q. Some of them.
- 3 Okay. Do you know where he kept the rest of his
- 4 belongings?
- 5 A. At his mom house.
- 6 Q. All right. Did -- to your knowledge, did he have a gun
- 7 in that little room?
- 8 A. I wasn't in the room with him. I don't know.
- 9 Q. What room were you in?
- 10 I thought you said y'all slept in the room together.
- 11 A. We did but I don't know if, if, if it was a gun in
- 12 there or not.
- 13 Q. Okay.
- 14 A. It could of been and it could not have been.
- 15 Q. Okay.
- 16 A. I don't know.
- 17 Q. Okay. But you remember telling law enforcement there
- 18 wasn't a gun in there?
- 19 A. No.
- 20 Q. Okay. Would it refresh your memory if I -- do you
- 21 remember interviewing with Mr. Hinson?
- 22 A. Yeah.
- 23 Q. Okay. Do you disagree that you told him there was a
- 24 gun in there?
- 25 A. I wouldn't of.

Jaquala scipio - Direct examination  
By Solicitor Scott

- 1 Q. I'm sorry?
- 2 A. I wouldn't disagree if I told him there was one in  
3 there.
- 4 Q. Okay. So you told Mr. Hinson that he didn't have a  
5 gun?
- 6 A. I'm not sure about the gun but I'm sure about a knife.
- 7 Q. I just want to show you something. Don't read it out  
8 loud but do you remember being here before and --?
- 9 A. Oh, okay. Yeah.
- 10 Q. Okay. You remember that?
- 11 A. Yeah.
- 12 Q. All right. So you did tell law enforcement that  
13 Demetrius "Meatball" Floyd did not have a gun in that room?
- 14 A. Yes.
- 15 Q. Okay. But you, you said he did have a knife?
- 16 A. Yeah.
- 17 Q. What, like a little pocketknife or something?
- 18 A. Yeah.
- 19 Q. Okay. All right. So y'all argue in the bedroom and do  
20 y'all stay in the bedroom?  
21 Who's in the house at that point?  
22 Do you remember?
- 23 A. Me, Stephanie, Jamarina, Ike. My mama and Melzie was  
24 asleep.
- 25 Q. Okay. And Jaylen and -- do you know where he was?

Jaquala Scipio - Direct examination  
By Solicitor Scott

1 A. He was outside at the barrel.

2 Q. Okay. And so when you're arguing in the bedroom, you  
3 and Demetrius, do y'all come out of the bedroom at some  
4 point?

5 A. Yeah.

6 Q. And where do y'all go?

7 A. In the kitchen.

8 Q. Okay. And tell us what happened next.

9 A. He followed me in the kitchen cause I was laughing. He  
10 said something and I was -- I was laughing. So he followed  
11 me in the kitchen and bumped my head into the refrigerator  
12 --

13 Q. Okay.

14 A. -- and---

15 Q. All right.

16 A. ---that's when my daughter said she got to go.

17 Q. Uh-huh.

18 And so, at that point, who's in the kitchen?

19 Did y'all -- Jamarina?

20 A. Jamarina and Stephanie.

21 Q. Okay. And did you ask to leave too?

22 A. No.

23 Q. Okay. And do you remember when they left?

24 A. Yes.

25 Q. All right. Does, does Demetrius stay in the kitchen or

Jaquala Scipio - Direct examination  
By Solicitor Scott

- 1 does he go somewhere else?
- 2 A. He went back in the room.
- 3 Q. Okay. And did -- where were you at this point?
- 4 A. Still in the kitchen.
- 5 Q. Okay. Demetrius walks back to the bedroom and do you
- 6 remember Stephanie and Jamaría walking outside?
- 7 A. Yes.
- 8 Q. And Jaylen was still out by the barrel?
- 9 A. Yeah.
- 10 Q. All right. Do you remember them coming back inside of
- 11 the house?
- 12 A. No.
- 13 Q. You don't remember that?
- 14 A. I remember Jamaría and Jaylen coming back in.
- 15 Q. That's fine. That's -- you, you remember---
- 16 A. Oh yeah.
- 17 Q. ---those two coming back in?
- 18 A. Yes.
- 19 Q. And tell us what you remember about that.
- 20 A. They came back in. Jamaría went and got her clothes
- 21 and I guess Jaylen and Meatball went in the room and shut
- 22 the door.
- 23 Q. Okay. But Demetrius was already back there?
- 24 A. Yeah.
- 25 Q. And did -- you saw Jaylen go back there and shut the

Jaquala Scipio - Direct examination  
By Solicitor Scott

1 door or you heard it?

2 A. No, I, I can't say I saw him cause I was in the kitchen  
3 and I couldn't see him but they -- I know they went back  
4 there.

5 Q. Okay. You just said the door closed behind him.

6 How you know that?

7 Just did you hear it shut or did you see it?

8 You just knew---

9 A. I hear it shut.

10 Q. Okay. Got you. So -- and, and do you hear anything  
11 after that?

12 A. I hear them argue.

13 Q. Okay. And what -- was it, was it unusual for Jaylen to  
14 go back in the bedroom with Demetrius?

15 A. If I'm back there he'll come back and say hey.

16 Q. Okay. Had you ever seen them go back together in the  
17 bedroom before?

18 A. No.

19 Q. Okay. Okay. Let me show you something. Just read  
20 this right here to yourself.

21 A. Oh yeah.

22 Q. Does that refresh your memory?

23 A. Yes.

24 Q. Do you remember telling law enforcement what they were  
25 back there doing?

Jaquala Scipio - Direct examination  
By Solicitor Scott

- 1 A. Yes.
- 2 Q. What'd you tell law enforcement that Jaylen and  
3 Demetrius were back in the bedroom doing?
- 4 A. Crushing up pills.
- 5 Q. Okay. So, your testimony today is Jaylen goes back to  
6 the bedroom. You hear a door close. They were back there  
7 you thought crushing pills cause that's what they did and  
8 then you hear arguing.
- 9 A. Uh-huh.
- 10 Q. And then what did you hear?
- 11 A. Then after that I heard gunshots.
- 12 Q. Okay. And then what do you remember next?
- 13 A. I remember me calling 9-1-1.
- 14 Q. All right. What about Jaylen?  
15 Did you see him come out of the room?
- 16 A. Yeah, I seen him come out of the room.
- 17 Q. What did he do?
- 18 A. He left right out the door.
- 19 Q. All right. And did he say anything to you?
- 20 A. No.
- 21 Q. Okay. At what point did you realize that Demetrius had  
22 been shot?
- 23 A. After I heard the gunshots.
- 24 Q. Okay. Well, did you go back there and see him lying on  
25 the bed or anything?

Jaquala Scipio - Direct examination  
By Solicitor Scott

1 A. Yes.

2 Q. And you called 9-1-1 then?

3 A. Yeah.

4 Q. Okay. And did you call them immediately?

5 A. Yeah.

6 Q. Was, was Jaylen still in the house when you were  
7 calling them?

8 A. Yeah.

9 Q. And he left?

10 A. Yeah.

11 Q. Did he know -- well, I don't know if you were.  
12 Were you near him when you were calling 9-1-1?

13 A. No.

14 Q. Okay. Jaquala, please answer any questions that the  
15 defense attorney has for you.

16 THE COURT: Y'all approach real quick.

17 (WHEREUPON, a bench conference was held out of the  
18 hearing of the jury at this time.)

19 THE COURT: Okay. All right. Ladies and gentlemen,  
20 we're gonna go ahead and break there. I think we're at a  
21 good, good stopping point and now, Ms. Scipio, am I saying  
22 your last name correctly?

23 THE WITNESS: Yes.

24 THE COURT: Okay. wonderful. Thank you.

25 You're welcome -- we're gonna take a lunch break.

1 human nature cause we're not gonna talk about the case.  
2 We're not gonna do any research on the case. We're not  
3 gonna become our own investigator on the case, right.

4 You are to keep an open mind about the case. Don't  
5 discuss it with anybody and don't let anybody discuss it  
6 with you and we'll start back at -- what time did I say,  
7 1:45?

8 Did I say 1:45?

9 We'll start back at 1:45, 1:45.

10 Everyone else just stay where you are. Thank you very  
11 much.

12 (WHEREUPON, the following takes place outside the  
13 presence of the jury.)

14 THE COURT: All right. Anything from the State before  
15 we break?

16 SOLICITOR SCOTT: No, Your Honor.

17 THE COURT: From the defense before we break?

18 MS. BRUCK: No, Your Honor.

19 THE COURT: Okay.

20 SOLICITOR SCOTT: Your Honor, I -- just, just because  
21 the, the closeness of these witnesses, just not only for  
22 Jaquala but for everybody else's edification not to speak  
23 with Jaquala about the testimony cause they're all gonna  
24 leave here together --

25 THE COURT: Yeah.

1 THE BAILIFF: All jurors are seated, Your Honor.

2 THE COURT: All right. Welcome back, ladies and  
3 gentlemen. We're in the cross-examination of Ms. Scipio,  
4 and, Ms. Scipio, you're still under oath.

5 Do you understand that?

6 THE WITNESS: Yes, sir.

7 THE COURT: Thank you very much, ma'am.

8 All right. Cross-examination.

9 MS. WARTHEN: May it please the court?

10 THE COURT: Yes.

11 CROSS-EXAMINATION

12 BY MS. WARTHEN:

13 Q. Jaquala, how are you?

14 A. I'm good.

15 Q. Now, Quala, just a little while ago before lunch you  
16 agreed with the State that it is -- when you previously  
17 talked to law enforcement you said that Jaylen and Meatball  
18 had been crushing up pills that night, right?

19 A. Right.

20 Q. Okay. And you said that you had taken Ecstasy --

21 A. Yes.

22 Q. -- that day like throughout the day?

23 A. Yes.

24 Q. Okay. Now, Quala, you're the person who called 9-1-1  
25 right after the shooting, right?

Jaquala Scipio - Cross-examination  
By Ms. Warthen

1 A. Right.

2 Q. Okay. And you told them that somebody had been shot?

3 A. Yes.

4 Q. And they asked you some questions --

5 A. Yes.

6 Q. -- about the circumstances and you didn't mention any  
7 drugs to them at that time, right?

8 A. No.

9 Q. Now, quite a few officers came to the house that night,  
10 right?

11 A. Right.

12 Q. Like just a few minutes after the incident?

13 A. Uh-huh.

14 Q. And you shared information with several different  
15 officers, right?

16 A. Right.

17 Q. And, as you know, like they were recording your  
18 statements on the body worn cameras?

19 A. Uh-huh.

20 Q. And you didn't tell any of those different officers  
21 about anybody doing drugs that night, right?

22 A. Right.

23 Q. So there were at least four different conversations  
24 that we know of with various officers on the scene, right?

25 A. Right.

Jaquala Scipio - Cross-examination  
By Ms. Warthen

- 1 Q. And you didn't tell any of them about drugs, right?
- 2 A. No.
- 3 Q. Okay. And the night of the incident, you actually went  
4 down to the station and gave an interview, right?
- 5 A. Right.
- 6 Q. You were in that interview room for over half or over  
7 an hour and a half?
- 8 A. Uh-huh.
- 9 Q. You told the investigators what happened that night?
- 10 A. Right.
- 11 Q. You told them that Meatball had put his hands on you?
- 12 A. Right.
- 13 Q. Shoved your face with his hand?
- 14 A. Yes.
- 15 Q. Knocked back your head into the fridge?
- 16 A. Yes.
- 17 Q. And he had also choked you that night, correct?
- 18 A. Yes.
- 19 Q. You told them that your 13 year old daughter, Jamaría,  
20 saw that?
- 21 A. Yes.
- 22 Q. That she was in the kitchen?
- 23 A. Uh-huh.
- 24 Q. And---
- 25 THE COURT: You got to, you got to say yes or no.

Jaquala Scipio - Cross-examination  
By Ms. Warthen

1 Don't say uh-huh or hu huh.

2 THE WITNESS: Oh, okay.

3 THE COURT: All right. When we take it down, we  
4 don't -- when you read it back later, it's hard to know what  
5 you meant. So---

6 THE WITNESS: Okay.

7 THE COURT: ---please, please, please answer with a  
8 verbal answer. Not just a, a sound.

9 THE WITNESS: Okay.

10 THE COURT: Thank you, ma'am.

11 Q. And Jamaría was in the kitchen when Meatball assaulted  
12 you, right?

13 A. Yes.

14 Q. And she then left the house shortly thereafter?

15 A. Yes.

16 Q. Because she was upset?

17 A. Yes.

18 Q. And you told law enforcement in this first interview  
19 that night that shortly after Jamaría exited the house  
20 Jaylen did come back into the house?

21 A. Yes.

22 Q. And that Jaylen went into the bedroom to have a  
23 conversation with Meatball?

24 A. Yes.

25 Q. That's what you told law enforcement when you first

Jaquala Scipio - Cross-examination  
By Ms. Warthen

1 interviewed, right?

2 A. (WHEREUPON, there was no audible response.)

3 Q. So in that first interview you did not mention anything  
4 about drugs?

5 A. I didn't.

6 Q. You didn't say that Meatball was doing drugs, right?  
7 Right?

8 A. Right.

9 Q. You didn't say you were doing drugs?

10 A. No, I didn't.

11 Q. You did not say Jaylen was doing drugs?

12 A. No.

13 Q. Okay. You didn't say anything about anybody taking  
14 them, did you?

15 A. (WHEREUPON, there was no audible response.)

16 Q. And you did not say that they were back there crushing  
17 up pills?

18 A. No.

19 Q. And this first interview was right after the incident,  
20 correct?

21 A. Correct.

22 Q. Just hours after the incident?

23 A. Correct.

24 Q. So that's when your memory is freshest?

25 A. Correct.

Jaquala Scipio - Cross-examination  
By Ms. Warthen

1 Q. Now, the next day around noon you went back for a  
2 second interview, right?

3 A. Right.

4 Q. You had not slept?

5 A. No.

6 Q. You came in the same clothes?

7 A. Yes.

8 Q. You were fairly tired?

9 A. (WHEREUPON, there was no audible response.)

10 Q. And that's the first time you mentioned the possibility  
11 of anybody doing drugs?

12 A. Right.

13 Q. So you'd already talked to 9-1-1 and had at least four  
14 conversations with law enforcement at the house?

15 A. Yes.

16 Q. You already had one full interview about the incident?

17 A. Yeah.

18 Q. So it was actually the seventh time that you discussed  
19 the case with authorities that you mentioned drugs, right?

20 A. Right.

21 Q. Did it surprise you later to learn that actually  
22 Meatball had no drugs in his system that night?

23 A. Yes, it did.

24 Q. Okay. Now, part of that story, as you had told it back  
25 then, was that y'all had gone to Red Rooster apparently that

Jaquala Scipio - Cross-examination  
By Ms. Warthen

- 1 evening, right?
- 2 A. Right.
- 3 Q. And as your memory of that story was, it was that you,  
4 Meatball, Stephanie, and Jaylen went to Red Rooster, right?
- 5 A. Right.
- 6 Q. Okay. And what is Red Rooster?
- 7 A. It's a sports bar.
- 8 Q. Sports bar.
- 9 Okay. And you guys were like watching a game?
- 10 A. Uh-huh.
- 11 Q. Okay. You think you even -- you said maybe they were  
12 watching a football game?
- 13 Y'all were watching a football game?
- 14 A. Yes.
- 15 Q. Okay. And it was that day that you went to Red Rooster  
16 when you reported to law enforcement that y'all were doing  
17 drugs?
- 18 A. Right.
- 19 Q. Right.
- 20 Okay. But, in fact, on the day of the incident,  
21 Stephanie had had a baby with her the whole time that day,  
22 right?
- 23 She had Ike with her on the day that Meat, that  
24 Meatball died?
- 25 Stephanie had Ike with her that day?

Jaquala Scipio - Cross-examination  
By Ms. Warthen

1 A. Right.

2 Q. Okay. And your memory of the story you told to going  
3 to Red Rooster, it was adults in that bar, right?

4 A. Right.

5 Q. Okay. So that, that actually could not have happened  
6 on the day that Meatball died because the baby was not with  
7 you, whatever day you went to Red Rooster?

8 A. Right.

9 Q. So, if you went to Red Rooster it was on a different  
10 night?

11 A. It had to be on a different night if she had the baby  
12 with her.

13 Q. And so if Meatball and Jaylen were doing drugs before  
14 or after Red Rooster, that was just on a different night,  
15 right?

16 A. Right.

17 Q. So, anything that had -- anything about Jaylen going to  
18 Meatball's or Red Rooster to do drugs, if the -- if that  
19 happened, it was not on that night, right?

20 A. Right.

21 Q. Now, on February 18<sup>th</sup> of this year, you came into  
22 this courthouse to testify in a hearing?

23 A. Uh-huh.

24 THE COURT: Is that a yes?

25 THE WITNESS: Yes.

Jaquala Scipio - Cross-examination  
By Ms. Warthen

1 THE COURT: Thank you.

2 Q. And at that time -- okay. You were asked if you  
3 remember Jaylen doing drugs that night.

4 Do you recall that, being asked that in this courtroom?

5 A. Yes.

6 Q. Okay. At that time you said you did not have a memory  
7 of that.

8 Do you remember that?

9 A. No, not --.

10 Q. Okay. So, Mr. Scott asked you -- so, you, Meatball,  
11 and Jaylen were tweaking on Ecstasy---

12 SOLICITOR SCOTT: I think the proper way---

13 Q. ---right?

14 SOLICITOR SCOTT: ---Your Honor, to impeach a witness  
15 is if she denies or has any issue---

16 THE COURT: Right.

17 SOLICITOR SCOTT: ---memory -- with memory, refresh her  
18 memory, and then if she still denies it, then impeach her  
19 with prior testimony.

20 MS. WARTHEN: I can---

21 THE COURT: I agree.

22 MS. WARTHEN: ---have her repeat the lines.

23 THE COURT: well, you got to ask her a question first.

24 Q. Okay. You said that you had no memory of Jaylen doing  
25 drugs that night, right?

Jaquala Scipio - Cross-examination  
By Ms. Warthen

1 A. Right.

2 Q. Okay. You agree with that.

3 Okay. And then the -- Zoe asked you some questions as  
4 well, right?

5 A. Right.

6 Q. And you told Zoe that you ad -- you admitted to Zoe  
7 that you had no idea if they were doing drugs, right?

8 A. Right.

9 Q. You were not in that room with Jaylen and Meatball?

10 A. No.

11 Q. Jaylen did not tell you, as he went back there, that he  
12 was going to be using -- to get drugs, did he?

13 A. No.

14 Q. You did not see either one of them doing drugs?

15 A. No, I didn't see them.

16 Q. You were in the kitchen?

17 A. Right.

18 Q. And they were back in the bedroom?

19 A. Yep.

20 Q. So, you wouldn't have any way of knowing if they were,  
21 in fact, doing drugs?

22 A. No, I can assume they were doing it but I can't  
23 pinpoint that they were.

24 Q. Okay. But you don't have -- you don't have any way  
25 of---

Jaquala Scipio - Cross-examination  
By Ms. Warthen

1 A. No.

2 Q. Okay. Ms. Scipio, how long have you and Meatball been  
3 dating?

4 A. Like eight months.

5 Q. About eight months.

6 And would you say he had put his hands on you, over  
7 those, over those eight months, like at least six times?

8 A. Yes.

9 Q. And how many of those times was he drunk?

10 A. All of them.

11 Q. And on one occasion he did knock out your teeth?

12 A. Yes.

13 Q. Can you show the jury which of your teeth Meatball  
14 punched out?

15 A. (WHEREUPON, the witness complies.)

16 Q. I think you might need to turn your face so that they  
17 can see it and pull up your lip, your upper lip.

18 SOLICITOR SCOTT: Your Honor, may we approach?

19 THE COURT: Sure.

20 (WHEREUPON, a bench conference was held out of the  
21 hearing of the jury at this time.)

22 Q. And, Ms. Scipio, you said, in one of those interviews  
23 with law enforcement, your kids always went to their dad's  
24 house when Meatball got violent, right?

25 A. Yes.

Jaquala Scipio - Cross-examination  
By Ms. Warthen

- 1 Q. And you said you let them go because your kids didn't  
2 like being around that?
- 3 A. Yes.
- 4 Q. And he was drinking on this particular night --
- 5 A. Yes.
- 6 Q. -- right, of the incident?  
7 And he -- did he drink everyday?
- 8 A. Almost everyday.
- 9 Q. Almost everyday.  
10 Okay. Beer, liquor?  
11 what did he drink?
- 12 A. Beer and liquor.
- 13 Q. Beer and liquor.  
14 Okay. what time of day did he start drinking?
- 15 A. Probably around about 12:00.
- 16 Q. Now, you did see Jaylen when he came into the house to  
17 talk to Meatball, right?
- 18 A. Right.
- 19 Q. And you did not see a gun on him?
- 20 A. No.
- 21 Q. You just saw him walk back to the bedroom where  
22 Meatball was hanging out?
- 23 A. Yeah.
- 24 Q. And you, in your second interview, an investigator  
25 asked you what Jaylen was acting like when he ran out of the

Jaquala Scipio - Cross-examination  
By Ms. Warthen

1 room?

2 A. Yeah.

3 Q. And you said he just seemed scared, right?

4 A. Right.

5 Q. Now, are you aware that your mother had her rule that  
6 people weren't suppose to have guns in the house, right?

7 A. Right.

8 Q. But it's certainly possible that Meatball did have a  
9 gun in spite of your mother's rules?

10 A. Yes.

11 SOLICITOR SCOTT: Oh, an objection to speculation.

12 THE COURT: Sustained.

13 Disregard that answer, ladies and gentlemen.

14 Q. Did you ever go looking for a gun?

15 A. No.

16 Q. So you wouldn't have known if he had one stashed away?

17 A. I wouldn't of known.

18 Q. He did usually have a knife though, right?

19 A. Right.

20 Q. And it's a pocketknife?

21 A. Yes.

22 Q. Like the kind that folds in and out?

23 A. Uh-huh.

24 THE COURT: Is that a yes?

25 THE WITNESS: Yes.

Jaquala Scipio - Cross-examination  
By Ms. Warthen

1 Q. And that's usually hooked onto his pants?

2 A. Yes.

3 Q. Now, this, this night of the incident, November 24<sup>th</sup>,  
4 they were lots of people there at the house when law  
5 enforcement arrived, right?

6 A. Right.

7 Q. So you were inside the house during the incident?

8 A. Right.

9 Q. And so was your mother and so was her boyfriend?

10 A. Right.

11 Q. And there had been some guys out there that night  
12 hanging around the burn burial -- barrel?

13 A. Right.

14 Q. Jaylen's dad had been there, right?

15 A. Right.

16 Q. Some cousins?

17 A. Right.

18 Q. And then when law enforcement got to the house, you  
19 came out to meet them and they were already several people  
20 on the porch?

21 A. Right.

22 Q. Now, in your initial 9-1-1 call when law enforcement  
23 picked -- very first arise (sic), you did, for a very short  
24 period of time, deny knowing who shot Meatball, right?

25 A. Right.

Jaquala Scipio - Cross-examination  
By Ms. Warthen

- 1 Q. You set this record straight later though, right?
- 2 A. Right.
- 3 Q. But you didn't, you didn't do that because you were  
4 scared of Jaylen, did you?
- 5 A. No.
- 6 Q. In fact, you let your daughter leave with Jaylen right  
7 after the incident, right?
- 8 A. Right.
- 9 Q. So you weren't scared of him harming an innocent  
10 person?
- 11 A. No.
- 12 Q. There wasn't any particular bad blood that you knew  
13 about between Meatball and Jaylen, was there?
- 14 A. No.
- 15 Q. They kind of hung out before, right?  
16 They had hung out some with you guys (indiscernible)?
- 17 A. Around at the barrel. That's about it.
- 18 Q. Okay. Okay. They weren't close friends?
- 19 A. No.
- 20 Q. But you had never seen them fight before?
- 21 A. No.
- 22 Q. Okay. Jaquala, you have a bipolar diagnosis, correct?
- 23 A. Right.
- 24 Q. And so sometimes you feel really up and sometimes you  
25 feel really down?

Jaquala Scipio - Cross-examination  
By Ms. Warthen

1 A. Right.

2 Q. And that's -- the symptoms had been going on for many  
3 years.

4 Is that correct?

5 A. Correct.

6 Q. And other diagnosis that you had include like  
7 depression and anxiety?

8 A. (WHEREUPON, there was no audible response.)

9 Q. In fact, you've had a couple of mental health  
10 hospitalizations, right?

11 A. Right.

12 Q. And so you were on several medications for these mental  
13 health problems, correct?

14 A. Correct.

15 Q. And some of them I'd say you take causes memory  
16 problems, right?

17 A. Correct.

18 MS. WARTHEN: Beg the Court's indulgence.

19 THE COURT: Yes, ma'am.

20 (Pause.)

21 MS. WARTHEN: That's all for now. Thank you. No  
22 further questions.

23 THE COURT: All right. Redirect?

24 REDIRECT EXAMINATION

25 BY SOLICITOR SCOTT:

Jaquala Scipio - Redirect examination  
By Solicitor Scott

- 1 Q. All right. Jaquala, if you have memory issues, would  
2 it be helpful to watch an interview you did hours after this  
3 incident?
- 4 A. No, it wouldn't.
- 5 Q. That wouldn't help you?
- 6 A. (WHEREUPON, there was no audible response.)
- 7 Q. You don't think it'd help your memory what you told  
8 officers just within a number of hours after the incident  
9 occurred?
- 10 A. Uh-huh.
- 11 Q. Do you think your memory is better closer to the time  
12 of an incident or a long time after?
- 13 A. I don't know.
- 14 Q. Okay. Well, if something's fresh in your mind, it just  
15 happened, is your memory usually a little bit better---
- 16 A. Yes.
- 17 Q. ---closer to the time?
- 18 A. Yeah.
- 19 Q. All right. So, 12:19PM, the day after this incident,  
20 yes or no, did you tell Investigator Hinson that you and  
21 Jaylen were tweaking on Ecstasy?
- 22 A. Yes, I did.
- 23 Q. Okay. You, you can look at me.  
24 Are, are you looking at them over there?
- 25 A. No.

Jaquala Scipio - Redirect examination  
By Solicitor Scott

1 Q. Okay. How many -- what do you call these two lawyers?

2 A. Zoe and Kathleen.

3 Q. You call them by their first name?

4 A. Uh-huh.

5 Q. Cause y'all've met a good many times?

6 A. No.

7 Q. No.

8 Okay. Have they been to your house, talked with you?

9 A. They been to my mom house.

10 Q. Okay. And you've, you've met with them and gone over  
11 this a number of times?

12 A. No, not really.

13 Q. No.

14 Did I see you in the hallway talking with them  
15 yesterday or was that somebody else?

16 A. Yesterday?

17 Did I talk to them yesterday?

18 I don't think I did.

19 Q. Okay. Do you think maybe what you told officers a  
20 couple hours after this incident when this was still fresh  
21 in your mind, you think that might be more accurate?

22 A. Yes.

23 Q. Okay. And I'm, I'm not trying to trick you, I promise  
24 you, but do you remember telling Mr. Hinson that, the night  
25 of this incident, I'm not talking about any other night,

Jaquala Scipio - Redirect examination  
By Solicitor Scott

1 that y'all had gone to the colonies or Colonial Avenue and  
2 gotten Ecstasy?

3 A. Yes.

4 Q. Okay. And do you remember telling Mr. Hinson,  
5 Investigator Hinson, what tweaking is?

6 A. Yes.

7 Q. Okay. And we've talked about it earlier. So I'm not  
8 gonna ask to do that again.

9 But do you remember telling them whether or not  
10 Meatball owned a gun?

11 A. Yes, I do.

12 Q. Okay. Do you remember what you said?

13 A. I still didn't know he didn't have no gun.

14 Q. Okay.

15 A. But I knew of a knife.

16 Q. Okay. But, yeah, he had a pocketknife, yeah.

17 A. Yeah.

18 Q. We found one in his pocket.

19 A. Yeah.

20 Q. We're not gonna deny that. But you told him that there  
21 wasn't any gun in that house. Meatball didn't own a gun.

22 That was before you ever knew Ms. Kathleen or Ms. Zoe. You  
23 told them that. You can -- you don't have to look at them.

24 Look at me.

25 A. Well, yeah, if I told them that's it got to be true.

Jaquala Scipio - Redirect examination  
By Solicitor Scott

1 Q. Okay. So when you told Mr. Hinson hours later, before  
2 you talked to any of the lawyers, he did not have a gun in  
3 that house, that's what the truth was?

4 A. I don't know.

5 Q. Okay. But you don't deny telling Investigator Hinson  
6 that a couple hours or a few hours after this happened?

7 A. I don't deny telling them that, no.

8 Q. Okay. Do you remember saying you loved Meatball and  
9 you were happy with him?

10 A. Yes.

11 Q. How often did you see Jaylen and Meatball get high in  
12 that bedroom together?

13 A. I didn't see them doing it.

14 Q. Okay. Yes or no.

15 Did you tell Investigator Hinton -- Hinson rather they  
16 always get high in that bedroom?

17 A. Yeah, I did say that. I said they was crushing down  
18 pills but I never said I seen them do it.

19 Q. Okay. And yes or no if you remember -- do you remember  
20 saying they were in there doing pills because they had just  
21 got pills and they'd always get high in the bedroom?

22 A. Yes, I remember saying that.

23 Q. Okay. And that was before you ever knew -- do you even  
24 know my first name?

25 A. No.

Jaquala Scipio - Redirect examination  
By Solicitor Scott

- 1 Q. Okay. But you remember before you met Kathleen and  
2 Zoe, the lawyers, this is what you said?
- 3 A. Uh-huh.
- 4 Q. Right?
- 5 THE COURT: Is that a yes?
- 6 THE WITNESS: Yes.
- 7 THE COURT: Thank you.
- 8 Q. Okay. And then they were asking you the night of the  
9 incident, the first responders get there, you didn't tell  
10 them like hey, I been doing drugs?
- 11 A. No, I didn't tell them that.
- 12 Q. You told Officer Hinson -- Investigator Hinson once you  
13 got to the interview though?
- 14 A. Uh-huh.
- 15 Q. Is there any reason you'd make up the fact that you  
16 were doing Ecstasy that night?
- 17 A. No.
- 18 Q. All right. All right. Thank you, Jaquala. Appreciate  
19 it. Hold on a sec. This -- I'm sorry. They're getting my  
20 attention.
- 21 (Pause.)
- 22 Q. Do you know what happened to the gun that night?
- 23 A. No, wasn't no gun left.
- 24 Q. There wasn't any gun there?
- 25 A. No.

Jaquala Scipio - Redirect examination  
By Solicitor Scott

1 Q. Okay. So nobody left a gun on the couch?

2 A. No.

3 Q. Thank you.

4 RE CROSS EXAMINATION

5 BY MS. WARTHEN:

6 Q. Jaquala, just briefly.

7 On redirect you did testify that at your second  
8 interview that's, that's when you talked about the drugs,  
9 right?

10 A. Right.

11 Q. Now, again, going back to when we had a hearing here in  
12 February and you actually, you actually testified that at,  
13 at that time during both of the interviews that you gave law  
14 enforcement you were actually high?

15 A. Correct.

16 Q. Do you remember testifying to that?

17 Yes.

18 Like you were asked, you were tweaking, tweaking on  
19 that video, you're high right there and you said yes, right?

20 A. Correct.

21 Q. All right. And, again, it was just in the second  
22 interview that you mentioned drugs, right?

23 A. Right.

24 Q. And the first interview you never mentioned it at all?

25 A. No.

Jaquala Scipio - Recross examination  
By Ms. Warthen

1 Q. Thank you.

2 A. You welcome.

3 THE COURT: Okay. Thank you. You may step down.

4 All right. Who's next?

5 SOLICITOR SCOTT: I'll just call Rachel Grant, Your  
6 Honor.

7 THE CLERK: Would you state your full name please?

8 THE WITNESS: Rachel Wyland Grant.

9 RACHEL GRANT, being first duly  
10 sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY SOLICITOR SCOTT:

13 Q. MS. Grant, where are you employed?

14 A. I'm employed with the Richland County Sheriff's  
15 Department DNA Laboratory.

16 Q. Okay. And what is your, what is your job at the DNA  
17 Laboratory with SLED?

18 A. With, with Richland County.

19 Q. Oh, I'm sorry. I'm so used to the DNA SLED expert.  
20 Sorry about that.

21 A. Oh, with Richland County I am a DNA analyst.

22 Q. Got you.

23 And what are your -- what are your duties as a DNA  
24 analyst?

25 A. Basically our job as analyst within the laboratory is

Rachel Grant - Direct examination  
By Solicitor Scott

1 to develop DNA profiles from biological material left behind  
2 at crime scenes.

3 Q. Okay. And let me -- can you, can you tell us in  
4 yeoman's terms what DNA is and I guess kind of go over how  
5 it's unique to each of us.

6 A. So DNA is basically a genetic molecule that everybody  
7 has in every nucleated cell or just a, a cell. So, if you  
8 remember from biology class you have a cell wall and then a  
9 nuclear wall and then the DNA's in -- within that. Everyone  
10 has a unique genetic profile with the exception of identical  
11 twins and everyone gets half of their mom -- or DNA from mom  
12 and then half from their dad.

13 Q. Okay. So, I don't have any twins but -- so my DNA  
14 would be unique to me.

15 Is that correct?

16 A. Correct, yes.

17 Q. And are you asked to test, I guess, known samples  
18 against unknown samples?

19 Is that safe to say?

20 A. That's correct. We basically call them reference  
21 samples, which could be a known biological material from a  
22 person. It could either be their saliva or a blood sample,  
23 and then having that known profile of that person, we will  
24 then compare that to profiles developed from crime scene  
25 evidence.

Rachel Grant - Direct examination  
By Solicitor Scott

1 Q. So -- and, and is it safe to say that, as we touch  
2 stuff, we can possibly leave touch DNA behind?

3 A. Yes. So technologies are so sensitive these days, it  
4 takes only just a few cells, nucleated cells, to get a full  
5 profile. So we do a lot of touch DNA samples but body  
6 fluids are an excellent source of DNA as well. So, blood,  
7 saliva, semen.

8 Q. Okay. Now -- well, I just want to focus on touch DNA  
9 just for a minute though.

10 A. Uh-huh.

11 Q. Now, if -- you know, I pulled this CD out and I handled  
12 it for a little bit and set it down and nobody saw it  
13 really. But there was some people suspected it was me who  
14 had handled the CD.

15 All right. You follow me---

16 A. Uh-huh.

17 Q. ---with this little scenario?

18 A. Uh-huh.

19 Q. How would you go about proving whether or not Dale  
20 Scott touched that particular CD if I had left a sample  
21 behind and testing the sample?

22 A. So they're several factors involved whether somebody  
23 will actually leave their DNA behind. Factors such as the  
24 item that's being touched, the surface that it is if it's  
25 something -- if it's like a substrate or something where

Rachel Grant - Direct examination  
By Solicitor Scott

1 it's very porous versus something that's very clean. It  
2 also depends on factors of the person who touched it. If  
3 they touched it for long periods of time aggressively,  
4 whether they were sweating.

5 We have people -- well, there's people in the, in the  
6 population we call as shedders that at -- that readily  
7 slough off their epithelia cells more readily than others,  
8 and then also other factors such as, you know, how -- what  
9 was the time period or was it left out and environmental  
10 factors such as heat or moisture or, you know, something  
11 that's been left outside for six months versus something  
12 that's been inside and, and in an inappropriate controlled  
13 environment.

14 Q. So -- but for argument sake, I'm a shedder.

15 Okay. I, I leave all kinds of DNA on this CD.

16 In order to prove the unknown sample, you'd need a  
17 known sample, right?

18 A. That's correct, yes.

19 Q. Okay. You probably need a buccal swab from me?

20 A. Yes.

21 Q. And that would be a known sample?

22 A. That's right, yes.

23 Q. All right. Tell them what a buccal swab is.

24 A. A buccal swab is simply a sterile Q-tip that you --  
25 someone will stick in their mouth and it basically collects

Rachel Grant - Direct examination  
By Solicitor Scott

1 the, the, the cheek cells from inside your mouth and then  
2 also in the saliva. So, once that's collected, we treat  
3 that just like we do all of the other samples in the  
4 laboratory and we -- it goes through the entire process and  
5 we generate a DNA profile from that.

6 Q. Okay. So now you swab my cheek and you've got a known  
7 sample from Mr. Scott.

8 A. Uh-huh.

9 Q. And now the next thing we'll do is we're gonna test  
10 against this unknown sample.

11 Is that, is that fair?

12 A. That's -- yes, that's correct.

13 Q. Okay. And then you can tell okay, rather than -- I  
14 mean sometimes that, that is Dale's DNA on that CD. I'm  
15 testing it against the known sample that I got from inside  
16 his cheek, and that if -- the DNA sample matched  
17 significantly.

18 Is that kind of how it works?

19 A. It is. We use more of a -- the approach of we always  
20 look at the evidence first to -- and then, based on the  
21 characteristics that we're seeing, we look at several places  
22 on the DNA molecule. So the more places you look at, the  
23 more discriminating it is.

24 So we, we evaluate the evidence first always and then,  
25 if they're known standards that are submitted for

Rachel Grant - Direct examination  
By Solicitor Scott

1 comparison, then we'll make that comparison.

2 Q. Okay. How long have you worked in this capacity as a  
3 DNA analyst over at Richland County?

4 A. About 14 and a half years.

5 Q. Okay. And is it -- you remember how many DNA samples  
6 you analyzed?

7 A. A lot.

8 Q. Okay. And have you ever testified in court before?

9 A. I have.

10 Q. How many times?

11 Do you know?

12 A. I think it's at least 15.

13 Q. Okay. And were you qualified as an expert?

14 A. I was, yes.

15 Q. What was -- in what field?

16 What, what was the qualification?

17 Do you remember?

18 A. DNA analyst and forensic -- just a forensic DNA  
19 analysis (sic).

20 Q. Okay.

21 A. I think it varies with each time a little bit.

22 SOLICITOR SCOTT: Okay. All right. Your Honor, we  
23 would offer Ms. Grant as an expert in forensic DNA analyses.

24 THE COURT: Voir dire?

25 MS. BRUCK: No objection. No voir dire.

Rachel Grant - Direct examination  
By Solicitor Scott

1 THE COURT: Okay. All right. So, normally, ladies and  
2 gentlemen, when a person testifies, they have to testify as  
3 to what they heard, they did, they touched, they sensed by a  
4 smell, something of that nature. However, there's an  
5 exception under our rules when someone is qualified because  
6 of education or experience and that person is permitted to  
7 give their opinions or their conclusions in those areas.

8 So, Ms. Grant will be qualified as an expert in the  
9 area of forensic DNA analysis. That means she will be  
10 allowed to give her opinion in that area.

11 Now that doesn't mean that you have to accept her  
12 opinion, right. But it's evidence for you to use in any way  
13 that you see fit and you give it the weight and the  
14 credibility that you believe is appropriate just as you  
15 should be doing with each and every witness that comes  
16 before you.

17 SOLICITOR SCOTT: Thank you, Your Honor.

18 The -- in this particular case we're here for, do your  
19 notes show that it was assigned the case number of  
20 1911036924?

21 A. Correct.

22 Q. Okay. And when did you perform your analysis regarding  
23 this case?

24 A. The analysis was initiated on March 3<sup>rd</sup> of 2022 and  
25 the report was generated on March 31<sup>st</sup> of 2022.

Rachel Grant - Direct examination  
By Solicitor Scott

1 Q. Okay. So, looking at the items received, is this  
2 correct, you had unknown samples, a swab from Stain Marker  
3 A?

4 You had a swab from a knife with skull heads and then  
5 you had a -- nail scrapings from the left and the right-hand  
6 of the victim in this case, Demetrius Floyd?

7 A. Correct. Yes.

8 Q. Okay. And then you had a known buccal swab from the  
9 victim, Demetrius Floyd?

10 A. That's correct, yes.

11 Q. Okay. Now, let me just -- with the knife -- and I want  
12 to talk about in comparison with Jaylen Bell cause you got  
13 the defendant's buccal swab as well?

14 A. That's right, yes.

15 Q. And so did you look to see whether or not any  
16 discernible DNA from the defendant was found on that knife  
17 you tested?

18 A. On the knife?

19 Q. (WHEREUPON, there was no audible response.)

20 A. So, in, in our interpretation as DNA analysts, we  
21 basically look at our, our profile, our data, and we can  
22 determine whether it's a single source profile meaning that  
23 only one person's DNA is present or what we call a mixture,  
24 which means there's multiple people on an item.

25 As you would expect, something that's being touched, if

Rachel Grant - Direct examination  
By Solicitor Scott

1 multiple people touch it, so just think about the door  
2 handle of a convenience store, can you imagine how many  
3 people's potential DNA is on that door handle?

4 So, for Item 17, which was a swab from the knife with  
5 the skull heads, I developed a mixture off of that item.

6 Q. Okay. But it -- isn't it true though Jaylen Bell is  
7 excluded?

8 A. He is excluded --

9 Q. Okay.

10 A. -- from that mixture, yes.

11 Q. No discernable DNA from the defendant on this knife?

12 A. Correct. He -- he's not a contributor.

13 Q. Okay. Do you know where that knife was found by the  
14 way?

15 A. I have no idea.

16 Q. All right. For the left-hand scraping of the decedent,  
17 Demetrius Floyd, fingernail scraping, what are you looking  
18 for when you do a fingernail scraping?

19 A. So a fingernail scraping is considered an, an intimate  
20 sample meaning that, since it was collected off of someone,  
21 you would expect to see their DNA there. So, if you were to  
22 take a nail file and go underneath your fingernails; of  
23 course your DNA would be there because of the skin cells.  
24 So what we're looking for is the other person or persons.

25 So we have a standard from the victim. We can

Rachel Grant - Direct examination  
By Solicitor Scott

1 basically eliminate that victim from the intimate sample  
2 profile and then kind of whatever is left over is what we're  
3 making a comparison to.

4 Q. Okay. So, Demetrius Floyd's left-hand, left fingernail  
5 scraping, is it true that you did not find any of Jaylen  
6 Bell's DNA in those fingernail scrapings of the left-hand?

7 A. That's correct. He's excluded as a contributor.

8 Q. Okay. And then DNA scrapings from the right-hand,  
9 isn't it -- you found no Jaylen Bell DNA under his  
10 right-hand and fingers either?

11 A. That's correct. It was a single source but it came  
12 back to the victim.

13 Q. Okay. But, but you did do these analyses and just to  
14 see if you could find the defendant's DNA under the victim's  
15 fingernails and you did not find anything?

16 A. That's correct.

17 Q. Okay. All right. I think that's all the questions I  
18 have for you. Please answer any questions the defense may  
19 have.

20 THE COURT: Okay. Cross.

21 MS. BRUCK: Court's indulgence.

22 (Pause.)

23 MS. BRUCK: No cross. Thank you, Your Honor.

24 THE COURT: Have a good day.

25 All right. Who's next?

Robert Oates - Direct examination  
By Solicitor Scott

1 SOLICITOR SCOTT: Let's -- Robert Oates, Your Honor.

2 THE COURT: Say it one more time for me.

3 SOLICITOR SCOTT: Robert Oates. I'm sorry. Robert  
4 Oates.

5 THE COURT: Thank you, sir. I just didn't hear you. I  
6 apologize.

7 SOLICITOR SCOTT: No, I was talking into my shoes.

8 THE CLERK: Would you state your full name please?

9 THE WITNESS: It's Robert Cecil Oates.

10 THE CLERK: Spell your last name please.

11 THE WITNESS: O-A-T-E-S.

12 ROBERT OATES, being first duly  
13 sworn, testified as follows:

14 THE CLERK: Thank you. Have a seat right there.

15 DIRECT EXAMINATION

16 BY SOLICITOR SCOTT:

17 Q. All right. All right. Investigator Oates, you are  
18 employed with the Richland County Sheriff's Department?

19 A. Yes, sir.

20 Q. Okay. And---

21 A. Excused me.

22 Q. In November of 2019, what unit were you assigned to?

23 A. I was assigned to the crime scene unit.

24 Q. Okay. And, and what are your duties working with the  
25 crime scene unit?

Robert Oates - Direct examination  
By Solicitor Scott

1 A. With the crime scene unit, basic crime scene  
2 processing. Also crime scene analysis of certain types of  
3 evidence, documentation, collection of the same certain --  
4 measurements, et cetera, so forth.

5 Q. Okay. So when there's a crime such as a homicide, your  
6 kind of role is to document the scene after, after it's  
7 secured?

8 A. Right, yes.

9 Q. And you document it for photographs?

10 A. Yes, photographs, sketches, yes.

11 Q. Okay. Sketches sometimes?

12 A. Yes.

13 Q. And when did you go to [REDACTED] Dubard-Boyle Road in  
14 relation to this particular incident?

15 A. Okay. It's going to be on the -- on November the 24<sup>th</sup>,  
16 2019.

17 Q. Okay. Do, do you have the approximate time when you  
18 got there?

19 A. Yes, 22:25 or 10:25PM.

20 Q. 10:25.

21 Okay. And can -- do you have a report with you?

22 A. Yes.

23 Q. Okay. And tell us about your initial observations when  
24 you got there.

25 A. Okay. I, I was on call this evening. I received a

Robert Oates - Direct examination  
By Solicitor Scott

1 call from Corporal Taylor from this particular region off of  
2 ■ Dubard-Boyle Road in reference to a shooting with one  
3 fatally injured. I then responded and made contact with  
4 Corporal Taylor in order, in order to get some basic  
5 information of what, what they observed when they arrived on  
6 the scene.

7 Q. All right. The victim had already been transported  
8 away from the scene, correct?

9 A. Yes.

10 Q. Okay. So, so what are your -- what are you -- what's  
11 the first thing you set about doing after you kind of got  
12 briefed about the case?

13 A. Okay. The next thing that I addressed was searching  
14 the scene. So, I wanted to make sure that that was done  
15 properly. So, we went ahead and I had units go ahead and  
16 get consent to search for, for this residence. I was told  
17 by Corporal Taylor that the incident took place in the front  
18 right bedroom.

19 Q. Okay.

20 A. So I want -- yeah. So I wanted to make sure I had  
21 legal means to search that room. So I had that done.

22 Q. Okay.

23 A. After I did that, then basically the first thing I do  
24 is assess the situation. So basically I'm walking through  
25 the scene and I'm looking for evidence inside this room in

Robert Oates - Direct examination  
By Solicitor Scott

1 my mind basically remembering where I'm going to actually  
2 start documenting with photography and tents or evidence  
3 numbers before I do anything.

4 Q. All right. Step back. The right bedroom was the focus  
5 kind of or at least where you understood the crime scene to  
6 have occurred?

7 A. Right front bedroom, yeah.

8 Q. Did -- part of your investigation is to search the  
9 whole premises?

10 A. Right. Right. I did, of course, assess that room but  
11 I also photographed and assessed of the house --

12 Q. Okay.

13 A. -- looking for anything of evidence basically.

14 Q. Where you -- was, was the search for a weapon important  
15 to the crime scene at this point?

16 A. Involved in a shooting, yes, yes. That would---

17 Q. Okay.

18 A. That would be a big -- that would be a big object, yes.

19 Q. And so did you attempt to locate a firearm?

20 A. I did. I did, yes --

21 Q. And did you find---

22 A. -- during my search.

23 Q. And did you find---

24 A. Sorry.

25 Q. ---any firearm in the house?

Robert Oates - Direct examination  
By Solicitor Scott

- 1 A. No, I did not.
- 2 Q. well, did the room we're talking about, is it a big  
3 room?
- 4 A. It's not, it's not a big room, no, sir.
- 5 Q. All right. Did you take measurements?
- 6 A. I'm sure I did.
- 7 Q. Should be State's 18.  
8 Do you recognize that one?
- 9 A. Yes, this is my field sketch or rough sketch from that  
10 night.
- 11 Q. And in your field sketch, you kind of attempt to sort  
12 of -- it's not to scale, is it?
- 13 A. It's not to scale.
- 14 Q. Okay.
- 15 A. No, sir.
- 16 Q. But, but what are you attempting to accomplish when  
17 you, when you do a field sketch?
- 18 A. Basically a bird's-eye view -- a bird's-eye view of the  
19 crime scene.
- 20 Q. Okay. Just a general sort of I guess sketch with  
21 locations of certain relevant items in your mind?
- 22 A. Yes.
- 23 Q. Okay. But let me ask you this.  
24 you wouldn't disagree that that particular room, if I  
25 told you, I don't know, was about 81 square feet maybe give

Robert Oates - Direct examination  
By Solicitor Scott

1 or take?

2 A. Give or take, yes.

3 Q. If I told you one wall was about 9-foot. Another one's  
4 about 9-foot. One was about six and a half feet and another  
5 one---

6 A. Right.

7 Q. ---about six and a half?

8 A. Like---

9 Q. Does that sound about right?

10 A. ---or like 10 by 10, something like that.

11 Q. Okay.

12 A. Not very big.

13 Q. Tell -- what was that exhibit I just handed to you?

14 A. Rough sketch.

15 Q. Six?

16 A. Oh, 18. I'm sorry.

17 Q. 18.

18 A. 18.

19 SOLICITOR SCOTT: Okay. Your Honor, the State does  
20 offer State's No. 18 for admission into evidence.

21 This one.

22 MS. BRUCK: That's, that's a sketch?

23 No objection.

24 THE COURT: All right. Eighteen is admitted without  
25 objection.

Robert Oates - Direct examination  
By Solicitor Scott

1 (WHEREUPON, State's Exhibit No. 18 was received into  
2 evidence at this time.)

3 Q. well, didn't show up too or -- (indiscernible) or you  
4 got a---

5 A. Yep.

6 Q. ---better copy up there?

7 A. Yes, sir.

8 Q. Can you see there?

9 Can you see the smart board that the jury's looking at?

10 A. Yes. Yes.

11 Q. All right.

12 A. well, yeah.

13 Q. would you kind of go over some of the findings I guess,  
14 what you're trying to notate here?

15 First of all, this would be -- where's the doorway in  
16 your picture?

17 A. It's gonna be the top. If you're looking, looking at  
18 the sketch, it's gonna be the top left corner.

19 Q. Okay. Up here?

20 A. Uh-huh, yes.

21 Q. All right. And I take it this is the bed?

22 A. Yes, that's gonna be the bed area, yes. That's gonna  
23 be the bed.

24 Q. All right. would you go over some of the markings you  
25 have here that you've sketched?

Robert Oates - Direct examination  
By Solicitor Scott

1 A. Okay. As I, as I approached the bedroom from the  
2 hallway, okay, and I looked -- all I could really see was  
3 straight ahead and basically that would be -- I'm -- a, a  
4 Marker AA, AA, which is a, a pair of red polo sweatpants.

5 Q. Okay. Are you---

6 A. They're on the floor beside the bed.

7 Q. All right.

8 A. Okay. And the next one -- item, item beside that was  
9 AB which was a fired winchester 9-millimeter cartridge  
10 casing.

11 Q. Okay. That casing's right at the -- I guess---

12 A. I mean it's right there almost next to the actual red  
13 polo---

14 Q. And---

15 A. ---sweatpants.

16 Q. According to your sketch, this is just pretty much  
17 right beside the end of the mattress?

18 A. Yes, yes, uh huh. Everything was pretty much I mean  
19 compacted in this area right here pretty much at the  
20 beginning.

21 Q. Okay.

22 A. And I really didn't have to walk in the room that far  
23 to see this because of the room. The sketch is not gonna  
24 make it look just right. But AC would be another spent  
25 cartridge casing that was found right next to the, the first

Robert Oates - Direct examination  
By Solicitor Scott

- 1 one --
- 2 Q. Okay. AB and---
- 3 A. -- the winchester.
- 4 Q. ---AC are two spent cartridge casings---
- 5 A. Yes.
- 6 Q. ---9-millimeter?
- 7 A. Uh-huh, yes.
- 8 Q. Okay.
- 9 A. And AD is gonna be another fired cartridge casing,
- 10 Remington 9-millimeter.
- 11 Q. AD, where is that on here?
- 12 A. It's -- let's see.
- 13 Okay. That's gonna be on the bed.
- 14 Okay. AD's gonna be on the bed.
- 15 Q. Oh, it's actually on that, right?
- 16 A. Yeah, it's actually on the bed, yes.
- 17 Q. So that casing is on the mattress in the bedroom?
- 18 A. Right, yes.
- 19 Q. Okay.
- 20 A. Let's see here. Down below or, excuse me, down beside
- 21 Marker AC was a small piece of paper. It had reddish brown
- 22 stains. And when I say reddish brown stains, that's
- 23 believed to be blood.
- 24 Q. All right.
- 25 A. And it had a partial shoe impression --

Robert Oates - Direct examination  
By Solicitor Scott

- 1 Q. Okay.
- 2 A. -- on that piece of paper in blood.
- 3 Q. So somebody---
- 4 A. Yes.
- 5 Q. ---walked through the blood and tracked---
- 6 A. Yes.
- 7 Q. ---it around the room?
- 8 A. Uh-huh, yes.
- 9 Q. Well, did -- I guess clearly the victim is gone by the  
10 time you've come?
- 11 A. Right.
- 12 Q. EMS had already been in there---
- 13 A. Yes.
- 14 Q. ---and---
- 15 A. Oh, yeah.
- 16 Q. Okay.
- 17 A. Yes.
- 18 Q. All right. And did---
- 19 A. Okay. Then I -- what I did was it's such a, a, a  
20 compact place on the bed, on the area, on the bed. Excuse  
21 me. Basically I had to take the bed apart like the top  
22 sheet or the, the bedspread, the sheet, all that. I had to  
23 take that off in layers to see what I had because I didn't  
24 know. I just didn't want to take everything. So, the --  
25 let's see. Sorry.

Robert Oates - Direct examination  
By Solicitor Scott

1           Okay. Sorry.

2           That's when -- okay. Now AD would come into play  
3 because that's on top of the bed.

4           Okay. I then found this on top of the bed, AD.

5           Okay. And let's see.

6 Q.   AD is what you just talked about, the casing that's on  
7 top---

8 A.   Yes.

9 Q.   ---of the bed?

10 A.   Uh-huh.

11 Q.   All right.

12 A.   Yes.

13 Q.   All right.

14 A.   That is a black and white and red comforter.

15 Q.   All right.

16 A.   That's actually separately on top of the spread.

17 Q.   Okay.

18 A.   And that's where I found that fired cartridge casing.  
19       Okay?

20 Q.   Okay.

21 A.   All right. And I take -- I mean -- okay. So I take  
22 that off of the bed.

23       Okay. That's a part of it.

24       Okay. Then I'm down to the spread here and I have --  
25 it's a flower pattern bedspread, okay, is what it is and

Robert Oates - Direct examination  
By Solicitor Scott

1 that's where I find AF and AG, fired cartridge casings,  
2 9-millimeters, on the actual bedspread.

3 Q. AF and AG---

4 A. Uh-huh.

5 Q. ---were fired casings --

6 A. Yes.

7 Q. -- on top of the mattress?

8 A. Yes, I didn't see those until I pulled that comforter  
9 off or that red -- that -- yeah, the comforter. I didn't  
10 see those until I pulled those off.

11 Q. I'm good. Okay.

12 A. I then pulled the, the bed -- the comforter off or,  
13 excuse me, the flower pattern bedspread and everything.

14 Well, after I took those two cartridge casings, then I  
15 searched the bedspread for more evidence before I took it  
16 off the bed, of course, and I did find some, some stains,  
17 RDS, reddish brown stains, on top of that flower comforter  
18 and that's, that's going to be AI, AJ. Those were blood  
19 stains right there.

20 Q. That's all in kind of this grouping here at the---

21 A. Yes, uh-huh.

22 Q. All right.

23 A. Yes. All in that like intertwined together in that  
24 one, that one spot.

25 Q. Okay.

Robert Oates - Direct examination  
By Solicitor Scott

- 1 A. During that time I was able to get closer to the, the  
2 bedspread in order to see if there were any kind of impact  
3 points. When I say impact points, we call a bullet hole an  
4 impact point. And what I did was I searched the top of that  
5 bedspread to see if it was gonna be an impact point or just  
6 disturbance in the fabric and I did find three -- I did find  
7 some impact points and that's labeled I-1, I-2, I-3, I-4,  
8 and I-5 and it's all right there at the front of the bed  
9 right there.
- 10 Q. Okay.
- 11 A. Top of the bed.
- 12 Q. So just -- in this grouping---
- 13 A. Yes, uh-huh.
- 14 Q. ---right here?
- 15 A. Yes.
- 16 Q. And did you document those bullet holes or impact  
17 points in any way?
- 18 A. Yes, I did. Yes, with markers. I'm -- with markers,  
19 yes, and that was Marker I-I, India, I-1 through 5.
- 20 Q. Okay.
- 21 A. Yeah.
- 22 Q. Were you -- I don't know.  
23 Did you put some rods down in those holes?  
24 would that be your---
- 25 A. Yes, I determined that Marker I-1 and I-2 were impacts

Robert Oates - Direct examination  
By Solicitor Scott

1 because I was able to -- I was able to take two trajectory  
2 rods through each one and basically go from the top of the  
3 mattress all the way through the mattress to the floor, yes.

4 Q. I show you something I got marked as State's -- so this  
5 is your diagram but you also took some pictures, correct?

6 A. Oh, yes, uh-huh. Yes.

7 Q. I show you State's No. 5.

8 what is that?

9 Is that generally the view that you would look into the  
10 bedroom?

11 A. That is, yes.

12 Q. Okay. And that's how you observed it, State's No. 5?

13 A. It is, yes.

14 SOLICITOR SCOTT: Okay. Your Honor, State offers  
15 State's No. 5 for admission into evidence.

16 MS. BRUCK: No objection.

17 THE COURT: No. 5 admitted without objection.

18 (WHEREUPON, State's Exhibit No. 5 was received into  
19 evidence at this time.)

20 Q. And just kind of went over your notes and you described  
21 the markers and whatnot.

22 This is the actual scene undisturbed---

23 A. Right.

24 Q. ---which you would of observed?

25 A. It is, yes.

Robert Oates - Direct examination  
By Solicitor Scott

1 Q. Okay. And, again, AD is black and white comforter  
2 here?

3 A. Right.

4 Q. And then AA, AB, AC are what now?

5 A. Though -- well, AA is gonna be the burgundy pullover --  
6 sweatpants.

7 Q. Okay.

8 A. And AB and AC are gonna be the fired cartridge casings,  
9 9-millimeters.

10 Q. Okay. Those two shell casings right here?

11 A. Yes.

12 Q. And are these 12-inch tiles?

13 Do you remember?

14 Look like 12 or so.

15 A. Yeah.

16 Q. You got any clue what the distance from that threshold  
17 and the edge of that bed are?

18 A. I don't think I --.

19 Q. If you don't know, that's okay.

20 A. I did not -- undoubtedly I did not, did not do that.

21 So --

22 Q. Okay.

23 A. -- my bad.

24 Q. This is just a picture too. This is State's No. 4.  
25 You recognize that?

Robert Oates - Direct examination  
By Solicitor Scott

1 A. Yes, that's from inside the room pointed back toward  
2 the exit -- the entrance door to the bedroom.

3 Q. And this would be kind of standing at the threshold of  
4 looking into the room. State's No. 4 will be looking from  
5 the bedroom out towards the hallway.

6 A. Yes.

7 SOLICITOR SCOTT: Your Honor, the State offers 4 for  
8 admission into evidence.

9 MS. BRUCK: No objection.

10 THE COURT: Is that four, Mr. Scott?

11 SOLICITOR SCOTT: Yes, sir, Your Honor.

12 THE COURT: All right. State's No. 4 is admitted  
13 without objection.

14 (WHEREUPON, State's Exhibit No. 4 was received into  
15 evidence at this time.)

16 Q. Okay. So if you take that in conjunction with the  
17 State's No. 5, it's just kind of the flip that this is---

18 A. Right. It is.

19 Q. ---sort of---

20 A. Yes.

21 Q. ---looking out.

22 All right. This is State's No. 7.

23 Do you recognize that?

24 A. This is gonna be a medium range photograph from just  
25 inside the bedroom door of the, the bed basically after

Robert Oates - Direct examination  
By Solicitor Scott

1 showing Markers AG and AF.

2 Q. Okay. How is that different I guess from State's No.  
3 5?

4 A. That's gonna -- this actually is going to be inside the  
5 room and it's basically -- the view finder is basically on  
6 the bed itself.

7 Q. Looks like you removed that black and white blanket  
8 though too, didn't you?

9 A. Yes, sequence of events is the word or term. During  
10 the sequence of events, this is one of the events basically  
11 after some items have been taken as evidence when I -- as  
12 I'm taking it apart, yes.

13 Q. That's what you -- you described AB being the black and  
14 white blanket and you removed it---

15 A. Right.

16 Q. ---and you find those casings?

17 A. Yes, AF and AG, yes.

18 SOLICITOR SCOTT: State offers State's No. 7 for  
19 admission into evidence.

20 MS. BRUCK: No objection.

21 THE COURT: State's 7 is admitted without objection.

22 (WHEREUPON, State's Exhibit No. 7 was received into  
23 evidence at this time.)

24 Q. All right. So you take the black and white blanket off  
25 and that's when you noticed AG and AF and again those are

Robert Oates - Direct examination  
By Solicitor Scott

1 shell casings?

2 A. Yes.

3 Q. And is State's No. 8 just sort of a closer look at  
4 those casings?

5 A. Yes.

6 SOLICITOR SCOTT: State offers State's No. 8 for  
7 admission into evidence.

8 MS. BRUCK: No objection.

9 THE COURT: State's 8 admitted without objection.

10 (WHEREUPON, State's Exhibit No. 8 was received into  
11 evidence at this time.)

12 Q. Okay. And you testified these two were 9-millimeter  
13 casings?

14 A. Yes.

15 Q. What, what is State's No. 6?

16 Just, just another angle of the mattress?

17 Is that what that is?

18 A. Yes, it is. Midrange, yes.

19 SOLICITOR SCOTT: State offers 6 for admission into  
20 evidence.

21 MS. BRUCK: No objection.

22 THE COURT: State's 6 without objection.

23 (WHEREUPON, State's Exhibit No. 6 was received into  
24 evidence at this time.)

25 Q. Now, if I look close, I guess -- is this before you

Robert Oates - Direct examination  
By Solicitor Scott

1 marked it?

2 Here's the casings but they don't have the marker.

3 A. Yes, yes. Normally we take pictures with and without  
4 markers prior to collection, tagging.

5 Q. All right. Now, you were talking about the flowered  
6 comforter there.

7 You, you said you removed that to see what you could  
8 find underneath?

9 A. Right. Yes, after I, after I basically searched the  
10 top of it, that's when I was that -- basically looking for  
11 any shell casings or impact points or defects in the  
12 comforter.

13 Q. Okay. This is State's 9, 10, and 11.

14 A. All right.

15 Q. What are those?

16 A. Okay. State's Exhibit 10 is going to be the bed  
17 without the, without the flowered comforter on it. It's  
18 basically down to the mattress protector and there's also  
19 two trajectory rods that are through the mattress.

20 Q. Is it safe to say 9, 10, and 11 all document the  
21 mattress after you've taken the comforter off?

22 A. Yes, uh-huh.

23 SOLICITOR SCOTT: Your Honor, the State offers State's  
24 9, 10, and 11 for admission into evidence.

25 MS. BRUCK: No objection.

Robert Oates - Direct examination  
By Solicitor Scott

1 THE COURT: 9, 10, and 11, admitted without objection.

2 (WHEREUPON, State's Exhibit Nos. 9, 10, and 11 were  
3 received into evidence at this time.)

4 Q. Okay. These -- is that 11, 12, 13, 14, 15 or is that  
5 --?

6 A. Oh, that's -- I'm sorry. That's, that's I-1, India 1,  
7 2 through 5.

8 Q. I've got State's No. 9 up this -- for the record.

9 Okay. What, what is India 1?

10 A. India 1 is going to be an impact point.

11 Q. Okay. And India 2 is what?

12 A. Let's see. Yes, India 2, yes.

13 Q. What is it?

14 A. Impact point.

15 Q. Okay. What about India 3?

16 A. That's gonna be -- I found out that -- it turned out to  
17 be a disturbance in the comforter.

18 Q. Okay. India 4?

19 A. Disturbance and five, a disturbance, yes.

20 Q. Okay. What does that mean, just --?

21 A. Yes, it's basically the, the material is torn or, you  
22 know, there was no -- when I searched it with the rod, there  
23 was no, no impact---

24 Q. Okay.

25 A. ---there to be found.

Robert Oates - Direct examination  
By Solicitor Scott

1 Q. Initially you thought it was a, a bullet hole and you  
2 turned around and it was just a rip in fabric---

3 A. Right.

4 Q. ---or something?

5 A. Uh-huh, yes. Uh-huh.

6 Q. But India 1 and India 2 are bullet holes?

7 A. Yes.

8 Q. And -- okay. State's No. 10. We're talking about some  
9 trajectory rods.

10 A. Yes.

11 Q. That's -- what are we looking at?

12 Is that what we're looking at in State's No. 10?

13 A. Yes.

14 Q. Okay. And what are you attempting to do when you use a  
15 trajectory rod?

16 A. Attempting to basically get an angle as, as far as an  
17 entrance and an exit of a fired projectile.

18 Q. Okay.

19 A. Yeah.

20 Q. Is it simple as taking something out of this thing I  
21 keep playing with and sticking it through the hole and  
22 leaving the tip out?

23 A. Right. It's pretty simple. Yes, you don't force it.  
24 Basically, if there's a track there, then basically it will  
25 follow that track.

Robert Oates - Direct examination  
By Solicitor Scott

- 1 Q. Okay.
- 2 A. Yes, uh-huh.
- 3 Q. But --.
- 4 A. And, and --.
- 5 Q. There's two, India 1 and India 2, had exit holes.
- 6 Is that what you --?
- 7 A. Yes.
- 8 Q. Okay.
- 9 A. Yes.
- 10 Q. So they go straight through the mattress and box
- 11 springs?
- 12 A. Yes, uh-huh.
- 13 Q. State's No. 11, is that just another angle of a
- 14 trajectory rod?
- 15 Is that what it is?
- 16 A. Yes, yes. Basically, after -- well, with the, with
- 17 the -- also with the trajectory rods, you got to make sure
- 18 they have two points. So basically an entrance and an exit.
- 19 It has to have two points to -- in order to, you know,
- 20 qualify that with angle of impact basically.
- 21 Okay?
- 22 Q. All right.
- 23 A. You can't just have one. So, yes, that way that is --
- 24 that's just one angle after the rods are applied and
- 25 basically there's gonna be many different angles of those

Robert Oates - Direct examination  
By Solicitor Scott

1 even above like a, a, a, a shot of the, the camera in order  
2 to try to get it so you can observe what the angle is from  
3 where you're at.

4 Q. Okay. All in all, how many casings did you find?

5 A. Seven.

6 Q. Seven.

7 And they were all what caliber?

8 A. 9-millimeter, yeah.

9 Q. And you never found the, the gun, huh?

10 A. No, sir, I searched and I had -- I called in another  
11 CSI for her to follow me up because I'd been there for four  
12 hours. So I wanted to make sure that, you know, that my  
13 eyes didn't miss anything. So, yes.

14 Q. All right. If you bear with me one second.

15 (Pause.)

16 Q. All right. Thank you, Investigator Oates. Please  
17 answer any questions Ms. Bruck has for you.

18 THE COURT: Cross.

19 MS. BRUCK: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MS. BRUCK:

22 Q. Afternoon, Investigator Oates.

23 So you talked about how important it is when you go  
24 into a crime scene that involves a shooting?

25 A. Right.

Robert Oates - Cross-examination  
By Ms. Bruck

- 1 Q. You want to find the gun?
- 2 A. True.
- 3 Q. You want---
- 4 A. That would be great, yes.
- 5 Q. You want to find how many fired cartridge casings there
- 6 are, right?
- 7 A. Right, uh-huh.
- 8 Q. And you want to find all the projectiles you can,
- 9 right?
- 10 A. Right. Yes.
- 11 Q. You did a thorough search of that room?
- 12 A. Yes, that time when I was there, yes, uh-huh.
- 13 Q. And you brought someone else in to assist, right?
- 14 A. Right. I, I sure did, yes, uh-huh.
- 15 Q. Metal detector, all that, right?
- 16 A. Say again?
- 17 Q. I believe a metal detector was brought in at some
- 18 point?
- 19 A. Not when I was there.
- 20 Q. Okay.
- 21 A. Hu huh, no.
- 22 Q. But you're, you're in a thorough search. You're
- 23 getting all---
- 24 A. Yeah.
- 25 Q. Trying to recover---

Robert Oates - Cross-examination  
By Ms. Bruck

- 1 A. Yes.
- 2 Q. ---all these shell casings, right?
- 3 A. Trying to, yes, uh-huh.
- 4 Q. You got seven?
- 5 A. Yes, uh-huh.
- 6 Q. You got four projectiles.
- 7 Is that correct?
- 8 A. Let's see. Yes. No, three projectiles. Excuse me.
- 9 Q. I'm sorry?
- 10 A. Three projectiles.
- 11 Q. Three.
- 12 A. Yes.
- 13 Q. All right.
- 14 A. Three, yes.
- 15 Q. And these are in the bedroom where the shooting
- 16 occurred, right?
- 17 A. Right, yes.
- 18 Q. But you searched other, other rooms, correct?
- 19 A. I, I, myself, took photographs of the rooms and then I
- 20 looked through the rooms as I took pictures. Since I was by
- 21 myself, I went ahead and started with the crime scene room
- 22 first, yes.
- 23 Q. And you're the first crime scene investigator on scene?
- 24 A. Yes.
- 25 Q. Right?

Robert Oates - Cross-examination  
By Ms. Bruck

- 1 A. Uh-huh, yes.
- 2 Q. You're there the same night of the, of the shooting?
- 3 A. Yes.
- 4 Q. Did you recover any drugs in that thorough search of  
5 the bedroom?
- 6 A. No, hu huh, no drugs.
- 7 Q. Did you uncover any drugs in the house?
- 8 A. No, I didn't. I didn't.
- 9 Q. And you went back, I believe -- correct me if I'm wrong  
10 but you went back I believe with Investigator McClary?  
11 Is that right?
- 12 A. No, I called Investigator McClary in after I had  
13 finished my search and collection and documentation that  
14 same night or morning and have her come and just look around  
15 and search herself to see if I'd lost anything or missed  
16 anything basically.
- 17 Q. Second set of eyes, right?
- 18 A. Yeah. Yes.
- 19 Q. And she didn't recoverer any more projectiles, any more  
20 shell casings?
- 21 A. No, negative. Hu huh.
- 22 Q. I'm gonna show you what I think --.
- 23 SOLICITOR SCOTT: Oh, he might have it up there.
- 24 THE WITNESS: Yeah.
- 25 MS. BRUCK: May I approach?

Robert Oates - Cross-examination  
By Ms. Bruck

- 1 THE WITNESS: There you go.
- 2 Q. Thank you.
- 3 Okay. I'm gonna show you State's Exhibit 5,  
4 Investigator Oates, and I believe on direct -- let me go  
5 back.
- 6 A. Oh, you're good.
- 7 Q. I believe on direct you stated that this was the crime  
8 scene undisturbed?
- 9 A. Right. Right. Yes, uh-huh.
- 10 Q. Now, when you say undisturbed, obviously you're getting  
11 there as quickly as you can but people have been in that  
12 room prior to you entering, correct?
- 13 A. Oh, right. Yeah, it has. Yes, uh-huh.
- 14 Q. So---
- 15 A. Since I've been there, yeah. Yeah.
- 16 Q. Answer -- since you've been there.
- 17 So---
- 18 A. Yeah.
- 19 Q. ---members of that household may have gone in?
- 20 A. Oh, of course. Of course.
- 21 Q. EMS has definitely---
- 22 A. Of course.
- 23 Q. ---gone in?
- 24 A. Yes. Yes, uh-huh.
- 25 Q. First responding officers---

Robert Oates - Cross-examination  
By Ms. Bruck

- 1 A. Yes.
- 2 Q. ---have gone in?
- 3 A. Yes. Yeah.
- 4 Q. Things get moved around in that room?
- 5 A. Right. Right. It could. It could.
- 6 Q. And it's not a large room as, as you've reiterated?
- 7 A. It's not a large room. You are correct.
- 8 MS. BRUCK: Court's indulgence.
- 9 THE COURT: Yes, ma'am.
- 10 (Pause.)
- 11 Q. Did you measure how tall the bed was?
- 12 A. I'm sorry. Say again.
- 13 Q. Did you measure how tall the bed was, Investigator
- 14 Oates?
- 15 A. No, I don't think I did. No, I did not, no.
- 16 Q. I've got something that I think would be helpful.
- 17 One moment.
- 18 A. Well, I know it's probably like a queen sized bed.
- 19 MS. BRUCK: May I approach?
- 20 THE COURT: Yes, ma'am, of course.
- 21 Q. Do you recognize this?
- 22 A. Yes, uh-huh.
- 23 Q. And did you take that photo?
- 24 A. Yes, to my knowledge. Yes, I did, uh-huh.
- 25 Q. And that -- is that the same way that the bed appeared

Robert Oates - Cross-examination  
By Ms. Bruck

1 on the night of November 24<sup>th</sup>, 2019?

2 A. Yes, that's the -- yes, that's the objects, yeah,  
3 beside the bed, yes.

4 Q. And we're looking at the bed and the objects at the  
5 foot of the bed?

6 A. Yes.

7 Q. Okay. One moment. I'll take that from you.

8 A. There you go.

9 MS. BRUCK: At this time I'd move Defense Exhibit 2  
10 into evidence.

11 SOLICITOR SCOTT: Without objection, Your Honor.

12 THE COURT: Hold on. Hold on. Hold on.

13 Is it two?

14 THE DIGITAL REPORTER: Yes, sir.

15 THE COURT: Okay. Defense 2 is admitted without  
16 objection.

17 (WHEREUPON, the photograph was marked a Defendant's  
18 Exhibit No. 2 and received into evidence at this time.)

19 MS. BRUCK: Sorry. I'm getting ahead of myself.

20 THE COURT: That's okay.

21 Q. So, Exhibit 2, what I want to point your attention to,  
22 Investigator Oates, is this cooler right here.

23 Was this kind of your, your standard red cooler that  
24 you get at Dollar General or --?

25 A. I would say yes to that. Yes.

Robert Oates - Cross-examination  
By Ms. Bruck

1 Q. So---

2 A. Possibly, yeah.

3 Q. So that is probably like, fair to say, yea high?

4 A. It's almost to the top of the bed, yes---

5 Q. And---

6 A. ---or flush I guess you could say. Use the word flush.

7 Q. About the same height as the bed, right?

8 A. I'd say about, yes.

9 Q. I won't take that from you just yet.

10 And throughout the course of your investigation, did  
11 you view the knife that was recovered from the decedent?

12 A. Oh, not from the -- not from the scene, no, ma'am.

13 Q. Did you have a chance to view it at all being a crime  
14 scene investigator?

15 A. Let me see here.

16 Q. I can show it to you if that would --.

17 A. Well, yeah, I, I remember the -- I remember the knife  
18 but it wasn't at the scene. It was not at the scene.

19 Q. Right.

20 Cause the decedent wasn't at the scene, right?

21 A. Right.

22 Q. But do you -- if, if I showed it to you, would you be  
23 able to recall if you'd seen it before in relation to this  
24 case?

25 A. I should be able to, yes.

Robert Oates - Cross-examination  
By Ms. Bruck

1 Q. Okay.

2 A. If I could just find it.

3 Q. I've -- I was seeing if you have it. Just if you would  
4 of seen it.

5 A. Oh, what do you want me to see?

6 That looks like a marker and that is correct, yes,  
7 uh-huh. Yes.

8 Q. So that is the knife that you're aware was in the  
9 decedent's pocket and is associated with this case?

10 A. Yes.

11 Q. Okay. Thank you, Investigator Oates.

12 At this time we'd move Defense Exhibits 3 and 4 into  
13 evidence.

14 SOLICITOR SCOTT: Without objection, Your Honor.

15 THE COURT: All right. Defense 3 and 4 are admitted  
16 without objection.

17 (WHEREUPON, two photographs were marked as Defendant's  
18 Exhibit Nos. 3 and 4 and received into evidence at this  
19 time.)

20 MS. BRUCK: Court's indulgence.

21 (Pause.)

22 MS. BRUCK: I have no further questions at this time.

23 THE COURT: Redirect?

24 SOLICITOR SCOTT: None, Your Honor.

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

1 me, judge.

2 (Pause.)

3 THE COURT: Okay. Let's bring them in.

4 SOLICITOR SCOTT: Well, judge, just briefly one second.

5 THE COURT: Okay.

6 SOLICITOR SCOTT: This would be the witness that, that  
7 foot picture.

8 THE COURT: Oh, the foot picture?

9 SOLICITOR SCOTT: Yes, sir. Show this to defense.

10 This is an effort at photoshopping and I think addresses the  
11 issue.

12 THE COURT: Okay. If you want to see that you can.

13 MS. BRUCK: Your Honor, just for the record, we would  
14 maintain our objection under 403. It's better but I believe  
15 there's better and more accurate ways to just show a  
16 (indiscernible)---

17 THE COURT: Okay. I find that the picture's been moved  
18 into a more appropriate form that doesn't show as much of  
19 the blood and -- coming from the crotch area. They've  
20 clearly made an attempt to make it a little bit more  
21 presentable. So, the picture will be admitted subject to  
22 the proper foundation over the defense's objection.

23 Did you break the screen again?

24 SOLICITOR SCOTT: No. But it just keeps going to  
25 sleep.

1 (Pause.)

2 THE COURT: Are you good now?

3 You good?

4 SOLICITOR SCOTT: I just want to get it labeled.

5 (WHEREUPON, the photograph was marked as State's  
6 Exhibit No. 12 for identification purposes only at this  
7 time.)

8 THE COURT: Okay. Bring them in.

9 (WHEREUPON, the following takes place within the  
10 presence of the jury.)

11 THE BAILIFF: All jurors are seated, Your Honor.

12 THE COURT: All right. Welcome back, ladies and  
13 gentlemen, and the State may call their next witness.

14 SOLICITOR SCOTT: Your Honor, the State calls Doctor  
15 Darren Monroe.

16 THE COURT: All right. Doctor Monroe, come on up and  
17 be sworn.

18 THE CLERK: Would you state your full name please?

19 THE WITNESS: Darren Monroe.

20 DARREN MOORE, being first duly  
21 sworn, testified as follows:

22 THE CLERK: Have a seat right there.

23 DIRECT EXAMINATION

24 BY SOLICITOR SCOTT:

25 Q. Doctor Monroe, you're employed with Professional

Darren Monroe - Direct examination  
By Solicitor Scott

1 Pathology services?

2 A. That is correct.

3 Q. And, and what do you do there?

4 A. I'm a forensic pathologist.

5 Q. Okay. would you explain to the jury what a forensic  
6 pathologist does?

7 A. Forensic pathologist is a medical doctor that uses  
8 their knowledge of medicine and the study of disease and  
9 injuries to determine the cause and manner of death in cases  
10 of public interest.

11 Q. Okay. But you, you -- you're an MD I guess but your  
12 specialty is determining cause and manner of death for  
13 people you perform autopsies on?

14 A. Yes.

15 Q. And how long have you been in this line of work?

16 A. Just over eight years.

17 Q. Okay. Do you know how many bodies you've examined?

18 A. Several thousand.

19 Q. And have you testified as an expert before?

20 A. Yes, I have.

21 Q. In this court you have, hadn't you?

22 A. Yes, I have.

23 Q. How many times total do you think you've testified as  
24 an expert?

25 A. Fifteen or 20.

Darren Monroe - Direct examination  
By Solicitor Scott

1 Q. Okay. And just typically you're an expert in forensic  
2 pathology?

3 A. Yes.

4 SOLICITOR SCOTT: Okay. Your Honor, the State does  
5 offer Doctor Darren Monroe as an expert in forensic  
6 pathology.

7 THE COURT: Voir dire?

8 MS. BRUCK: No voir dire. No objection.

9 THE COURT: All right. I think I told you a little  
10 while ago normally someone can't give their opinion.  
11 There's an exception when someone is qualified because of  
12 education or experience. They're allowed to give their  
13 opinions and their conclusions in certain areas if I qualify  
14 them in that way.

15 So, this witness will be qualified as an expert in the  
16 area of forensic pathology. That means he will be, he will  
17 be allowed to give his opinion in that area. That doesn't  
18 mean that you have to accept his opinion. But it's evidence  
19 for you to use in any way that you see fit and you give it  
20 the weight and the credibility that you believe is  
21 appropriate just as you should be doing with each and every  
22 witness that comes before you.

23 Q. Okay. Doctor Monroe, November 25<sup>th</sup>, 2019, did you  
24 have occasion to examine the body of Demetrius Floyd?

25 A. Yes, I did.

Darren Monroe - Direct examination  
By Solicitor Scott

1 Q. Okay. And in your initial findings when you, when you  
2 examine the body of Mr. Floyd, he is -- how much does he  
3 weigh?

4 A. He weighed 150 pounds.

5 Q. Okay. And, my math, he's about 6'1"?

6 A. 73 inches. About 6'2" or 3", yeah.

7 Q. Okay. So rather tall and that -- that's pretty thin,  
8 is it not?

9 A. Pretty thin.

10 Q. 6'2", 150 pounds.

11 And so what, what were your initial observations in  
12 examining the body of Mr. Floyd?

13 A. Mr. Floyd had been shot numerous times.

14 Q. Okay. And so you undertook to document those gunshots?

15 A. Yes.

16 Q. And State's 13 and 14 -- what is this -- State's 13 and  
17 14, did you, did you generate these and is this typical when  
18 you're examining a body to do those types of diagrams?

19 A. I made these diagrams and these are typical for any  
20 autopsy.

21 Q. Okay. Be helpful to use those when you go over  
22 Mr. Floyd's gunshot wounds?

23 A. Yes, it would be.

24 SOLICITOR SCOTT: Okay. Your Honor, the State offers  
25 State's 13 and 14 for admission into evidence.

Darren Monroe - Direct examination  
By Solicitor Scott

1 MS. BRUCK: No objection.

2 THE COURT: Without objection, 13 and 14. Thank you.

3 (WHEREUPON, State's Exhibit Nos. 13 and 14 were  
4 received into evidence at this time.)

5 Q. All right. You got your copy up there. I want to go  
6 over first if we could there -- first two ones you have  
7 labeled in your report are Gunshot Wounds A and B.

8 Okay. Could you describe those according to your  
9 report?

10 A. Yes. So Gunshot wounds A and B -- and these are  
11 lettered with no timing. It doesn't indicate one happened  
12 before the other or anything like that. A and B were  
13 gunshot wounds to kind of the center of the torso right  
14 here. They were very close together.

15 Q. And in this -- the -- when you look at the exam --  
16 diagram, State's 13, if you're looking at the left, this  
17 first gunshot wound would be labeled A?

18 A. Towards the center, yes.

19 Q. And then the one right next to it, immediately to A's  
20 right, is B?

21 Is that what you have on your --?

22 A. To the left of A is B.

23 Q. All right. Okay. If we're facing though I guess  
24 rather --.

25 A. Yes.

Darren Monroe - Direct examination  
By Solicitor Scott

1 Q. But you got the A over here to the side and that would  
2 correspond to one bullet hole wound and then B to the other  
3 side, which, of course---

4 A. Correct.

5 Q. ---was -- okay. All right. And then, in general, what  
6 was your observations both -- about those two wounds?

7 A. Those two gunshot wounds were, first of all,  
8 indeterminate range. There was no evidence that I could  
9 find that would help me give a closer approximation of if it  
10 was a closer gunshot wound or a more distant one. So, it's  
11 just indeterminate. I can't tell you exactly.

12 Q. Well, you know -- I didn't know you were gonna bring  
13 that up just now.

14 But what is stippling and what is sooting and how is  
15 that helpful in determining gunshot range?

16 A. So, when a gun is fired, the projectile will exit the  
17 barrel first and then it's followed by the explosive gases  
18 that come out and some of that is soot, which is dark, burnt  
19 up ash sort of stuff, and some of it can cause stippling,  
20 which is actually unburned gun powder flakes. For a close  
21 gunshot wound, that's about zero to 6-inches we'll find soot  
22 around the wound. For an intermediate, which is about  
23 6-inches to about three and a half feet, we'll find  
24 stippling and that's when those unburned gun powder  
25 particles will hit the skin really hard and cause little

Darren Monroe - Direct examination  
By Solicitor Scott

1 tiny abrasions all around the wound.

2 Q. That's a -- okay. I want to remember what you just  
3 said.

4 So, soot equals, what was that, zero to --?

5 A. Less than 6-inches.

6 Q. All right. So 6-inches.

7 stippling, what did you say?

8 A. About 6-inches to three and a half feet.

9 Q. So, if somebody says yeah, I shot him, we're right  
10 about here, you would expect to see stippling on the  
11 clothing and maybe the wounds?

12 A. At that distance I would expect to see stippling  
13 potentially on the clothing or on the skin as well.

14 Q. Okay. So, going back to A and B, no evidence of soot,  
15 no evidence of stippling?

16 A. Correct.

17 Q. All right. And then what were your other observations  
18 about those two wounds?

19 A. So, the projectile pathways, these are both entrance  
20 wounds, they're going in here. They were very close  
21 together pathway wise and these two gunshot wounds hit a  
22 number of critical parts of the body and they actually  
23 caused death in this, in this case. They hit most  
24 prominently what's called the vena cava which returns all of  
25 your blood from the lower part of your body up to your

Darren Monroe - Direct examination  
By Solicitor Scott

1 heart, and it also hit a large artery in the lower abdomen,  
2 pelvis region as well which carries a lot of blood to the  
3 entire right leg.

4 Q. All right. And were you able to determine exit wounds  
5 associated with these two or, first of all, did they both  
6 exit?

7 A. One exited and one was recovered.

8 Q. Okay. Where is the exit wound associated with A and/or  
9 B?

10 A. The exit wound is labeled I. It's at the center lower  
11 back.

12 Q. That's this defect right here?

13 A. Yes.

14 Q. All right. So what, what was the trajectory you  
15 observed?

16 A. The trajectories for both A and B is front to back,  
17 downward, and a little bit left to right.

18 Q. Okay. Downward and did you recover any kind of a  
19 fragment associated with a non-exiting bullet?

20 A. Yes, I did.

21 Q. And where was that generally?

22 A. That was in the soft tissues of the right buttock.

23 Q. Right buttock?

24 A. Below the skin, yeah. Beneath the skin.

25 Q. The -- do you recall about where in the buttock it was

Darren Monroe - Direct examination  
By Solicitor Scott

1 recovered?

2 A. About two and a half inches right of midline and  
3 30-inches below the top of the head. So --.

4 Q. Are you able to show me on your diagram?

5 A. I can approximate it.

6 Q. On here.

7 Okay. And then this is just approximate.

8 would you just show about right here where the slug was  
9 located?

10 A. Right. It's a, a full metal jacketed projectile, yeah.

11 Q. All right. That, that one did not exit. This one did.

12 A. Yes.

13 Q. So, talking about a trajectory of something like that  
14 that's going in here and exiting out in the lower back?

15 A. That's approximately correct, yes.

16 Q. Okay. Moving on. The next one is gonna be, on the  
17 next, C.

18 Can you describe that gunshot wound?

19 A. Gunshot wound C was on the lower abdomen close to the  
20 hip on the right side. He's pointing to it there. That  
21 basically went through just skin and soft tissues. No major  
22 organs or blood vessels or anything like that.

23 Q. All right. And did it have a corresponding exit wound?

24 A. Yes, it did.

25 Q. Which one's that?

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By Solicitor Scott

- 1 A. That one is on the other diagram.
- 2 Q. For the --?
- 3 A. The side diagram.
- 4 Q. Okay. Let me go to that one.
- 5 So C is, is here --
- 6 A. Yes.
- 7 Q. -- pretty much?
- 8 All right. Which one of the -- what, what is the, the
- 9 letter for the first one -- exit wound?
- 10 A. The exit wound for C is N.
- 11 Q. N.
- 12 okay. so what's that one doing?
- 13 what's the trajectory in there?
- 14 So it entered somewhere right in here?
- 15 A. Yes.
- 16 Q. Okay. And describe the exit wound for me.
- 17 A. And the exit wound is, as I describe it, mid-torso in
- 18 the posterior axillary line. The axillary lines are your
- 19 armpit and you've got an anterior, a middle, and a posterior
- 20 one. So it just helps locate it when it's on the side and
- 21 this was in the posterior axillary line a little bit above
- 22 the hip.
- 23 Q. what's the trajectory?
- 24 Did you note?
- 25 A. The trajectory is front to back, up, and slightly left

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By Solicitor Scott

- 1 to right.
- 2 Q. Okay. Now we're talking about some going back?
- 3 A. Yes.
- 4 Q. It's entering here and coming out somewhere up here?
- 5 A. Yes.
- 6 Q. All right. Any soot or stippling on that one?
- 7 A. No, this was indeterminate range as well.
- 8 Q. All right. It's not just -- that was three gunshot
- 9 wounds.
- 10 The fourth one I believe you have as D?
- 11 A. Yes.
- 12 Q. Okay. Tell us about D.
- 13 A. D entered on the front of the left thigh --
- 14 Q. Okay.
- 15 A. -- kind of a little bit towards the middle.
- 16 Q. All right. Now, what's this -- is this D right here,
- 17 this wound in the groin or --?
- 18 A. Yes.
- 19 Q. That's the -- okay. Tell us about D.
- 20 Did it have an exit wound or an exit path?
- 21 A. D again just went through skin and, and soft tissues
- 22 and skin, no major organs, and it exited through wound M,
- 23 which is on the back of the left thigh.
- 24 Q. All right. And tell me about the trajectory of that
- 25 one.

Darren Monroe - Direct examination  
By Solicitor Scott

- 1 A. That trajectory is front to back and down.
- 2 Q. All right. That's coming out above the left -- I guess  
3 it's going right near the groin but coming out back by  
4 the -- above the left knee?
- 5 A. A little above the left knee, yes.
- 6 Q. Was this generally the trajectory we're looking at  
7 here?
- 8 A. Yes.
- 9 Q. All right. I'm just approximating that.  
10 This isn't exact but is that generally what you  
11 observed?
- 12 A. Generally, yes.
- 13 Q. Any stippling, any soot on that wound?
- 14 A. No.
- 15 Q. Tell me about -- moving on, which -- is it L?  
16 Is that the next one?
- 17 A. Yes.
- 18 Q. Now we're up to five.  
19 The fifth gunshot wound is L?
- 20 A. L was on the back of the right thigh.
- 21 Q. Okay. Did you -- were you able to identify the  
22 negative wound associated with L?
- 23 A. Yes, the likely exit wound was E --
- 24 Q. Okay.
- 25 A. -- which was a little bit up, as you can see on the

Darren Monroe - Direct examination  
By Solicitor Scott

1 diagram, and towards the right on the thigh.

2 Q. Okay. so that was just -- it's coming in from the  
3 rear?

4 Is that right?

5 A. Yes.

6 Q. And it's slightly up is what you've determined?

7 A. Back to front and slightly up --

8 Q. okay.

9 A. -- and a little left to right.

10 Q. You got to pointing in I guess towards the what we, we  
11 believe is the pathway.

12 so that's generally what you observed here?

13 A. That's approximately correct, yes.

14 Q. All right. Any stippling, any soot on that wound?

15 A. No.

16 Q. Is the next one O?

17 A. Yes.

18 Q. Okay. Is it -- is that on this diagram or the other  
19 one?

20 A. That is on the side diagram as well.

21 Q. All right. We're moving back to 14.

22 (WHEREUPON, a statement was made by solicitor Scott at  
23 this time that was inaudible.)

24 Q. All right. Are O -- okay. So O is -- this is an entry  
25 wound?

Darren Monroe - Direct examination  
By Solicitor Scott

- 1 A. Yes, O's an entrance wound kind of right on the side of  
2 the right hip.
- 3 Q. All right. And what is its pathway?
- 4 A. That, again, was just through skin and soft tissues and  
5 skin and that exited through what I labeled as wound K on---
- 6 Q. Is that on the other one?
- 7 A. And that's back on the front diagram.
- 8 Q. All right. So that's his right hip I guess. O's an  
9 entry.
- 10 A. O was the entry, yes.
- 11 Q. Okay. All right. K you said is the exit?
- 12 A. K is the exit and that's the upper right thigh on the  
13 back right below the buttock.
- 14 Q. Okay. Is that what I'm pointing to right here?
- 15 A. Yes.
- 16 Q. Okay. What is the trajectory of that?
- 17 A. That was right to left, down, and slightly front to  
18 back.
- 19 Q. All right. So that enters somewhere right up here, his  
20 hip?
- 21 A. Yes.
- 22 Q. And it's coming out his -- under his butt cheek there?
- 23 A. Correct.
- 24 Q. All right. So -- and it's slightly down you say?
- 25 A. It's down, yeah.

Darren Monroe - Direct examination  
By Solicitor Scott

- 1 Q. Something like that?
- 2 A. Yes.
- 3 Q. So that's the sixth gunshot wound.
- 4 Is that your count?
- 5 A. I believe so, yes.
- 6 Q. Any soot, any stippling?
- 7 A. No.
- 8 Q. All right. Moving on to H.
- 9 A. So H was a gunshot wound of the right arm.
- 10 Q. All right.
- 11 A. And it was right next to the elbow. It just went
- 12 through the soft tissues and skin again and exited again
- 13 really close to the right elbow.
- 14 Q. Okay. So can you -- could you determine trajectory on
- 15 it?
- 16 A. So, in anatomic position, it's right to left.
- 17 Q. All right.
- 18 A. Anatomic position is what you see in the diagram there.
- 19 Q. Okay. So I think we're to -- just kind of it goes in
- 20 the elbow but then exits very close to the next wound?
- 21 A. Correct.
- 22 Q. Okay. Any soot that would of been 6-inches or less or
- 23 any stippling that would of been 6-inches to three and a
- 24 half feet?
- 25 A. No, there was not.

Darren Monroe - Direct examination  
By Solicitor Scott

1 Q. Okay. Is that seven?

2 A. I believe so.

3 Q. Was it -- okay. How about J?

4 A. Gunshot wound J is just below the left buttock --

5 Q. Okay.

6 A. -- and that is an indeterminate wound. It could  
7 represent a projectile breaking up and exiting.

8 Unfortunately, in cases where there's this many gunshots, it  
9 can sometimes become impossible to get all the pathways  
10 exact. And so J is just -- it is a bullet wound. It's just  
11 I can't associate it definitely with any of the others.

12 Q. Can you, can you even say if it's an entry or an exit  
13 or --?

14 A. Not---

15 Q. How's the labeling report?

16 A. I can't say for sure if it's an exit or an entry.

17 Q. Okay. Any soot, any stippling on that one?

18 A. No.

19 Q. I'm gonna show you a picture if I can find it of his  
20 left foot.

21 would you describe that wound to his left foot?

22 A. Yes, he had a gunshot wound to the left foot. It  
23 basically went in the bottom of the heel and came out on the  
24 medial aspect of the left foot. Again, just on the side of  
25 the heel.

Darren Monroe - Direct examination  
By Solicitor Scott

1 Q. This is State's No. 12.

2 Do you recognize that?

3 A. Yes, I do.

4 Q. What is it?

5 A. This is a photograph from the autopsy with a probe  
6 through this particular gunshot wound through the heel.

7 Q. Okay. And just at -- do probes kind of have a  
8 trajectory rod type thing or what was the purpose of the  
9 probe?

10 A. The probe demonstrates the trajectory of it.

11 SOLICITOR SCOTT: All right. Your Honor, the State  
12 offers State's No. 12 for admission into evidence.

13 MS. BRUCK: I -- objection. 403.

14 THE COURT: All right. State's Exhibit No. 12 is  
15 admitted over the defense objection.

16 (WHEREUPON, State's Exhibit No. 12 was received into  
17 evidence at this time.)

18 Q. Okay. And so where's that entry wound here?

19 A. The entry is on the right side of the photograph --

20 Q. Okay.

21 A. -- where the bigger end of the probe is.

22 Q. All right. It -- this is probably, I guess, one of the  
23 best angles we have.

24 Is this -- the trajectory going up through the bottom  
25 of the foot and exiting -- where's it exit?

Darren Monroe - Direct examination  
By Solicitor Scott

1 A. It's exiting on the medial aspect of the left heel.  
2 The exit you can't actually see in this picture. But you  
3 see where the probe is coming out in the middle.

4 Q. Okay. But am I seeing this right?

5 Is it going through the bottom of his foot and coming  
6 out the side of his ankle somewhere in here?

7 A. Yes.

8 Q. Okay. How do you get shot in the bottom of your foot?

9 A. The only thing that I can tell you is the relationship  
10 of the muzzle of the gun and the part of body that was shot  
11 at the time the gun was fired. So, if this is the bottom of  
12 his foot, the muzzle of the gun was pointed something like  
13 this at it.

14 Q. All right.

15 A. I can't tell you what position his body was in at that  
16 time.

17 Q. Okay. Do you, do you know of a way I can be shot in  
18 the bottom of my foot if I'm standing on the ground?

19 A. It would have to come through the floor.

20 Q. Through the floor?

21 A. (WHEREUPON, there was no audible response.)

22 Q. Any soot, any stippling on this particular wound?

23 A. No.

24 Q. You've got some other wounds here.

25 Tell me about Number 9, wound 9.

Darren Monroe - Direct examination  
By Solicitor Scott

- 1 A. There was an incision of the left ear and scalp kind of  
2 through this part of the ear and also into the scalp a  
3 little bit right behind it.
- 4 Q. Okay. Ten.
- 5 A. What I've labeled as F of -- on the frontal diagram  
6 previously actually turned out to be a stab wound and that  
7 was -- it's -- they got -- the diagram shows upper left  
8 thigh close to the middle in the front.
- 9 Q. All right. Right here?
- 10 A. Yes.
- 11 Q. And you determined that was a stab wound?
- 12 A. Yes.
- 13 Q. There, there was a -- did you recover the knife or a  
14 piece of the knife as you observed it?
- 15 A. I -- knife tip was recovered from within the, the  
16 pants.
- 17 Q. Okay. So the tip of the knife was in his pants?
- 18 A. In the left pocket area.
- 19 Q. Left pocket.
- 20 Is that -- would this be his left side here?
- 21 A. Correct.
- 22 Q. And, and you did note some bullet wounds to the left  
23 portion of his leg?
- 24 A. Yes.
- 25 Q. All right. How many -- we went over eight, maybe nine

Darren Monroe - Direct examination  
By Solicitor Scott

1 gunshot wounds.

2 Is that safe to say?

3 A. Yes.

4 Q. And you tried your best to document trajectories and  
5 whatnot, did you not?

6 A. Correct.

7 Q. And we just explained a lot of them while you're up on  
8 the stand.

9 Do you think if I was able to bring a mannequin out or  
10 something you could demonstrate on the mannequin where the  
11 entry and exit wounds would be?

12 A. I could.

13 SOLICITOR SCOTT: Okay. Your Honor, with the Court's  
14 permission, for demonstrative purposes, I would like Doctor  
15 Monroe to demonstrate, instead of going over them one by  
16 one, these wounds with a dummy basically. So we want to do  
17 that now.

18 MS. BRUCK: Your Honor, may we approach?

19 THE COURT: Sure.

20 (WHEREUPON, a bench conference was held out of the  
21 hearing of the jury at this time.)

22 SOLICITOR SCOTT: All right, sir.

23 MS. BRUCK: Your Honor, may we approach again?

24 THE COURT: Yep.

25 (WHEREUPON, a bench conference was held out of the

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By Solicitor Scott

1 hearing of the jury at this time.)

2 Q. Doctor Monroe, will you step down and just -- and speak  
3 up so the court reporter can hear you once you leave the  
4 microphone?

5 A. (Witness comes down from the stand.)

6 Q. I'd like you to take these and do -- just mark them.  
7 You got A and B here and on this. You got your diagram that  
8 you can look at.

9 Just for the jury, generally speaking, indicate where  
10 wounds A and B are?

11 MS. BRUCK: Your Honor, I'm gonna object to the  
12 stickers. I think that the doctor can testify as to where  
13 the wounds are. But the stickers don't actually demonstrate  
14 the, the size and severity of the wounds.

15 THE COURT: All right. Overruled.

16 Go ahead.

17 Q. And, again, these are just -- these are not indicative  
18 of the size. I'm just trying to locate generally where  
19 these wounds are.

20 okay?

21 A. A and B, again, were very close together right here.

22 Q. All right. And so one of them had an exit wound. The,  
23 the other did not.

24 Is that right?

25 A. Correct.

Darren Monroe - Direct examination  
By Solicitor Scott

- 1 Q. All right. The exit wound that corresponds with these  
2 two is what?
- 3 A. Five.
- 4 Q. Place the exit wound -- all right. I'm gonna write E  
5 and T for entry. Just put the corresponding exit wound.
- 6 A. (WHEREUPON, the witness complies.)
- 7 Q. All right. C is an entry wound, right?
- 8 A. C is an entry wound.
- 9 Q. Okay. And the corresponding exit is gonna be -- is it  
10 N?
- 11 A. Correct.
- 12 Q. All right. Could you show us where C and N are?
- 13 A. C is about right there. The exit is right here inside.
- 14 Q. Moving down to D.  
15 That has an entry as D and exit is M?
- 16 A. Yes.
- 17 Q. And show us where the D entry is and then the  
18 corresponding M exit.
- 19 A. D entered about right here --
- 20 Q. Okay.
- 21 A. -- and exited back right in here.
- 22 Q. Okay. L and E, is that your next, L being the entry  
23 and E being the exit.
- 24 A. Yes.
- 25 Q. It's where the L entry and the E exit is?

Darren Monroe - Direct examination  
By Solicitor Scott

- 1 A. L entered here and exited about here.
- 2 Q. And O and K.
- 3 A. The O entered right hip on the side and then exited  
4 right below the right buttock.
- 5 Q. H is just gonna be your -- looks like the elbow wound.
- 6 A. H and G are the elbow.
- 7 Q. Just kind of a -- those are basically -- are those -- I  
8 think those are right beside one another right there?
- 9 A. Yes, they're exit wounds here.
- 10 Q. Okay. It's not gonna show up here.
- 11 J is another entry or well you can't -- you don't know  
12 whether it's an entry or an exit, do you?
- 13 A. Indeterminate.
- 14 Q. Okay. But, but it is associated with some kind of  
15 gunshot wound?
- 16 A. Correct.
- 17 Q. Just where is J?
- 18 A. Just below the left buttock.
- 19 Q. Okay. And then the foot wound, is that the left heel?  
20 Is that right?
- 21 A. The left heel.
- 22 Q. And it goes up from the bottom and is it the inside  
23 heel or the outside of the heel?
- 24 A. Exits on the inside.
- 25 Q. Okay. Up through the bottom and out through the side?

Darren Monroe - Direct examination  
By Solicitor Scott

1 A. Yes.

2 Q. All right. So, I, I guess, again, if we're looking at  
3 A and B, the corresponding exit here, looking at a  
4 trajectory, it's something like that?

5 A. Yes.

6 Q. Okay. We've got C entering here and exiting up here  
7 looking at a trajectory like that?

8 A. Yes.

9 Q. D enters here and exits way down here.  
10 So we're looking at something like that?

11 A. Yes.

12 Q. And O enters here and exits down here.  
13 So the trajectory is something like that?

14 A. Yes.

15 Q. And then, of course, the heel that comes up at the  
16 bottom.

17 Did you note any that were, that were more kind of  
18 straight front to back or anything like that, the other  
19 wounds?

20 A. Nothing with a straight front to back --

21 Q. Okay.

22 A. -- in that orientation.

23 Q. And no soot and no stippling?

24 A. No.

25 SOLICITOR SCOTT: Judge, I, I don't know if you'd be

Darren Monroe - Direct examination  
By Solicitor Scott

1 inclined for the jurors to come down and examine if they  
2 should want to. Again, it's just demonstrative. But I, I  
3 would -- if that would be helpful for them in understanding  
4 this, I, I would ask for permission for them to be able to  
5 do that. If not, then, of course, that's --.

6 THE COURT: I think you've explained it clearly enough.  
7 You've---

8 SOLICITOR SCOTT: Okay.

9 THE COURT: You're been through it twice now.

10 SOLICITOR SCOTT: All right.

11 THE COURT: Everybody can see, correct, can, can see  
12 the, the mannequin or whatever it is?

13 (WHEREUPON, there was no audible response.)

14 THE COURT: Okay. Good.

15 Q. Okay. Just by now -- would you take the stand again?

16 A. (WHEREUPON, the witness returns to the stand.)

17 Q. Okay. Now, how are you able to -- is there a way to  
18 determine what's an entry wound and what's an exit wound?

19 A. In general, yes, there is.

20 Q. Okay. And can you just explain that?

21 A. Entrance wounds have certain characteristics that  
22 differentiate them from exit wounds. There are exceptions.  
23 Entrance wounds will have generally a discrete hole, a  
24 defect. The skin will -- there is missing. It will often  
25 times be surrounded by an abrasion border right around the

Darren Monroe - Direct examination  
By Solicitor Scott

1 hole and that can be circumferential, partial, eccentric,  
2 elongated depending on the angle that the shot happened at.  
3 Those are some of the main clues that it's an entrance  
4 wound.

5 Most exit wounds will basically split the skin instead  
6 of making a hole. Again, there are exceptions. That's  
7 generally the case though.

8 Q. To a medical degree of certainty, and in your expert  
9 opinion, you have attempted to label entry wounds and  
10 corresponding exit wounds?

11 A. Yes.

12 Q. And did you form an opinion as to the manner of death?

13 A. The manner of death would be homicide.

14 Q. Okay. Homicide is just the killing at the hands of  
15 another person?

16 A. Correct.

17 Q. Okay. And did you determine cause of death?

18 A. Yes, the cause of death is multiple gunshot wounds of  
19 the torso.

20 Q. Okay. All right. Thank you, Doctor Monroe.

21 THE COURT: All right. Ladies and gentlemen, we'll  
22 take a little break. Take about a 10 minute break. Don't  
23 discuss the case. Keep an open mind.

24 Doctor Monroe, don't discuss your testimony with anyone  
25 in any way, shape, or form. Just be seated there in 10.

Darren Monroe - Cross-examination  
By Ms. Bruck

1 CROSS-EXAMINATION

2 BY MS. BRUCK:

3 Q. Afternoon, Doctor Monroe.

4 Okay. So this dummy, like the diagram we just looked  
5 at, is an anatomical standing position, right?

6 A. The arms are not but the body otherwise is.

7 Q. Close to it?

8 A. Close to it.

9 Q. The, the diagram would be, correct?

10 A. Yes.

11 Q. Okay. And this dummy, not a human body, right?

12 A. Correct.

13 Q. Doesn't have flexibility?

14 A. Nope.

15 Q. From scale or we could -- but I, I guarantee it's not,  
16 not very flexible. Doesn't have the ability to move.

17 A. Correct.

18 Q. And every trajectory that you've marked is assuming the  
19 ana -- anatomical standing position that we saw in your  
20 diagram, correct?

21 A. All the trajectories that I state, like front to back,  
22 left to right, is with the body in an anatomic position.

23 Q. You can't tell the order of any of these wounds, right?

24 A. Correct.

25 Q. And most of them, it's fair to say, are nonfatal,

Darren Monroe - Cross-examination  
By Ms. Bruck

1 right?

2 A. Most are not fatal.

3 Q. And many of them, it takes a similar -- or render  
4 someone unable to move?

5 A. Well, two of them caused death. The majority of the  
6 others --

7 Q. I know---

8 A. -- wouldn't be immediately incapacitating.

9 Q. Okay. And what you did was you physically observed the  
10 decedent's body, right?

11 A. At autopsy, yes.

12 Q. You weren't present at the scene?

13 A. Correct.

14 Q. And, in your report, you have three shots that are  
15 notated as downward trajectories, correct?

16 You've got---

17 A. Three, yes.

18 Q. Yeah, that would be A, B -- I'm sorry.

19 Is it 4, A, B, D, and O?

20 A. A, B, D, and O. So four, yes.

21 Q. Four.

22 A. That's correct.

23 Q. In any of those downward trajectories the bullet could  
24 of ended up -- the projectile could of ended up somewhere  
25 below the body, correct, the mattress, the floor?

Darren Monroe - Cross-examination  
By Ms. Bruck

1 A. Potentially. Again, the only thing I can say when I,  
2 when I described the trajectories is the relative position  
3 of the muzzle to the body at the time the gun was fired. I  
4 can't tell you exactly what position the body was in.

5 Q. And you testified on direct that the -- that this foot  
6 one was an upward trajectory, right?

7 A. Which one?

8 Q. The foot one.

9 A. The foot wound gunshot -- the foot gunshot wound is  
10 going upward.

11 Q. Now, from an anatomical standing position, that seems  
12 hard to explain, but keeping in mind that bodies move at --  
13 if the foot is elevated, the trajectory could be upward  
14 through the foot, correct?

15 A. If the foot was elevated, that's, you know, one  
16 possibility, yes.

17 Q. The shot didn't have to come up through the floor,  
18 right?

19 That's fair to say?

20 A. It could have. Again, I didn't examine the scene.  
21 It's unlikely.

22 Q. Let's talk about stippling and soot a little bit. You  
23 testified that you would expect to see soot at a very, very  
24 close range and you would expect to see stippling at  
25 6-inches to three and a half feet.

Darren Monroe - Cross-examination  
By Ms. Bruck

1           Again somewhat close range, right?

2   A.   (WHEREUPON, there was no audible response.)

3   Q.   And you did not observe either of those in any of  
4   these?

5   A.   Correct. There was no soot or stippling on the skin  
6   anywhere. I also did not observe any on any of the clothing  
7   as well.

8   Q.   And both stippling and soot can be blocked by pretty  
9   much anything, right?

10  A.   If anything gets in the way of the soot other than, you  
11  know, clothing or skin, that could potentially block it,  
12  yes.

13  Q.   And clothing can block stippling on the skin?

14  A.   Clothing can block stippling from the skin.

15  Q.   And clothing would block soot from the skin?

16  A.   It can.

17  Q.   And you did observe the clothing in this case?

18  A.   Yes.

19  Q.   Now, I believe you previously testified you observed no  
20  soot?

21  A.   I did not. I did not observe soot.

22  Q.   You observed that clothing with the naked eye?

23  A.   Yes.

24  Q.   And that clothing did have blood on it, correct?

25  A.   Yes.

Darren Monroe - Cross-examination  
By Ms. Bruck

1 Q. Did you perform gunshot residue testing on the  
2 clothing?

3 A. I did not. I don't do that.

4 Q. Did you perform any chemical testing on the clothing to  
5 see if gun powder was there?

6 A. I did not. I don't do that.

7 Q. Did you look at the clothing under a microscope?

8 A. Nope.

9 Q. A magnifying glass?

10 A. Nope.

11 Q. Your observation comes from observing the body and the  
12 clothing with the naked eye, correct?

13 A. Yes.

14 Q. And the trajectory's gonna tell you how a bullet  
15 traveled, correct?

16 A. The direction the projectile goes.

17 Q. And you had to assume it's from this anatomical  
18 standing position cause you don't know how the body was  
19 moving?

20 A. Correct.

21 Q. Is it typical to observe a body that did not move at  
22 all throughout the course of the shooting especially when  
23 there's multiple gunshots?

24 A. Can you repeat that?

25 Q. Yeah. Let me say it this way.

Darren Monroe - Cross-examination  
By Ms. Bruck

1           When you observe a body that had been shot multiple  
2 times, is it typical that that body would of remained in an  
3 anatomical standing position without moving a muscle?

4 A.   That entirely depends upon the scene and what's  
5 happening.

6 Q.   And you're not at the scene?

7 A.   Correct.

8 Q.   And you don't see what happened?

9 A.   Correct.

10 Q.   And, again, it's just impossible to say, if you don't  
11 have a stationary crime scene, what exactly each trajectory  
12 is?

13 A.   If I don't have a what crime scene?

14 Q.   A, a stationary crime scene.

15 A.   I don't know what you're asking.

16 Q.   So, if a body's moving around, you can't say exactly  
17 the trajectory of where -- of how -- you can't see where the  
18 body was when any of the bullets shot?

19 A.   I can not say the position the body is -- was in at the  
20 time it was shot, no.

21 Q.   Thank you. It took me a while to get there but -- I  
22 don't think I have any other.

23           If I can have one moment?

24           (Pause.)

25 Q.   That head wound that you mentioned --

Darren Monroe - Cross-examination  
By Ms. Bruck

1 A. Yes.

2 Q. -- on direct, you don't know what caused that, right?

3 A. I do not. It was a sharp force injury. So something  
4 sharp.

5 Q. Thank you. Nothing further.

6 THE COURT: Okay. Redirect?

7 SOLICITOR SCOTT: I don't -- just briefly.

8 REDIRECT EXAMINATION

9 BY SOLICITOR SCOTT:

10 Q. I -- you can testify to a reasonable degree of medical  
11 certainty an entry wound and then a corresponding exit  
12 wound, right?

13 A. In the vast majority of cases, yes, and in this case --

14 Q. And in this case?

15 A. -- for most of them.

16 Q. And kind of like the foot, you got straight rods that  
17 you can put through until it comes out an exit wound.

18 Is that what you do when you do an autopsy?

19 A. Often.

20 Q. Yeah.

21 And so you're not trying to explain Mr. Floyd's  
22 positioning when he was shot. You're just testifying to A  
23 and B enter here approximately. One is lodged in the  
24 buttock and there are exits here --

25 A. Correct.

Darren Monroe - Redirect examination  
By Solicitor Scott

1 Q. -- right?

2 And you can say C enters here and C exits here?

3 A. Yes.

4 Q. All you're testifying to as O is that enters here and  
5 then it exits down here, right?

6 A. Yes.

7 Q. That's all you're trying to testify to, is it not?

8 Just entry and exit.

9 D, for instance, enters here and exits down here,  
10 right?

11 A. Correct.

12 Q. We already talked about the foot. It goes up through  
13 the bottom and out the side.

14 A. Correct.

15 Q. Stippling, do you regularly, when you do these  
16 autopsies of gunshot wounds, observe soot or stippling on  
17 clothing?

18 A. It can be on clothing.

19 Q. All right. 8,000 autopsies?

20 A. Not that many. Several thousand. Two or three.

21 Q. Two or three thousand?

22 A. Correct.

23 Q. Okay. And about how many times you've observed soot or  
24 stippling either on skin or clothing?

25 A. Hundreds.

Darren Monroe - Redirect examination  
By Solicitor Scott

1 Q. Hundreds.

2 And it -- it's something that you can see with a naked  
3 eye?

4 A. Often times.

5 Q. Okay.

6 A. Well, soot you can see. It can be obscured by things.

7 Q. Okay. But soot is, is a close range, 6-inches or less?

8 A. Yes.

9 Q. And stippling, you just talking about the gun powder  
10 is, is exploded out the barrel of the gun?

11 A. Correct. Impacting the skin or the clothing and it  
12 causes a little tiny abrasion. It will make a pattern of  
13 abrasions.

14 Q. Okay. And if somebody said we were right here when I  
15 shot, we were right here, would you expect to see, and if it  
16 was nine gunshot wounds, would you expect to see some  
17 stippling on the clothing?

18 A. From that distance I would expect to see some  
19 stippling, yes.

20 Q. Okay. And it's your testimony you observed none?

21 A. I did not see any.

22 Q. Okay. And you examined all nine of these gunshot  
23 wounds?

24 A. Yes.

25 Q. Eight or nine?

Darren Monroe - Redirect examination  
By Solicitor Scott

1 A. Yes.

2 Q. Thank you. Nothing further.

3 THE COURT: Anything else?

4 MS. BRUCK: No, sir.

5 THE COURT: Okay. Thank you, Doctor Monroe. You may  
6 step down.

7 Can y'all approach real quick?

8 Jury, stand up, stretch, turn, twist while I talk to  
9 the lawyers real quick.

10 (WHEREUPON, a bench conference was held out of the  
11 hearing of the jury at this time.)

12 THE COURT: And does the State wish to call any further  
13 witnesses?

14 SOLICITOR SCOTT: Your Honor, at this time the State  
15 rests.

16 THE COURT: All right. Ladies and gentlemen, the state  
17 has rested their case. There is some legal issues that I am  
18 required to take up outside of your presence with the  
19 lawyers. So we'll go ahead and stop there for the day.  
20 We're at a good spot. It's, I don't know, six -- I mean  
21 4:40 or so. So we'll go ahead and stop. I'll go ahead and  
22 take care of all my issues with them tonight, and then, when  
23 we come back in the morning, we'll be ready to go for you.

24 We will start tomorrow morning at 9:30. I need you to  
25 please be on time. Please be on time so that we can make

1 efficient use of our day tomorrow and get through whatever  
2 we need to get through.

3 I want to thank you for your service today. I want to  
4 say thank you for paying attention. I also want to say you  
5 probably heard some things, some words today you've never  
6 heard before, words that are not in your normal everyday  
7 speech.

8 I don't even want you to go home and look up those  
9 words, okay, to that extent. No research. Don't have any  
10 contact with anybody involved in the case. You shouldn't be  
11 talking about the case with anyone and shouldn't be letting  
12 anybody talk with you about the case.

13 Thank you very much for your hard work today. We'll  
14 see you at 9:30 tomorrow morning.

15 Everyone else just stay where you are.

16 Thank you.

17 (WHEREUPON, the following takes place outside the  
18 presence of the jury.)

19 THE COURT: Okay. All right. Let's go ahead and do  
20 any motions by the defense.

21 MS. BRUCK: Your Honor, at this time we would just  
22 renew all pretrial motions. We would renew our motion of  
23 immunity, our -- all of our motions in limine, all of our  
24 objections throughout the trial.

25 THE COURT: Okay. And do you move for a directed

1 verdict?

2 MS. BRUCK: Yes, sir, Your Honor. At this time we  
3 would move for directed verdict. Taking the standard of  
4 evidence in the light most favorable to the State, the  
5 State's failed to present evidence beyond a reasonable doubt  
6 sufficient to convince a reasonable juror that Jaylen Bell  
7 is guilty of murder.

8 THE COURT: All right. And anything from the State  
9 before I rule?

10 SOLICITOR SCOTT: No, just I believe we have -- it's to  
11 the existence of the evidence, not the weight. We have  
12 shown malice. Of course, we -- we've shown the admitted  
13 killing of one person by another. I, I think malice, the  
14 total disregard of human life, shooting somebody nine times  
15 while in -- they're in their own bedroom, of course, will be  
16 a question for the jury. But I think the existence of all  
17 that evidence that you've heard over the last couple days  
18 does push it beyond directed verdict and now should be a  
19 question for the jury.

20 THE COURT: All right. And my ruling upon all your  
21 previous motions would be the same and your -- as to your  
22 directed verdict motion, I will deny your directed verdict  
23 motion. The standard before the Court is found in Rule 19  
24 of the South Carolina Rules of Criminal Procedures which  
25 states that the standard is the Court is to consider the

1 existence of the evidence and not the weight of the  
2 evidence.

3       Considering the evidence in the light most favorable to  
4 the nonmoving party, which is the State, the State has  
5 presented sufficient evidence for both the murder charge and  
6 the possession of a weapon during the commission of violent  
7 crime to go forward. They're based upon the testimony of  
8 the witnesses that they called.

9       Okay. All right. Is y'all's plan to put on a case?

10       MS. BRUCK: Yes, sir, Your Honor.

11       THE COURT: Okay. And so I need to have a conversation  
12 with Mr. Bell.

13       So, Mr. Bell -- does he have any criminal history?

14       SOLICITOR SCOTT: I, I don't think he does, judge. But  
15 I'm gonna, I'm gonna look at that while y'all chat.

16       THE COURT: Okay. All right. Mr. Bell, go ahead and  
17 stand up. Raise your right-hand.

18       (WHEREUPON, the defendant was placed under oath at this  
19 time.)

20       THE COURT: okay. Do you understand me okay?

21       THE DEFENDANT: Yes, sir.

22       THE COURT: Okay. You can put your hand down. Thank  
23 you.

24       How far'd you go in school?

25       THE DEFENDANT: Ninth grade.

1 Thursday, September 7<sup>th</sup>, 2022

2

3 THE COURT: Are we waiting on Mr. Scott?

4 SOLICITOR WHITMIRE: Just got down right when you took  
5 the bench, Your Honor. I'll get him.

6 (Pause.)

7 THE COURT: All right. welcome back. well, yesterday  
8 when we left the State had rested their case. I advised the  
9 defendant of his right to remain silent and we're here today  
10 for any testimony that the defense wants to present.

11 And, Ms. Bruck, is the defense ready to go?

12 MS. BRUCK: Yes, sir, Your Honor.

13 THE COURT: Okay. All right. And, Mr. Bell, did you  
14 make a decision about whether or not you want to testify?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And what is your decision, sir?

17 THE DEFENDANT: I will.

18 THE COURT: Okay. wonderful. Thank you very much.

19 Did you look up his prior criminal history or what's  
20 the thought process on that?

21 SOLICITOR SCOTT: He's got that filing false  
22 information to police, which I believe to be a crime of  
23 dishonesty.

24 THE COURT: And what year is that from?

25 SOLICITOR SCOTT: 2018.

1 THE COURT: Okay. What's the defense's position on  
2 that?

3 MS. BRUCK: Your Honor, I mean typically that is a  
4 straightforward crime of dishonesty. I would point out, you  
5 know, you still have -- you know, as, as the judge, you're  
6 weighing the probative versus prejudicial value here. It's  
7 an extremely minor charge. He was a minor when he received  
8 it. It looks to me like he pled without counsel. And as  
9 far as false info charges go, my understanding is he was in  
10 a car with a bunch of people. He gave---

11 THE COURT: I'm, I'm not gonna let them ask him about  
12 the substance of the case.

13 MS. BRUCK: Right. I, I understand that---

14 THE COURT: Right.

15 MS. BRUCK: ---Your Honor. But my only concern is, you  
16 know, the information that I have, it's a, it's a really  
17 minor false info charge and the jury's not gonna quite  
18 understand, you know, quite how minor it is. So they'll be  
19 left not knowing all of that.

20 THE COURT: I mean if you, if you want to ask him about  
21 it, that's different but I can -- I'm not gonna let them ask  
22 him about it on cross unless -- you know, if you want to  
23 bring it up on direct and go into what happened, then, you  
24 know, no one's gonna stop you from doing that.

25 MS. BRUCK: Yes, sir, Your Honor.

1 THE COURT: All right. So, under Rule 609(a)(2),  
2 evidence of any witnesses being convicted of a crime shall  
3 be admitted if it involved dishonesty or false statement  
4 regardless of the punishment. And so I will allow the 2018  
5 conviction for false information to police to be admitted  
6 and if the -- the State understands how they can use that  
7 and how they can not.

8 Is that right, Mr. Scott?

9 SOLICITOR SCOTT: I'm sorry. He, he was just talking  
10 to me while you were talking to me.

11 THE COURT: I was saying you, you can't get into the  
12 facts---

13 SOLICITOR SCOTT: Right.

14 THE COURT: ---and circumstances of it.

15 SOLICITOR SCOTT: Sure. Sure.

16 THE COURT: I think you understand that. I just wanted  
17 to double-check that.

18 SOLICITOR SCOTT: Yes, sir.

19 THE COURT: Okay. All right. Let's bring them in.

20 Our rogue juror has reappeared today. So, she is being  
21 held somewhere safely.

22 (WHEREUPON, the following takes place within the  
23 presence of the jury.)

24 THE BAILIFF: All jurors are seated, Your Honor.

25 THE COURT: All right. Welcome back. Good morning.

1 Hope you had a good evening.

2 When we left yesterday the State rested their case.

3 The defense now has an opportunity to put on a case if they  
4 want to. They don't have to. As I explained to you in the  
5 beginning, the burden of proof in this case lies with the  
6 State but the defense is given an opportunity to put on a  
7 case if they want to. But, again, they don't have to put on  
8 anything at all if they don't want to.

9 And, Ms. Bruck, would you like to call any witnesses?

10 MS. BRUCK: Yes, sir, Your Honor.

11 THE COURT: Okay. Who's first?

12 MS. BRUCK: Defense calls Deputy Zachary Delk.

13 THE COURT: Okay. All right. Come on up please, sir.

14 THE CLERK: would you state your full name please?

15 THE WITNESS: Zachary Steven Delk.

16 THE CLERK: Spell your first name please.

17 THE WITNESS: Z-A-C-H-A-R-Y.

18 THE CLERK: Middle name.

19 THE WITNESS: Steven. S-T-E-V-E-N.

20 ZACHARY DELK, being first duly

21 sworn, testified as follows:

22 THE CLERK: Thank you. Have a seat.

23 DIRECT EXAMINATION

24 BY MS. BRUCK:

25 Q. Morning, Deputy Delk.

Zachary DeIk - Direct examination  
By Ms. Bruck

1 A. Good morning.

2 Q. Now, you responded to [REDACTED] Dubard-Boyle?

3 A. Correct.

4 Q. Do you remember the date?

5 A. No.

6 Q. November 24<sup>th</sup>, 2019, ring a bell?

7 A. Yes.

8 Q. Were you the first on scene?

9 A. I was not.

10 Q. What did you do when you arrived on scene?

11 A. Well, at that point I was a supervisor in a nearby  
12 region and my job was to immediately assess the situation.  
13 I arrived on the scene. I saw several people outside of the  
14 residence. I quickly entered the residence to check on my  
15 two deputies who were performing life saving measures to the  
16 victim.

17 At that point I contacted dispatch over the radio to,  
18 you know, seek medical attention, which was already on the  
19 way, but to clear the scene and make sure there was no  
20 threat to them or anyone else.

21 Q. And did you say anything to the first people that you  
22 contacted outside of the residence on the porch area?

23 A. I'm not sure really what your question is.

24 Would -- did I say anything?

25 I'm sure I did.

Zachary Delk - Direct examination  
By Ms. Bruck

1 Q. What would you have said to them?

2 A. Well, reviewing my body camera, the, the things that I  
3 basically questioned was did anybody have any immediate  
4 knowledge of what happened in the residence. There -- I  
5 believe there was three or four people on the front stoop of  
6 the residence and no one had any recollection.

7 Q. And later on when you were out at that scene, did you  
8 have another opportunity to speak to some people?

9 A. I did. It was a nearby residence, adjacent residence.

10 Q. So some people were located at -- outside of a nearby  
11 residence?

12 A. Correct.

13 Q. And how many people did you talk to in that group?

14 A. Approximately four people. Four to five people.

15 Q. And what information did you ask of them?

16 A. Again, did anybody have any knowledge of what happened  
17 in the nearby residence.

18 Q. Were they able to provide you with that information?

19 A. No, I believe that there was only one person that said  
20 that they heard shots being fired.

21 Q. Did they tell you where they'd been?

22 A. They -- did they tell me where they'd been?  
23 Inside the home.

24 Q. Did you -- none, none of these people had been  
25 detained, right?

Zachary Delk - Direct examination  
By MS. Bruck

1 A. Correct. No one was detained.

2 Q. And did you ask for any of these people's name?

3 A. I did not.

4 Q. And did you follow-up with any of them?

5 A. I did not.

6 Q. Thank you, deputy. I have no further questions.

7 A. Okay.

8 THE COURT: All right. Cross-examination please.

9 CROSS-EXAMINATION

10 BY SOLICITOR SCOTT:

11 Q. So these, these witnesses said they didn't see or hear  
12 anything?

13 A. That's correct, sir.

14 Q. Thank you.

15 Nothing further.

16 THE COURT: All right. Have a nice day. Thank you  
17 very much.

18 THE WITNESS: Thank you, judge.

19 THE COURT: All right.

20 THE WITNESS: Thank you.

21 THE COURT: Who's next?

22 Is he released from his subpoena.

23 MS. BRUCK: Oh, yes, sir.

24 THE COURT: Yeah, you---

25 MS. BRUCK: Thank you, deputy.

Michael Leahy - Direct examination  
By Ms. Bruck

1 THE COURT: ---can go about and do whatever you need to  
2 do. You're released from your subpoena, Deputy Delk. Thank  
3 you.

4 THE WITNESS: Thank you.

5 THE COURT: Who's next?

6 MS. BRUCK: Defense calls Deputy Michael Leahy.

7 THE COURT: Okay.

8 THE CLERK: State your full name please.

9 THE WITNESS: Michael Edward Leahy.

10 THE CLERK: Spell your last name please.

11 THE WITNESS: L-E-A-H-Y.

12 MICHAEL LEAHY, being first duly  
13 sworn, testified as follows:

14 THE CLERK: Thank you. Have a seat.

15 DIRECT EXAMINATION

16 BY MS. BRUCK:

17 Q. Good morning, deputy.

18 A. Good morning.

19 Q. Did you have a chance to respond to ■ Dubard-Boyle  
20 Road on November 24<sup>th</sup>, 2019?

21 A. I did.

22 Q. You weren't the first on scene, right?

23 A. I was not.

24 Q. When you arrived on scene, do you remember where you  
25 went initially?

Michael Leahy - Direct examination  
By Ms. Bruck

- 1 A. When I arrived on scene I parked approximately in front  
2 of the trailer next door and between that -- the residence  
3 where the shooting occurred. So pretty much right out in  
4 the street though.
- 5 Q. And do you know who lives in the trailer next door that  
6 you're referring to?
- 7 A. Mike and Amanda use to live there.
- 8 Q. Mike and Amanda?
- 9 A. Yes, they are regulars so to speak.
- 10 Q. And what do mean by regulars just for the jury?
- 11 A. We constantly go there. Calls.
- 12 Q. To, to this trailer?
- 13 A. Yes.
- 14 Q. And so you, you initially go over to Mike and Amanda's  
15 trailer?
- 16 A. Yes.
- 17 Q. And on your walk over there, did you notice anything  
18 abnormal?
- 19 A. I didn't notice anything abnormal but I heard what I  
20 thought were footsteps at a quick pace somewhere between the  
21 residence and the trailer behind both in the wooded area.
- 22 Q. You noticed what you thought was a person in the woods?
- 23 A. It sounded like, yes.
- 24 Q. Sounded like?
- 25 A. It was very dark though. So I could not see.

Michael Leahy - Direct examination  
By Ms. Bruck

1 Q. And did you note that to anyone else?

2 Did you tell anyone else about it?

3 A. I got on the radio. I explained that I heard  
4 something. A K-9 would come over, a couple of deputies came  
5 over. I believe K-9 put the dog down in an attempt to track  
6 what may of been a person.

7 Q. And, to your knowledge, no one was found in the woods?

8 A. Nobody was found in the woods, no.

9 Q. And I think you said it sounded like a person running.  
10 Is that right?

11 A. Yes.

12 Q. Okay. Thank you, Deputy Leahy.

13 I have nothing further.

14 THE COURT: All right. Cross-examination.

15 CROSS-EXAMINATION

16 BY SOLICITOR SCOTT:

17 Q. Do, do you know if it was a person or could it have  
18 been a deer or something?

19 A. Could of been a deer. Could of been a dog. Could of  
20 been a person.

21 Q. But you made attempts to find any people out there and  
22 you didn't find anybody?

23 A. I did not go in the back. I didn't want to contaminate  
24 a possible scene where K-9 would run over.

25 Q. Okay.

Michael Leahy - Cross-examination  
By Solicitor Scott

1 A. So I did not see anybody.

2 Q. Thank you.

3 THE COURT: All right. Thank you. Have a good day.  
4 who's next?

5 MS. BRUCK: Court's indulgence, Your Honor.  
6 (Pause.)

7 MS. BRUCK: Defense calls Steven Harper.

8 THE COURT: Who?

9 I'm sorry. Say that name one more time.

10 MS. WARTHEN: Defense calls Steven Harper.

11 THE COURT: Okay.

12 THE CLERK: could you state your full name please.

13 THE WITNESS: Steven Michael Harper.

14 THE CLERK: would you spell your first name please?

15 THE WITNESS: S-T-E-V-E-N.

16 STEVEN HARPER, being first duly  
17 sworn, testified as follows:

18 THE CLERK: Thank you. Have a seat.

19 DIRECT EXAMINATION

20 BY MS. WARTHEN:

21 Q. Good morning, Mr. Harper.

22 A. Good morning.

23 Q. Mr. Harper, where do you work?

24 A. The Richland County Public Defender's Office.

25 Q. And have you visited the incident location of this case

Steven Harper - Direct examination  
By Ms. Warthen

- 1 at ■ Dubard-Boyle?
- 2 A. I have.
- 3 Q. Okay. What date was that?
- 4 A. Early August. Maybe August 2<sup>nd</sup>, August 3<sup>rd</sup>.
- 5 Q. Okay. August 3<sup>rd</sup> sounds right?
- 6 A. Yeah.
- 7 Q. And, at that time, what did you do at that location?
- 8 A. Measured the bedroom and took a couple pictures of the
- 9 front yard and took a video of the, the car and how it left
- 10 and turned around.
- 11 Q. Okay. And do you have your measurements on you?
- 12 A. I don't.
- 13 Q. Okay. Would it refresh your memory if I provided you
- 14 with those measurements?
- 15 A. Sure.
- 16 Q. Can you tell the jury where am I standing
- 17 (indiscernible)?
- 18 A. You're standing where the door is.
- 19 Q. And to what room?
- 20 A. The far back right bedroom.
- 21 Q. Okay. And what is the length of that wall?
- 22 A. The wall that the door was on was 43 inches.
- 23 Q. Okay. And then so the -- this wall would be how long?
- 24 A. That was 78 inches and that's the wall they said
- 25 that -- where the bed was.

Steven Harper - Direct examination  
By Ms. Warthen

- 1 Q. Okay.
- 2 SOLICITOR SCOTT: What was that measurement?
- 3 THE WITNESS: 78.
- 4 MS. WARTHEN: 78.
- 5 And then what was the back wall (indiscernible)?
- 6 A. 113 inches.
- 7 Q. Okay. And then what would be this next full wall?
- 8 A. 108 inches.
- 9 Q. And then the final wall?
- 10 A. Was 80 inches.
- 11 Q. 80.
- 12 Does this appear to be an accurate representation of
- 13 the wall, the size of the room as you saw it on that day?
- 14 A. Yes.
- 15 Q. Okay. And then understanding you said there was a
- 16 queen sized bed---
- 17 A. There wasn't---
- 18 Q. ---in the room?
- 19 A. ---when I went in.
- 20 Q. Right.
- 21 A. But that's what they, they said.
- 22 Q. Okay. And the -- that's standard size would be 80
- 23 inches by 60?
- 24 A. That's what Google says.
- 25 Q. Yes. 85.

Steven Harper - Direct examination  
By Ms. Warthen

- 1           So this is where someone would come in?
- 2   A.    Correct.
- 3   Q.    And was the door -- did the door open toward the bed or
- 4   away from the bed?
- 5   A.    Away from the bed towards---
- 6   Q.    Okay.
- 7   A.    ---the (indiscernible).
- 8   Q.    So it would of opened like this?
- 9   A.    Yep.
- 10   Q.    Okay. Now you took several pictures and videos --
- 11   A.    I did.
- 12   Q.    -- while you were there?
- 13   A.    Yep.
- 14           MS. WARTHEN: Your Honor, I just wanted to mark this as
- 15   a defense exhibit.
- 16           THE COURT: Very well.
- 17           MS. WARTHEN: No. 5.
- 18           (WHEREUPON, the disk was marked as Defendant's Exhibit
- 19   No. 5 for identification purposes only at this the time.
- 20   Q.    Mr. Harper, do you recognize this disk?
- 21   A.    Yes.
- 22   Q.    Can you tell us what it contains?
- 23   A.    It contains the two videos I took and a picture from
- 24   the kitchen back towards the bedroom.
- 25   Q.    And are those videos in that picture an accurate

Steven Harper - Direct examination  
By MS. Warthen

1 representation of what you saw that day?

2 A. Yes.

3 Q. Thank you.

4 Your Honor, at this time I would ask to move Defense  
5 Exhibit No. 5 into evidence.

6 SOLICITOR SCOTT: Kathleen.

7 MS. WARTHEN: Oh, I'm sorry.

8 (Pause.)

9 SOLICITOR SCOTT: Without objection, Your Honor.

10 THE COURT: All right. Defendant's No. 5 is admitted  
11 without objection.

12 (WHEREUPON, Defendant's Exhibit No. 5 was received into  
13 evidence at this time.)

14 MS. WARTHEN: Can you help me to use your machine to  
15 show it to -- might need assistance.

16 Is Justin not here today?

17 Okay. Okay. Is it okay if I remove this scanned disk  
18 from the USB port?

19 UNIDENTIFIED SPEAKER: Yeah.

20 MS. WARTHEN: This is the one I put in.

21 UNIDENTIFIED SPEAKER: Okay.

22 MS. WARTHEN: I didn't want to do it without proper  
23 (indiscernible).

24 Okay. I apologize, Your Honor. Ask the Court's  
25 indulgence. We have to get a password for the machine up

Steven Harper - Direct examination  
By Ms. Warthen

1 here.

2 THE COURT: For the screen thingamajigger (phonetic)?

3 MS. WARTHEN: Yes.

4 THE COURT: Okay.

5 (Pause.)

6 THE COURT: Is somebody going to get that?

7 THE CLERK: Yes, sir.

8 (Pause.)

9 MS. WARTHEN: How do I identify which one it is,  
10 Justin, which disk it is?

11 (Pause.)

12 Q. Mr. Harper, I'll just play the video and then you can  
13 provide context.

14 Permission to publish the evidence, Your Honor --

15 THE COURT: Oh, yes, ma'am.

16 MS. WARTHEN: -- the exhibit?

17 THE COURT: The Defense Exhibit No. 5?

18 MS. WARTHEN: Yes.

19 THE COURT: Yes, ma'am, of course.

20 MS. WARTHEN: I kicked it and it turned off.

21 what did I do?

22 SOLICITOR SCOTT: Bottom right.

23 MS. WARTHEN: Okay. Let me start that over.

24 Can you tell me what we're seeing here.

25 A. Yes. So that was the room. I'm standing outside the

Steven Harper - Direct examination  
By Ms. Warthen

1 door. This is turning around going down the hallway towards  
2 the kitchen that's in front of you. And then that's the  
3 living room where you come into the house.

4 Q. And so the contents of that room were what or as they  
5 are today, not as they were on incident?

6 A. No, I -- they use it as storage now.

7 Q. Okay. Thank you.

8 A. And this is just Zoe driving my car how they said when  
9 they were leaving and then coming back to -- they didn't  
10 fully leave I guess and turned back in.

11 Q. Okay. And so how long did that take her to make it out  
12 in the driveway and then park way back in?

13 A. 20 seconds maybe, 23.

14 Q. 20 seconds. Okay.

15 A. And this is just a picture from the video just showing  
16 from the kitchen looking back towards the room. The door's  
17 open. You can slightly see some light but it's back on the  
18 right.

19 Q. So this here is the most we can see of this video or of  
20 the bedroom where the incident---

21 A. Correct.

22 Q. ---took place?

23 A. Yeah.

24 Q. So someone in the kitchen would not be able to see any  
25 activity in that room?

Steven Harper - Direct examination  
By Ms. Warthen

1 A. Right.

2 Q. Thank you, Mr. Harper.

3 And then I'm just going to ask to mark these stills as  
4 exhibits.

5 (WHEREUPON, two photographs were marked as Defendant's  
6 Exhibit Nos. 6 and 7 for identification purposes only at  
7 this time.)

8 Q. Sir, from here I have Defense Exhibits 6 and Exhibit,  
9 Exhibit 7.

10 I'm just going to pass these up to you and are those  
11 stills from the videos that you took?

12 A. Yes.

13 Q. Are they an accurate representation of what you saw  
14 that day?

15 A. They are.

16 MS. WARTHEN: Your Honor, I would just ask that these  
17 be admitted into evidence at this time.

18 SOLICITOR SCOTT: Without objection.

19 THE COURT: Six and seven admitted without objection.

20 (WHEREUPON, State's Exhibit Nos. 6 and 7 were received  
21 into evidence at this time.)

22 Q. And when the car is parked in this location, about how  
23 far is it from the front door?

24 A. I don't have it.

25 Do you have another page of my notes?

Steven Harper - Direct examination  
By Ms. Warthen

1 Q. I can get it.

2 would your notes refresh your memory?

3 A. Yes.

4 Q. Okay.

5 A. It was 70 and a half feet.

6 Q. Okay. And how many steps did it take you to get from  
7 the car parked in that location to the front door?

8 A. Thirty-five.

9 Q. Okay. No further questions. Please answer any  
10 questions that the State may have.

11 THE COURT: Cross-examination.

12 CROSS-EXAMINATION

13 BY SOLICITOR SCOTT:

14 Q. Mr. Harper?

15 A. Yep.

16 Q. All right. So this, this is the doorway right here---

17 A. Yeah.

18 Q. ---leading into the bedroom?

19 A. Uh-huh.

20 Q. Do you agree with me it's a pretty small room?

21 A. Yes.

22 Q. Right?

23 A. Yeah.

24 Q. Not a lot of room to make a lot of movement, correct?

25 A. Sure.

Steven Harper - Cross-examination  
By Solicitor Scott

- 1 Q. And this would be the edge of the bed?
- 2 A. Yep.
- 3 Q. Okay. This would be I guess the head of the bed right  
4 here?
- 5 A. That's what I would imagine.
- 6 Q. Okay.
- 7 A. I didn't see the bed. So --.
- 8 Q. You haven't looked at the pictures?
- 9 A. I looked at the pictures after we did that. But so,  
10 yes, the head of the bed would be on the wall.
- 11 Q. All right. Would you agree with me the pillows were up  
12 here?
- 13 A. Sure. Yeah.
- 14 Q. And that's the pillows that go with the bed?
- 15 A. Normally.
- 16 Q. All right. So from the door, this strip was at the  
17 threshold, correct?
- 18 A. Yep.
- 19 Q. To the edge of the bed right here at the far corner was  
20 21-inches.  
21 would you agree with me?
- 22 A. Sure.
- 23 Q. All right. And it -- it's sort of a uniked shaped  
24 room, wouldn't you agree?
- 25 A. Yeah.

Steven Harper - Cross-examination  
By Solicitor Scott

1 Q. Moving towards the middle of the door, 30-inches, does  
2 that sound right?

3 A. It could be right, yeah.

4 Q. Could be.

5 You, you just go ahead and look.

6 A. That's about right.

7 Q. Thirty?

8 A. Yep.

9 Q. And then maybe the edge of the door would be about  
10 right here?

11 A. Give or take, yeah.

12 Q. All right. So, 40-inches maybe?

13 A. Sure.

14 Q. Okay. Thank you.

15 A. Yep.

16 SOLICITOR SCOTT: That's all the questions I have.

17 THE COURT: Follow-up?

18 MS. WARTHEN: No further questions.

19 Thank you, Mr. Harper.

20 THE COURT: All right. Have a great day. Thank you  
21 very much.

22 Who's next?

23 MS. BRUCK: Your Honor, defense calls Lacey Woods.

24 THE COURT: Okay.

25 THE CLERK: Please state your name please.

Laceia Woods - Direct examination  
By Ms. Bruck

1 THE WITNESS: Laceia Woods.

2 THE CLERK: spell your first name please.

3 THE WITNESS: L-A-C-E-I-A.

4 LACEIA WOODS, being first duly  
5 sworn, testified as follows:

6 THE CLERK: Thank you. You can have a seat right up  
7 there.

8 DIRECT EXAMINATION

9 BY MS. BRUCK:

10 Q. Morning, Ms. Woods.

11 A. Good morning.

12 Q. Do -- did you know Demetrius Floyd?

13 A. Yes.

14 Q. And did you know him by that name or another name?

15 A. Meatball.

16 Q. And how long have you known Meatball for?

17 A. About eight months.

18 Q. How were you introduced to him?

19 A. Through a friend of mines, JuJu.

20 Q. JuJu?

21 A. Uh-huh.

22 Q. And what were the -- JuJu's relationship to Meatball?

23 A. I'm not sure. It was complicated.

24 Q. Do you know Jaquala Scipio?

25 A. Yes.

Laceia Woods - Direct examination  
By Ms. Bruck

1 Q. And back in November of 2019, how long had you known  
2 Jaquala for?

3 A. I been knowing Qua -- Jaquala about 23 years.

4 Q. Okay. So, were you aware that Jaquala and Meatball  
5 started a romantic relationship?

6 A. I was.

7 Q. And how would you describe that relationship?

8 A. Toxic.

9 Q. Tell me a little bit more about that.

10 A. Well, when he drink, he was very volable (phonetic).  
11 He was very possessive. He was jealous. He just wasn't a  
12 great person to be around drinking. And I think he got in  
13 the relation with Quala out of, I guess, despair.

14 Q. Out of what?

15 A. Despair. Like desperate.

16 Q. What kind of things would they fight about?

17 A. She spend too much time with me. She spend too much  
18 time with her kids, spend too much time with her husband.  
19 Not giving her no money. Not buying her anything. Not  
20 giving her sexual contacts or just because he's upset with  
21 his mother or something else going on personally hisself.

22 Q. So he'd let outside things affect his relationship with  
23 Jaquala?

24 A. Yes, ma'am.

25 Q. And you mentioned him drinking alcohol.

Laceia Woods - Direct examination  
By Ms. Bruck

1           How, how did alcohol make him act?

2   A.   Violent, very violent, and irrational (phonetic), very  
3   immature.

4   Q.   Did he drink often?

5   A.   He drunk everyday.

6   Q.   And who had you seen him act violent towards while  
7   drinking?

8   A.   JuJu, myself, my wife, Quala, of course, our company.  
9   Like, you know, we have mutual company while we over on  
10  chilling, hanging out together. Mutual company. Anybody  
11  outside of the normal people that he hang out with.

12  Q.   And in this eight months---

13  A.   And his mother. His mother. Let's don't forget his  
14  mother.

15  Q.   Can you describe some of the violence that you saw  
16  between Meatball and Jaquala?

17           SOLICITOR SCOTT: Objection. I think the reputation  
18  for violence is admissible. However, specific conduct would  
19  not be.

20           THE COURT: Sustained.

21  Q.   Did you ever observe any injuries on Jaquala?

22  A.   Yes, she had a busted lip. She lost her three front  
23  teeth. She's very light skinned. So she had red marks  
24  where he grab her too aggressively.

25  Q.   Do you know about when Jaquala lost her teeth?

Laceia Woods - Direct examination  
By Ms. Bruck

1 A. I would believe it's some -- I'm -- I don't want to  
2 quote -- I'm not quite sure but I know it before Christmas  
3 and I want to say probably before or on Halloween. Like  
4 Nov -- end of October, middle of November, beginning of  
5 December, around that time. It was an incident happened and  
6 I -- and it probably was before Thanksgiving. It was before  
7 Thanksgiving. So --.

8 Q. And do you know where it happened?

9 A. I'm not quite sure what happened. I -- they were Quala  
10 house with -- Ja -- Jaquala house and I guess JuJu was there  
11 and it was---

12 Q. I'm sorry. Let me back up for a second.

13 when you say Jaquala's house, what, what address are  
14 you referring to?

15 A. The New Holland Court.

16 Q. Is that what people call the Carriage Apartments---

17 A. Yes.

18 Q. ---or Carriage House?

19 A. Yes, Carriage House.

20 Q. Okay. Sorry. Go ahead.

21 A. So it was JuJu.

22 SOLICITOR SCOTT: Your Honor, she's -- I, I believe  
23 she's testifying now to hearsay unless she's---

24 THE COURT: Oh---

25 SOLICITOR SCOTT: ---present.

Laceia Woods - Direct examination  
By Ms. Bruck

1 THE COURT: And she's testifying, testifying to a  
2 specific instance. So your objection is sustained.

3 SOLICITOR SCOTT: Thank you.

4 A. It was Jaquala.

5 Q. One, one second.

6 A. Okay.

7 Q. I'm sorry.

8 were you present when all of this happened?

9 A. No, I came -- I was on my way to the event and I had  
10 not arrive yet. I was like maybe five minutes before the  
11 event happened cause I took Meatball home that night.

12 Q. So when you arrived at Carriage House, what did you  
13 observe?

14 A. Quala teeth was -- Quala teeth was missing. JuJu's was  
15 saying -- telling Meatball to calm down.

16 SOLICITOR SCOTT: Objection.

17 THE COURT: Ms. Bruck---

18 SOLICITOR SCOTT: Hearsay.

19 THE COURT: ---I've said it three times. Specific  
20 instances are not admissible.

21 Q. Okay. Ms. Woods, did you know Meatball to carry a gun?

22 A. Yes, I had, I had to go to his house about three  
23 different occasions because he threatened to come and shoot  
24 up the house with me and my four kids and my wife on  
25 numerous occasion.

Laceia Woods - Direct examination  
By Ms. Bruck

1 Q. Did you ever see it yourself?

2 A. Yes, I seen it when I went to his mother house.

3 Q. Can you describe that gun?

4 A. It was a .38 revolver with the little -- the thing that  
5 you pull out. I'm not sure exactly how guns go. But it was  
6 the one where you take out the guns and you roll it around  
7 and it's like what you play Russian Roulette with.

8 Q. And how many times did you see him with a gun?

9 A. Three.

10 Q. Was it always the same gun?

11 A. Yes, ma'am.

12 Q. And, Ms. Woods, do you know Mr. Bell, Jaylen Bell?

13 A. I've seen him, yes, ma'am.

14 Q. And how long have you known him for?

15 A. I'm not sure. As -- I guess as long as I have known  
16 Meatball.

17 Q. Okay. So you said about eight months?

18 A. Yes.

19 Q. And no further questions at this time.

20 A. Thank you.

21 THE COURT: Cross.

22 CROSS-EXAMINATION

23 BY SOLICITOR SCOTT:

24 Q. So he had -- you've seen him with a .38 revolver?

25 A. Yes.

Laceia Woods - Cross-examination  
By Solicitor Scott

- 1 Q. Okay. And three times you remember that?
- 2 A. Yes.
- 3 Q. How'd you know it was a .38 caliber?
- 4 A. Because people in my neighborhood like to play with
- 5 guns.
- 6 Q. Okay. Okay. What neighborhood do you live in?
- 7 A. I'm from Lincoln Park neighborhood over there by Farrow
- 8 Road, Latimer Manor, Prescott Manor, Bethel Bishop,
- 9 Colonies. So --.
- 10 Q. You know a lot about guns?
- 11 A. Personally I don't. I don't deal with it.
- 12 Q. But you know this was a .38 revolver?
- 13 A. Yes, I do know cause my uncle had one.
- 14 Q. Okay. Did you know Meatball's mother?
- 15 A. I do.
- 16 Q. Okay. Do you see her in the courtroom right now?
- 17 A. Yes, ma'am. Yes, sir.
- 18 Q. Okay. And you, you know Jaylen?
- 19 A. Yes, sir.
- 20 Q. Do you know what kind of guns he carries?
- 21 A. I've never seen him with a gun.
- 22 Q. Okay. He didn't tell you about his guns?
- 23 A. I don't talk to him like that. Our relationship is not
- 24 that close.
- 25 Q. Okay. And you weren't scared of Meatball, were you?

Laceia Woods - Cross-examination  
By Solicitor Scott

1 A. Of no -- of course not. I only fear God.

2 Q. Okay. You give him rides to places I think you were  
3 saying?

4 A. Yes, I do. I pick him up. I take him to his house. I  
5 pick him and Juju up and we'll ride around and drinking, you  
6 know, cut the fool. I take him to his mother house or if he  
7 want to go to Quała house or get back from Quała house, yes.

8 Q. So you take him to Jaquala's house?

9 A. Yes.

10 Q. So---

11 A. I did.

12 Q. And you said you ride around drinking a lot?

13 A. We do.

14 Q. Okay. And did you ever go to [REDACTED] Dubard-Boyle Road?

15 A. Yes.

16 Q. And that -- that's a -- that's kind of a place to go to  
17 drink, isn't it, and party a little bit?

18 A. I wouldn't say that. Ms. Leilamae, God rest her soul,  
19 didn't play with -- would do that.

20 Q. No, Neco's house.

21 A. Yeah. Well, Neco -- for Neco house still is attached  
22 to Ms. Leilamae. So there's certain things you can't do out  
23 of respect for the elders.

24 Q. When's the last time you've been over there?

25 A. Three weeks ago---

Laceia Woods - Cross-examination  
By Solicitor Scott

1 Q. You didn't see---

2 A. But---

3 Q. You didn't see the beer pile as high as this ceiling?

4 A. That's collecting. They was collecting cans and, of  
5 course, people do drink --

6 Q. Yeah.

7 A. -- cause everybody's allowed to drink. They are --  
8 they work. So but they put -- they collect the cans cause,  
9 you know, you turn in beer cans, it's a little more money  
10 and way more -- the aluminum way more than like a soda can.

11 Q. Oh.

12 A. Yes.

13 Q. Beer cans are worth more than Coke cans?

14 A. Well, they a little, they a little heavier.

15 Q. Okay. So you, you think they drink all those beers?

16 A. I, I can not assume what they'll do. But I'm pretty  
17 sure they drink or someone else drink or someone just throw  
18 it on the pile.

19 Q. And they do with this stuff over there by the burn pile  
20 at the house?

21 A. I'm -- not to my knowledge.

22 Q. No?

23 A. I don't -- like I -- once of all, again, that's not the  
24 type relationship I have over there at -- over at that  
25 house.

Laceia Woods - Cross-examination  
By Solicitor Scott

1 Q. Okay. All right. Nothing further.

2 MS. BRUCK: Your Honor, may we approach briefly?

3 (WHEREUPON, a bench conference was held out of the  
4 hearing of the jury at this time.)

5 MS. BRUCK: Nothing further, Your Honor.

6 THE COURT: All right. Have a nice day, Ms. Woods.  
7 Thank you, ma'am.

8 All right. Who's next?

9 MS. BRUCK: Defense calls Kevin Selinsky, Your Honor.

10 THE CLERK: Could you state your full name please?

11 THE WITNESS: Kevin Joseph Selinsky.

12 THE CLERK: Spell your last name please.

13 THE WITNESS: S-E-L-I-N-S-K-Y.

14 THE CLERK: S-E-L-E-N---

15 THE WITNESS: I-N.

16 THE CLERK: S-E-L-I-N---

17 THE WITNESS: I-N.

18 THE CLERK: ---S-K---

19 THE WITNESS: Y.

20 THE CLERK: ---Y.

21 Okay. Thank you.

22 KEVIN SELINSKY, being first duly  
23 sworn, testified as follows:

24 THE CLERK: Thank you. You may have a seat.

25 DIRECT EXAMINATION

Kevin Selinsky - Direct examination  
By Ms. Bruck

1 BY MS. BRUCK:

2 Q. Morning, Mr. Selinsky.

3 A. Good morning.

4 Q. Can you tell me where you're currently employed?

5 A. I work with the South Carolina Law Enforcement.  
6 Division in the forensic toxicology lab.

7 Q. And how long have you been there?

8 A. Just south of 10 years.

9 Q. And what exactly do you do for them?

10 A. We do three main things. We test blood and other body  
11 fluids in DUIs, death cases, and criminal sexual assaults to  
12 determine the presence or absence of drugs.

13 Q. Drugs meaning pharmaceutical?

14 A. Yeah, pharmaceutical, illegal, illegal, alcohol.  
15 Basically anything. Run the gambit.

16 Q. And what -- what's your educational history?

17 A. I have my bachelors in forensic and toxicological  
18 chemistry and I have my masters in forensic science.

19 Q. And what special training did you get in the field of  
20 toxicology?

21 A. Largely starts out with in-house training where you'll  
22 kind of learn the ropes, learn how to run the instrument,  
23 and then taking copious courses for talking about  
24 interpretation, see can kind of relate what you actually  
25 find to what it might mean in real life or what it means in

Kevin Selinsky - Direct examination  
By Ms. Bruck

1 terms of impairment or what it's found. And there's always  
2 continuing education courses as well to kind of keep up with  
3 the ever changing field. There's always being -- excuse me.  
4 There's always new drugs being found and kind of new  
5 thoughts on, on old things as well.

6 Q. And you're trained to, to test the items that you  
7 receive, right?

8 A. Correct.

9 Q. And you're also trained to interpret the data that that  
10 gives you?

11 A. That's correct?

12 Q. And have you testified before?

13 A. I have.

14 Q. Have you been qualified as an expert before?

15 A. I have.

16 Q. How many times?

17 A. Six to eight. Somewhere in that range.

18 MS. BRUCK: Your Honor, at this point I tender the  
19 witness as an expert in the field of toxicology.

20 THE COURT: Voir dire?

21 SOLICITOR SCOTT: No, Your Honor.

22 THE COURT: All right. Ladies and gentlemen, as I told  
23 you before, excuse me, normally someone can't give their  
24 opinion. There's an exception when someone is qualified  
25 because of education or experience.

Kevin Selinsky - Direct examination  
By Ms. Bruck

1           This witness will be qualified as an expert in the area  
2 of forensic toxicology. That means he'll be allowed to give  
3 his opinion in that area. That doesn't mean that you have  
4 to accept his opinion. But it's evidence for you to use in  
5 any way that you see fit and you give it the weight and the  
6 credibility that you believe is appropriate as you should be  
7 doing with every single witness who appears before you.

8 Q.   Mr. Selinsky, did you receive any items for testing in  
9 this particular case?

10 A.   I did.

11 Q.   And do you have the report that you generated in front  
12 of you?

13 A.   Yes.

14 Q.   How did you test the items that you received?

15 A.   Can you repeat that please?

16 Q.   How did you test the items---

17 A.   All right.

18 Q.   ---that you received?

19 A.   Being this was -- came in as a death case, as a  
20 homicide with an unknown cause of death, the first thing  
21 we're gonna do on most cases, we're gonna run a blood  
22 alcohol to see the presence or absence of that. We do that  
23 on most all cases that come in. And then we're gonna run a,  
24 a generic drug screen on it to kind of look for the more  
25 commonly used and abused drugs to see what might be there.

Kevin Selinsky - Direct examination  
By Ms. Bruck

1           And then if any of those screen positive, we'll send it  
2 for confirmation and we can look for more specific things  
3 if it's noted in the case history. But generally, in a case  
4 like this, we kind of keep it fairly simple in what we're  
5 looking for.

6 Q.   And, in this particular case, did you find any  
7 substances and metabolites?

8 A.   Yes, we found ethanol or the alcohol that is commonly  
9 found in alcoholic beverages that people consume.

10 Q.   And can you tell me the result of that analysis?

11 A.   Yes. In the blood we found 0.257 percent, and in the  
12 ocular fluid or the eye fluid, that was a 0.331 percent  
13 blood alcohol.

14 Q.   Was that considered an impaired level of alcohol?

15 A.   Yes, we would go by what's in the blood cause, with  
16 ocular fluid, we test that to see what -- how it's kind of  
17 coming or going because the ocular fluid lags behind. So  
18 if it's -- if you're rising still, the ocular fluid's gonna  
19 be lower than the blood and vice versa. If that person or  
20 the individual's coming down, then the ocular fluid is  
21 gonna be a little bit higher than the blood is as well.

22           So, that's why we do that. It can just kind of show  
23 more of a -- a kind of history and what was going on with  
24 that.

25           But -- so we're gonna look at just the .257 in the

Kevin Selinsky - Direct examination  
By Ms. Bruck

1 blood cause that's more what was representative of what's  
2 going on in the body in the individual at that time. And,  
3 yes, that is a fairly substantial amount.

4 Q. And just to clarify what you just said, because the  
5 ocular fluids lags, at some point that blood alcohol would  
6 of been higher?

7 A. Yeah, you -- yes, you would assume that cause ocular  
8 fluid lags behind. As what, it'd be hard to say for what.  
9 But, yes, it was likely higher and they started to trend  
10 downwards.

11 Q. .257, what, what is the legal limit to drive in the  
12 State of South Carolina?

13 A. .08.

14 Q. So kind of another way of phrasing maybe more simple,  
15 it -- this individual had reached his peak level of  
16 impairment since, since ocular level was higher.

17 Is that safe to say?

18 A. Not necessarily. Not necessarily his peak level  
19 apparently cause you could always have drank more and become  
20 more impaired. I think you mean more like his peak level.  
21 He was already down from his peak level at this---

22 Q. Right.

23 A. ---at this given---

24 Q. At this time.

25 A. ---occasion, yes.

Kevin Selinsky - Direct examination  
By Ms. Bruck

1 Q. Okay. Thank you, sir.

2 Can you tell when he last consumed alcohol?

3 A. No.

4 Q. And understanding that this can vary significantly from  
5 person to person, what might you expect to see in someone  
6 with an alcohol level that high?

7 A. They're definitely gonna be past the socially  
8 acceptable reason why most people drink to kind of get to  
9 that to kind of loosen up. They're gonna be confused.  
10 Everything could be exaggerated. Definitely past decrease  
11 inhibitions, kind of doing things you wouldn't have done  
12 otherwise. Could be emotionally unstable in any sort of  
13 which direction cause you're doing things you wouldn't  
14 normally do in a sober state.

15 Q. Now, would you expect to see a difference with that  
16 high of a BAC between a heavy drinker and a light drinker?

17 A. No, not really. Really all -- the biggest difference  
18 with heavy and light is, a heavy drinker, their blood  
19 alcohol is gonna lower a lot quicker. So it's generally  
20 gonna take -- it's gonna start to come down a lot faster  
21 cause they have a lot more of the enzymes in their body.

22 So, generally to get up that high, it's gonna take a  
23 lot more alcohol to get to that. If you have somebody that  
24 doesn't drink very often, and they have just a couple of  
25 beers, now granted they're probably not gonna be this high,

Kevin Selinsky - Direct examination  
By MS. Bruck

1 but they're gonna be higher than they would be if they were  
2 to drink on a regular basis.

3 So, if the -- if you're at a -- cause like if you go to  
4 like the 08 level, if you're at an 08, you're -- arguably if  
5 you're lower. If you're impaired and you're at, you're at  
6 an 08, you're at on 08 regardless. It might change how much  
7 alcohol it took to get to that point. But you're at that  
8 level of this case, a .257, regardless of -- it probably  
9 took him a lot more alcohol to get to this point if you're a  
10 heavy drinker versus a naive drinker. But the levels are --  
11 you kind of expect the same.

12 Q. So does gross motor impairment differ from person to  
13 person?

14 A. Yeah, for sure. Like what, what can happen, what can  
15 be different, yeah. If you're talking about it in terms  
16 of -- going back to the driving, for example, it's a complex  
17 task. You can't do things like that. You're not able to do  
18 complex tasks like that. But in terms of what you're  
19 actually doing as opposed to doing those normal tasks would  
20 vary greatly, yes.

21 Q. And would you agree with me that alcohol can enhance  
22 inherent traits in a person?

23 A. Yes.

24 Q. So if someone's prone to anger, alcohol can increase  
25 that?

Kevin Selinsky - Direct examination  
By Ms. Bruck

1 A. It can, yes.

2 Q. Make them more likely to kind of fly off the handle  
3 perhaps?

4 A. That's a possibility, yes.

5 Q. And would it affect the decision making process?

6 A. That it most definitely does, yes.

7 Q. Did you do a drug panel on these samples?

8 A. Yes, we did.

9 Q. And what were the results of that?

10 A. Everything that we tested for was negative and, like I  
11 said, the only thing we found was the ethanol.

12 Q. Okay. And did you test for MDMA?

13 A. Yes, that would be under the -- in that class, it's  
14 amphetamines, the first one, and methamphetamine kind of in  
15 the bottom third there.

16 Q. And did you test for cocaine?

17 A. Yes.

18 Q. Did you test for marijuana?

19 A. Let me look. Yes.

20 Q. And all of that -- every drug panel was negative?

21 A. Correct.

22 Q. Right?

23 A. Uh-huh.

24 Q. So this report that you have in front of you -- may I  
25 approach the witness, Your Honor?

Kevin Selinsky - Direct examination  
By MS. Bruck

1 THE COURT: Yes, ma'am.

2 Q. Is this a copy of that?

3 A. Yeah. Yes. Yes, ma'am.

4 Q. And you created this report?

5 A. Yes.

6 Q. And you signed it right here?

7 A. Uh-huh.

8 MS. BRUCK: Your Honor, at this point defense would  
9 move, move to mark this as -- where we at?

10 we'd move to introduce the report into evidence as  
11 Defense Exhibit 8, Your Honor.

12 SOLICITOR SCOTT: I'm trying to think. He just  
13 testified to it.

14 We're admitting the report now?

15 THE COURT: That's what she's asking.

16 SOLICITOR SCOTT: Okay. I don't know the objection. I  
17 just don't really ever see that done.

18 THE COURT: The objection is hearsay.

19 SOLICITOR SCOTT: Yeah. Well, he -- okay. I object as  
20 hearsay then. I, I know reports don't typically come in in  
21 that, that fashion after it's testified to.

22 THE COURT: All right. Your objection's sustained.

23 (WHEREUPON, the report was marked as Defendant's  
24 Exhibit No. 8 for identification purposes only at this  
25 time.)

Kevin Selinsky - Cross-examination  
By Solicitor Scott

1 MS. BRUCK: Nothing further. Thank you.

2 THE COURT: All right. Cross0examination.

3 CROSS-EXAMINATION

4 BY SOLICITOR SCOTT:

5 Q. Agent Selinsky, Selinsky, you are a law enforcement  
6 agent for SLED, correct?

7 A. Technically. But I personally don't consider myself  
8 one, no.

9 Q. Okay.

10 A. I like to be separate.

11 Q. But you work---

12 A. I mean I---

13 Q. ---for the State Law Enforcement Division?

14 A. I, I do. But I, I -- yes, technically I, I work for  
15 the State Law Enforcement Division. But I don't carry a  
16 gun. I don't.

17 Q. Oh, okay. You don't have to do Criminal Justice  
18 Academy and all that?

19 A. We go -- we use to go for legals. Years and years ago  
20 before I started everybody used to go in the lab and they  
21 use to all carry, which was---

22 Q. I did not know that.

23 A. Yes.

24 Q. Well, I guess -- would you agree with me that there's  
25 nothing illegal about sitting in your bedroom and getting

Kevin Selinsky - Cross-examination  
By Solicitor Scott

1 drunk as a skunk?

2 A. Yes, there is not.

3 Q. There's nothing illegal about it?

4 A. Hu huh.

5 Q. What about buying Ecstasy?

6 Do you know if that's legal or not?

7 A. Well, I'm assuming buying it is illegal, yes.

8 Q. Illegal?

9 A. Illegal, yes.

10 Q. All right. Okay. All right. At a .257, that, that is  
11 clearly drunk?

12 A. Yes.

13 Q. And so when you, when you get that drunk, you expect to  
14 see sluggishness, correct?

15 A. You could as well getting up that high as well for  
16 sure.

17 Q. Well, I mean is your dexterity increased when you get  
18 that drunk?

19 A. No. But I -- just I mean -- there's people out there  
20 that like to drink a lot and---

21 Q. Sure.

22 A. ---I've, I've been surprised what some people are able  
23 to deal with.

24 Q. You wouldn't recommend Olympic sprinters to get .257  
25 drunk before they---

Kevin Selinsky - Cross-examination  
By Solicitor Scott

1 A. No. And I certainly would not get in a car with  
2 somebody like that either.

3 Q. And it doesn't increase strength, does it?

4 A. Not inherently, no.

5 Q. Okay. You become quicker or more sluggish when you get  
6 that drunk?

7 I mean can you answer that?

8 A. Most -- probably leaning towards more sluggish. It  
9 could be more unstable. So I guess you could be doing---

10 Q. A lot of people get pretty sleepy when they get that  
11 drunk, don't they?

12 A. That's a possibility as well. But, like I said, some,  
13 some people are a heavy drinker. I mean a naive drinker at  
14 that level is gonna be a completely different person than  
15 somebody that drinks on a regular basis.

16 Q. So moving back to Ecstasy, that is a psychoactive mind  
17 altering drug, is it not?

18 A. It is.

19 Q. Some of the side affects are elevated anxiety.  
20 would you agree?

21 A. Yeah, cause you -- paranoia is gonna come with the  
22 drugs. So yeah.

23 Q. If you take Ecstasy, you might be more anxious than  
24 normal. You might experience paranoia.

25 A. You would be in an alt -- a very altered state kind of

Kevin Selinsky - Cross-examination  
By Solicitor Scott

1 taking it to get high, just kind of experiencing like  
2 possibly an out of body experience. Some people can  
3 describe it as that.

4 Q. So like hallucinating sometimes?

5 A. You can, yes.

6 Q. Okay. So you might see things that maybe aren't even  
7 there?

8 A. Possibly. Depending on what levels for.

9 Q. And blurred vision sometimes?

10 A. Yeah, that can, that can definitely become probably. I  
11 mean --.

12 Q. And once you eat Ecstasy, some of those affects can be  
13 three to eight hours even?

14 A. Yeah, most drugs, excuse me, if you take them at that  
15 orally, it's gonna take a lot longer, not say a lot longer,  
16 just longer to get through the body to get to the blood to  
17 be active.

18 Q. All right. Did you have an opportunity to test Jaylen  
19 Bell's blood?

20 A. We did not.

21 Q. Okay. Thank you. Nothing further.

22 THE COURT: Redirect.

23 MS. BRUCK: Just briefly, Your Honor.

24 REDIRECT EXAMINATION

25 BY MS. BRUCK:

Kevin Selinsky - Redirect examination  
By Ms. Bruck

1 Q. You talk about the difference between naive drinker and  
2 a heavy drinker, right?

3 A. Uh-huh.

4 Q. And would someone who drinks everyday or almost  
5 everyday be considered a heavy drinker?

6 A. Yes.

7 Q. And you said you've been surprised by what people can  
8 do at that high of a level of a blood alcohol content,  
9 right?

10 A. Yeah, the most -- I guess mainly what I mean by that is  
11 some of the levels we get for DUIs are I guess down right  
12 frightening for lack of a better word, what people are  
13 operating a vehicle with. Just high levels that they're  
14 still able to actually operate a vehicle.

15 Q. So people's physical ability can be vastly different  
16 with a BAC that high?

17 A. Yeah, you can have learned traits. So if you're kind  
18 of -- you can learn how to like -- if you're clearly  
19 impaired, you may be able to learn how to stand on a wall  
20 and kind of support yourself, little things like that, just  
21 of, of varying degrees.

22 Q. Thank you.

23 I have nothing further.

24 SOLICITOR SCOTT: Nothing from the State, Your Honor.

25 THE COURT: All right. Have a good day.

1           who's next?

2           MS. BRUCK: Your Honor, we have been going extremely  
3 quickly and I have one person who I think is on their way in  
4 right now.

5           If I could have just the most brief break?

6           THE COURT: Okay. All right. Ladies and gentlemen,  
7 let's go ahead and take our morning break. Don't discuss  
8 the case, keep an open mind. I'll be back with you in about  
9 10 or 15 minutes. Thank you very much.

10          Everyone else stay seated.

11          (WHEREUPON, the following takes place outside the  
12 presence of the jury.)

13          THE COURT: Okay. All right. Take our morning break.

14          MS. BRUCK: Thank you, Your Honor.

15          (WHEREUPON, a short recess was taken at this time.)

16          THE COURT: Okay.

17          MS. BRUCK: Your Honor, yesterday Mr. Scott advised me  
18 that he was going to attempt to elicit testimony based on  
19 jail calls that I have yet to receive. They haven't been  
20 turned over to me. I don't know what date these come from.  
21 I don't know what the contents of them are. There were --  
22 he did email them to me and I told him at about seven  
23 o'clock perhaps yesterday that I couldn't open them. He  
24 said he worked on it. I still haven't heard them.

25          Your Honor, I, I would first just make an objection to

1 any of these jail calls coming in just as a late disclosure  
2 and a discovery violation. I, I -- I'm not prepared to  
3 address them when I don't know the contents. Some of the  
4 headings seem to indicate either lack of relevance or  
5 delving into attorney/client privilege.

6 And, in addition to that, I mean if, if Your Honor's  
7 not inclined to just keep any mention of these phonecalls or  
8 any questioning about these phonecalls out because they're  
9 being mentioned so late in the game and not turned over,  
10 Your Honor, I think it allows for a great deal of prejudice  
11 in the mind of the jury cause ultimately it's gonna come out  
12 that Jaylen's been incarcerated at least some of this time.

13 We've gone to great length to protect him from that and  
14 I, I -- I'm just simply not prepared to address them, Your  
15 Honor.

16 SOLICITOR SCOTT: Really just -- I intend on just  
17 asking him about some of the content of it. He can accept  
18 it or, or deny it.

19 MS. BRUCK: What content?

20 SOLICITOR SCOTT: He talks about having anger issues,  
21 which is relevant to this case.

22 THE COURT: Okay.

23 SOLICITOR SCOTT: He discusses the need to appear young  
24 before the jury, which---

25 THE COURT: Okay.

1 SOLICITOR SCOTT: ---may or may not be relevant just  
2 depending on the direct examination and, and that would be  
3 the extent of it.

4 THE COURT: Okay. All right.

5 MS. BRUCK: Then -- and, Your Honor, if I may, when  
6 someone's been incarcerated for that length of time, in  
7 every conversation that they're having with their family is  
8 recorded. I mean things are gonna come in that, A, aren't  
9 relevant and, B, when set up in a certain way, could  
10 prejudice them you know.

11 THE COURT: Well, I mean what I hear Mr. Scott saying  
12 is he intends on -- he may or may not ask questions of that  
13 nature. I mean -- and it's gonna depend on what happens in  
14 the direct examination, number one. He may not ask any of  
15 those questions. But I mean he has a good faith basis to  
16 ask those questions. He would be allowed to ask these  
17 questions even if there weren't jail phonecalls.

18 So, now, you know, the issue as to whether or not the  
19 extrinsic evidence of them is admissible if, depending upon  
20 Mr. Bell's answer to the questions if they're asked, is a  
21 different analysis but --.

22 MS. BRUCK: Your Honor, just -- I mean one, one last  
23 objection that I would make on those.

24 THE COURT: I mean we---

25 MS. BRUCK: ---grounds---

1 THE COURT: We admit jail phonecalls and, I don't know,  
2 more than 50 percent of all cases.

3 MS. BRUCK: I've always had them turned over to me---

4 THE COURT: Well---

5 MS. BRUCK: ---prior to admission.

6 THE COURT: And, and I think it's a big difference if  
7 they're using it in their case in chief then whether or not  
8 they're using it for cross-examination.

9 MS. BRUCK: And, Your Honor, I, I understand you've  
10 made your ruling. I do just want to point out --

11 THE COURT: I mean if they were calling -- if they were  
12 in their case in chief and they were calling a witness to  
13 authenticate the jail phonecall to put in there that he said  
14 something and he hadn't turned it over, I would say you're  
15 exactly right, that's out. But I mean, I mean -- we -- he  
16 doesn't even have to say -- depending upon Mr. Bell's answer  
17 to the question, he doesn't even have to admit he was in  
18 jail.

19 MS. BRUCK: The only, the only thing about that point,  
20 Your Honor, is no one is used to having a constant  
21 monitoring device on every single conversation we've had  
22 with every loved one for almost three years and one could  
23 answer a question in good faith and there would not be a  
24 recording to play to the jury of what they'd actually said.  
25 You know, someone could genuinely say I never, I never said

1 that because we -- our, our brains -- our memories don't  
2 work that way. We don't remember every conversation we've  
3 had---

4 THE COURT: Well---

5 MS. BRUCK: ---for the past three years.

6 THE COURT: ---that sounds like redirect.

7 MS. BRUCK: Your Honor, Mr. Scott also, just during the  
8 break, showed me a number of photos that he's printed off of  
9 social media that I guess he intends to introduce. They're  
10 highly prejudicial. Some of them don't identify Mr. Bell  
11 but many of them do.

12 THE COURT: What, what are the photos?

13 SOLICITOR SCOTT: They're from his Facebook account and  
14 they show him with various weaponry. One is almost  
15 identical to the one he describes used in this incident and  
16 I do not intend to introduce them. I intend to show him on  
17 the stand, again depending on the line of questioning, you  
18 know, I, I think it's relevant here based on the facts of  
19 this case.

20 THE COURT: All right. We'll have to take them up as  
21 they come up.

22 All right. So we're gonna unshackle him.

23 THE OFFICER: He's already---

24 THE COURT: Has he been unshackled?

25 THE OFFICER: Yes.

1 THE COURT: Okay. Good. So you can walk up to the  
2 witness stand without any shackles on.

3 THE DEFENDANT: Oh.

4 THE COURT: Not right now. No, when the jury's in here  
5 and I figured they may get you down and I don't know if  
6 they're gonna try to get you to recreate something or not  
7 but you're, you're unshackled as of now.

8 All right.

9 MS. BRUCK: I'm sorry. One other thing and I, I may be  
10 getting ahead of myself. But in the previous trial I saw  
11 with Mr. Scott he attempted to use a dummy gun. Is -- if  
12 his intention's to do the same here, I would object to that.

13 THE COURT: Okay.

14 SOLICITOR SCOTT: I had a lot of spectators last week  
15 apparently. I think the whole P.D.'s office was in here  
16 watching me at one point. Probably not with this particular  
17 witness. But it, it is a, a good piece of demonstrative  
18 evidence when somebody attempts to describe how a gun fight  
19 occurred.

20 THE COURT: I mean you can use it for demonstrative  
21 purposes.

22 SOLICITOR SCOTT: Sure.

23 THE COURT: It's not gonna be admitted into evidence as  
24 an exhibit.

25 MS. BRUCK: And just during the stand your ground, Your

1 Honor, Mr. Scott questioned Mr. Bell at length about a poten  
2 -- about his particular ability to put his finger between  
3 the trigger. Unless we have the exact replica of the gun, I  
4 would argue that he not be permitted to have that particular  
5 demonstration happen cause it's misleading.

6 SOLICITOR SCOTT: I -- judge, I, I don't know what all  
7 I'm, I'm gonna ask in this. It really depends on their  
8 direct examination. I don't foresee me ever offering a  
9 replica and, and claiming it as a match for the gun he used  
10 simply because we, we don't have that gun. He got rid of  
11 it.

12 So I'm not gonna have him do anything of the like. I  
13 wish he wouldn't of hidden the gun cause then we could use  
14 the actual gun for demonstration. But I'm not gonna do  
15 that.

16 THE COURT: Okay. All right. Bring them in.

17 (WHEREUPON, the following takes place within the  
18 presence of the jury.)

19 THE BAILIFF: All jurors are seated, Your Honor.

20 THE COURT: All right. Welcome back, ladies and  
21 gentlemen.

22 We are now continuing with the presentation of the  
23 defense's case and you may call your next witness.

24 MS. BRUCK: Thank you, Your Honor.

25 Defense calls Jaylen Westly Bell.

1 THE COURT: All right. Come on up, Mr. Bell, and be  
2 sworn please, sir.

3 THE BAILIFF: (Indiscernible). Face the clerk.

4 THE CLERK: And raise your right-hand. State your full  
5 name please.

6 THE WITNESS: Jaylen Westly Bell.

7 THE CLERK: Speak up.

8 THE WITNESS: Jaylen Westly Bell.

9 THE CLERK: Spell your first name please.

10 THE DEFENDANT: J-A-Y-L-E-N.

11 JAYLEN BELL, being first duly  
12 sworn, testified as follows:

13 THE CLERK: Thank you. Have a seat.

14 DIRECT EXAMINATION

15 BY MS. BRUCK:

16 Q. Good morning, Jaylen.

17 A. Good morning.

18 Q. Can you introduce yourself to the jury?

19 A. Jaylen Westly Bell.

20 Q. And how old are you, Jaylen?

21 A. Twenty-one.

22 Q. Where were you born?

23 A. Columbia, South Carolina.

24 Q. You lived here your whole life?

25 A. I did.

Jaylen Bell - Direct examination  
By Ms. Bruck

- 1 Q. And how old were you in November 24<sup>th</sup>, 2019?
- 2 A. Eighteen.
- 3 Q. Who were you dating at the time?
- 4 A. Stephanie.
- 5 Q. Stephanie Jackson?
- 6 A. Correct.
- 7 Q. And where did you wake up on that day, November 24<sup>th</sup>?
- 8 A. Stephanie's house in Ridgeway.
- 9 Q. And what'd y'all do after you got up that day?
- 10 A. We woke up around I think, if I'm not mistaken, about
- 11 4:00 that evening. Woke up, kind of ate, the regular, and
- 12 that's about it until I got a phonecall from my cousin.
- 13 Q. Why'd you wake up so late?
- 14 A. We had been up all night playing with Isiah.
- 15 Q. Who's Isiah?
- 16 A. That's Stephanie son.
- 17 Q. She calls him Ike?
- 18 A. Correct.
- 19 Q. And how old was he at the time?
- 20 A. One if I'm not mistaken.
- 21 Q. So you mentioned you got a call from your cousin.
- 22 Who was that?
- 23 A. Cornelius.
- 24 Q. Cornelius --?
- 25 A. Green.

Jaylen Bell - Direct examination  
By Ms. Bruck

1 Q. Cornelius Green.

2 And what did you do when you got that phonecall?

3 A. We had talked a little bit. He told me he had, he had  
4 wanted me to meet him at his mama house, which is my  
5 grandma, who I call my grandma, Leilamae.

6 Q. He wanted you to meet him at Leilamae's house?

7 A. Correct.

8 Q. And where's that house located?

9 A. [REDACTED] Dubard-Boyle Road.

10 Q. Now is that Leilamae's house?

11 A. No, that's not Leilamae's house. It's on the same land  
12 though but that's my Aunt Neco's house.

13 Q. Okay. And then there's like a little trailer off close  
14 to it?

15 A. Yeah, it right beside each other.

16 Q. Okay. The people who live in the trailer, they're not  
17 your family, right?

18 A. No, I'm related -- oh, the trailer you talking about,  
19 that's beside the land?

20 Q. Right.

21 A. I honestly don't even know. They, they might as well  
22 be.

23 Q. Now, did you and Stephanie decide to go to  
24 Dubard-Boyle?

25 A. We did.

Jaylen Bell - Direct examination  
By Ms. Bruck

- 1 Q. And did y'all go over there often?
- 2 A. Time to time.
- 3 Q. About what time do you think you arrived at the house?
- 4 A. Around five o'clock, 5:15.
- 5 Q. And who was driving?
- 6 A. Stephanie.
- 7 Q. And who all was in the car with you?
- 8 A. It was just me, Stephanie, Isiah.
- 9 Q. Okay. And when you get to the house, what do you do?
- 10 A. I get out the car. Stephanie stay in the car. My
- 11 cousin, Quala, came to the car to talk to Stephanie and I
- 12 was at the fire barrel with most of my male families.
- 13 Q. Who were you talking to at the fire barrel?
- 14 A. My dad, a few of my cousins.
- 15 Q. Mostly family over there?
- 16 A. Correct.
- 17 Q. Was Demetrius Floyd there?
- 18 A. He was.
- 19 Q. Did y'all exchange any words?
- 20 A. Not at the moment.
- 21 Q. What happened after that?
- 22 A. We was pretty much just hanging out by the barrel. I
- 23 had started talking to my cousin, Cornelius. I had got a
- 24 phonecall from my cousin, Raheem, and he had wanted me to
- 25 come over to Colonial.

Jaylen Bell - Direct examination  
By Ms. Bruck

1 Q. Okay. And what'd you do after that?

2 A. I just finished talking to Cornelius. But, after that,  
3 I had told Stephanie I wanted to go to Colonial.

4 Q. And what'd y'all do after that?

5 A. She said it was fine. I guess that her and  
6 Stephanie -- Quala and Stephanie, you know, finished their  
7 conversation or whatever they was talking about. So I had  
8 told her that she could ride with us but she had said she  
9 had to let Meatball know.

10 Q. Okay. And did you let Meatball know?

11 A. I, I did. I actually went to ask him was it fine for  
12 Quala to ride with us.

13 Q. Let me ask you a little bit about Meatball.

14 what was he to Jaquala?

15 A. Boyfriend and girlfriend.

16 Q. Okay. And how long have you known him for?

17 A. Not too long. I can't really put a time on it.

18 Q. More than a year?

19 A. I say about a year.

20 Q. About a year.

21 And Jaquala was married at this time, right?

22 A. She was.

23 Q. What's her husband's name?

24 A. Charles.

25 Q. Was this relationship that Meatball and Jaquala were

Jaylen Bell - Direct examination  
By Ms. Bruck

- 1 having causing any issues with her and Charles?  
2 A. Well, pretty much.  
3 Q. Had Charles come to you about---  
4 A. He did.  
5 Q. ---this whole situation?  
6 A. He did one time. We talked.  
7 Q. And why'd he -- why did he approach you I think?  
8 A. I'm not really sure about the situation that happened  
9 but something had happened. I don't know if it was a verbal  
10 altercation or a physical. But I know it led to him, you  
11 know, pulling up on me. So we had talked at Carriage House.  
12 He was just telling me pretty much how he felt and what was  
13 going on.  
14 Q. He's telling you his feelings?  
15 A. Correct.  
16 Q. How old is Charles?  
17 A. I don't know. Maybe late thirties.  
18 Q. And Jaquala?  
19 A. In her thirties too.  
20 Q. And Meatball?  
21 A. Thirties.  
22 Q. Now, I understand this whole situation was causing  
23 some, some drama in your family but had you ever had an  
24 argument with Meatball?  
25 A. Nah, I didn't.

Jaylen Bell - Direct examination  
By Ms. Bruck

1 Q. Had you ever had any kind of physical altercation with  
2 Meatball?

3 A. Not at all.

4 Q. And so you approached him and you said hey, is it okay  
5 if I take your girlfriend, my cousin, and we go---

6 A. To Colonial.

7 Q. ---we leave the house, go to Colonial?

8 A. Correct.

9 Q. And he was okay with that?

10 A. He was.

11 Q. Any weird vibes, any sense of anything being off when  
12 you asked that?

13 A. Not at all.

14 Q. And so then what did y'all do?

15 A. I had got in the car. We had headed over to Colonial,  
16 Colonial Drive.

17 Q. And that was to see who?

18 A. Raheem home.

19 Q. And was that a, a house or an apartment?

20 A. That was a house.

21 Q. Okay. And when you got there, what did Jaquala and  
22 Stephanie do?

23 A. They stayed in the car. I'm the only one that got out.

24 Q. Why'd they stay in the car?

25 A. To finish their conversation and then -- oh, when I go

Jaylen Bell - Direct examination  
By Ms. Bruck

1 over there and I'm with Stephanie or if Quala was, you know,  
2 they don't really get out. They stay in the car.

3 Q. Okay. And what'd you do over at Colonial?

4 A. Nah, just chilling, hanging out, talking with the boys,  
5 Raheem, and my cousin, Swipe, and a few of their homeboys.

6 Q. And how long were you there?

7 A. I was there for -- I don't know. Maybe about a good  
8 30, 45 minutes.

9 Q. Okay. And then what happened?

10 A. That's when Stephanie told me that she was hungry and,  
11 Jaquala -- I'm not sure if it was Jaquala or my Aunt Neco,  
12 one of them had to cook lasagna, and we had planned to eat  
13 lasagna over there. So she said she was gonna go get her a  
14 plate. She asked me could I change Isiah before she left.  
15 I told her I'd just keep Isiah with me and y'all just go  
16 ahead.

17 Q. Okay. So you took Isiah and the girls left?

18 A. Correct.

19 Q. Was it unusual for you to take care of Isiah?

20 A. Not at all.

21 Q. And about how long did it take them to get back to  
22 Colonial Drive?

23 A. About 25 minutes.

24 Q. And what happened after that?

25 A. They came back. Swipe had let me know they was

Jaylen Bell - Direct examination  
By Ms. Bruck

1 outside. Came outside to see if they was straight. I asked  
2 Step was she ready to go back home and she said she wasn't  
3 really rushing to get home. So, I kind of conversated with  
4 the guys for a little bit longer. Then we end up leaving.

5 Q. Now, around this time, was someone in the car trying to  
6 get drugs?

7 A. Jaquala was.

8 Q. Was that unusual?

9 A. Was it unusual?

10 Q. (WHEREUPON, there was no audible response.)

11 A. No.

12 Q. And what'd y'all do?

13 A. We headed somewhere on Beltline right past the  
14 Colonies. Then she had got out, you know, to try to get the  
15 Ecstasy but she ain't get it.

16 Q. Did you help her at all?

17 A. As far as a ride. But other than that --.

18 Q. So she does not get any Ecstasy.

19 Is that right?

20 A. Not at all.

21 Q. Do you know -- well, let me, let me move on.

22 What'd y'all do after Beltline?

23 A. After we left Beltline we went back to my Aunt Neco's  
24 house.

25 Q. And do you know if Jaquala had drugs at that point?

Jaylen Bell - Direct examination  
By Ms. Bruck

- 1 A. Talking about on the way to my Aunt Neco's house?  
2 Q. (WHEREUPON, there was no audible response.)  
3 A. Nah, she didn't. Not that I know of.  
4 Q. Do you know if she had drugs at your Aunt Neco's house?  
5 A. I'm not sure.  
6 Q. And what time did y'all get back there?  
7 A. 9:00. Probably like nine, nine o'clock.  
8 Q. And what happens when you get back to the house?  
9 A. When we get there everybody get out the car. Stephanie  
10 went inside to fix Isiah -- oh, to wash Isiah bottles and  
11 fix him some milk. Quala went out. She was suppose to fix  
12 me my plate of lasagna and I had went by the fire barrel.  
13 Q. So you stayed outside?  
14 A. Yeah, I was outside.  
15 Q. Now I'm gonna show you what's been marked as Defense  
16 Exhibit 6.  
17 Okay, Jaylen?  
18 A. All right.  
19 Q. What do you see here?  
20 A. That's a picture of the front of the land that my Aunt  
21 Neco and my grandma, Leilamae, stay on.  
22 Q. And is this where Stephanie parked?  
23 A. Correct.  
24 Q. Okay. Was there anyone new at that house when you went  
25 back in the evening?

Jaylen Bell - Direct examination  
By Ms. Bruck

1 A. No one besides my little cousin, Jamaria.

2 Q. Okay. And how old's Jamaria or how old was she back  
3 then?

4 A. If I'm not mistaken, I think she was 13.

5 Q. So you're in the front yard. You're by the barrel.  
6 Right?

7 A. Correct.

8 Q. And what happened next?

9 A. I was by the barrel for a good I'd say about five to  
10 seven minutes. Then I see Stephanie, Jamaria, and Isiah  
11 come outside.

12 Q. You saw Stephanie, Jamaria, and Isiah come outside  
13 after how long?

14 A. Five to seven minutes.

15 Q. Okay. And how did they -- how did Stephanie appear to  
16 you?

17 A. She was upset. My cousin, Jamaria, was too. After --  
18 I could tell Stephanie was upset by the tone of her voice  
19 and Jamaria expression on her face.

20 Q. So they both seemed upset to you?

21 A. Correct.

22 Q. And what'd y'all do?

23 A. After they came out, I had heard Stephanie tell Jamaria  
24 that she don't need to be here during that. But I ain't  
25 really catch what was going on at the moment. They went and

Jaylen Bell - Direct examination  
By Ms. Bruck

1 got in the car. So, I kind of -- oh, I was smoking a  
2 cigarette. I kind of finished the cigarette and went and  
3 got in the car.

4 Q. Okay. And what happened when y'all got in the car?

5 A. When we got in the car, Stephanie told me she was  
6 taking Jamaría to her dad house and I had asked her what  
7 happened and she didn't say nothing. I was about to ask  
8 Jamaría but I ain't even get to get the question out and she  
9 told me what happened.

10 Q. And what did she tell you?

11 A. She told me that Meatball had put his hands on Jaquala.

12 Q. Did she tell you any specifics?

13 A. Not right at the moment.

14 Q. Did that surprise you?

15 A. Not at all.

16 Q. And why not?

17 A. Cause it happened a lot.

18 Q. Have you seen it happen before?

19 A. I seen a few occasions.

20 Q. What have you seen Meatball do to Jaquala?

21 A. With both of the situation I seen, like I said, I don't  
22 know what occurred to get to a physical altercation but I  
23 have see---

24 SOLICITOR SCOTT: Your Honor, objection to specific  
25 instances unless it is closely connected in time and

Jaylen Bell - Direct examination  
By Ms. Bruck

1 occasion to the event.

2 THE COURT: We need some more foundation.

3 MS. BRUCK: Your Honor, he's testifying to instances  
4 that he's aware of.

5 THE COURT: I know. We need more foundation as to  
6 time, place, location, more than just generalizations.

7 Q. Okay. Jaylen, you testified that you saw Meatball put  
8 his hands around---

9 A. Her neck, correct.

10 Q. ---Jaquala's neck?

11 where did that happen?

12 A. At Carriage House.

13 Q. And when did that happen?

14 A. I know it's before November, 2019. I could say maybe  
15 like September.

16 Q. Some time in the Fall of 2019?

17 A. Correct.

18 Q. And you'd only known Meatball for almost a year, right?

19 A. Correct.

20 Q. So everything you're telling me has happened in the  
21 past year before November of 2019---

22 A. Correct.

23 Q. ---right?

24 what else have you seen Meatball do to Jaquala?

25 A. The first occasion I just seen him choked her and the

Jaylen Bell - Direct examination  
By Ms. Bruck

- 1 second one I seen him actually slap her.
- 2 Q. And where did you see him slap her?
- 3 A. In the same place, Carriage House.
- 4 Q. And Carriage House is the apartment that she shares  
5 with her husband?
- 6 A. Correct.
- 7 Q. Had you ever seen Meatball do anything to Jaquala at  
8 your Auntie Neco's house?
- 9 A. No.
- 10 Q. Had you ever seen any injuries on your cousin, Jaquala?
- 11 A. Yeah, a few bruises every now and then and kind of got  
12 kind of normal to be honest.
- 13 Q. Have you ever intervened?
- 14 A. No, I didn't.
- 15 Q. And why not?
- 16 A. I mean they was older. I just left it up to them.
- 17 Q. They were older?
- 18 A. Yeah. Correct.
- 19 Q. Now, you said it didn't surprise you that Jamaría --  
20 I'm sorry, that, that Meatball put his hands on Jaquala.  
21 Was there anything unusual about what Jamaría said  
22 though?
- 23 A. Yeah, it justed (sic) surprised me that he had done put  
24 his hands on Jaquala in front of her.
- 25 Q. And why is that?

Jaylen Bell - Direct examination  
By Ms. Bruck

- 1 A. Cause I never heard nor seen it happen before.
- 2 Q. Cause Jamaria is Jaquala's child?
- 3 A. Correct.
- 4 Q. Every other time you've been present when Meatball was
- 5 abusing Jaquala, her children might of been around?
- 6 A. No, they wasn't.
- 7 Q. How'd this make you feel?
- 8 A. I was upset but I was more curious and upset about the
- 9 fact that he hadn't done it in front of Jamar.
- 10 Q. Okay. When Jamaria and Stephanie and you first got in
- 11 the car, did you know where y'all were going?
- 12 A. Yeah, Stephanie told me she was gonna take Jamaria to
- 13 her dad's house.
- 14 Q. Okay. And what happened after Jamaria told you that
- 15 she'd seen Jaquala get hit by Meatball?
- 16 A. As we was putting -- I had asked Jamaria did she wanted
- 17 to go to Ridgeway with us instead of Carriage House.
- 18 Q. And what did she say?
- 19 A. She said yeah.
- 20 Q. So what did y'all do?
- 21 A. That's when she notice she ain't have no clothes. So
- 22 we kind of left out and came right back in --
- 23 Q. And---
- 24 A. -- so she can go in the house and get clothes.
- 25 Q. You make a circle in the driveway?

Jaylen Bell - Direct examination  
By Ms. Bruck

- 1 A. Correct.
- 2 Q. You didn't drive down the street?
- 3 A. No.
- 4 Q. How long were you in the car?
- 5 A. Thirty seconds to the most.
- 6 Q. And then what happened?
- 7 A. When we pulled back in, Jamaría got out to go get some  
8 clothes. I had got out with her to make sure she was  
9 straight going into the house where it had happened at.
- 10 Q. So you walked into the house with Jamaría?
- 11 A. Correct.
- 12 Q. And what did you see when you walked in the house?
- 13 A. When we first walked in, Jamaría headed to her room. I  
14 seen Jaquala in the kitchen standing by the microwave.
- 15 Q. And how did Jaquala seem to you?
- 16 A. Upset. Her face was red.
- 17 Q. Okay. What'd you say to her?
- 18 A. I asked her what was going on and what had happened.
- 19 Q. Did she tell you?
- 20 A. Nah, she didn't give me no response.
- 21 Q. What did you do after that?
- 22 A. After she didn't give a response, I had went to  
23 Jamaría's -- well, the room that Jamaría slept in when she  
24 was over there to make sure she was getting her clothes and  
25 she was.

Jaylen Bell - Direct examination  
By Ms. Bruck

1 Q. And after that?

2 A. I had looked past -- after I checked on Jamaria, I had  
3 looked past Jamaria's room to Quala's room and seen  
4 Meatball. That's when I went to go ask Meatball what was  
5 going on.

6 Q. You asked him what was going on?

7 A. I asked him what was going on and why he had to put his  
8 hands on Jaquala in front of Jamaria.

9 Q. Where was Meatball when you walked into this room?

10 A. He was sitting at the head of the bed.

11 Q. And where were you?

12 A. I -- right in the threshold of the room door.

13 Q. About right here?

14 A. Correct.

15 Q. So he's sitting at the head of the bed.

16 what did he say in response to your question?

17 A. Well, he said -- he ain't even reply to really the  
18 question I had asked. He started talking about Jaquala's  
19 husband and her other kids that wasn't at the house.

20 Q. How'd his tone seem to you?

21 A. He was a little loud.

22 Q. What was his demeanor like?

23 A. When I came to ask him the question, he was just  
24 sitting on the bed. He was just really just loud. You feel  
25 me?

Jaylen Bell - Direct examination  
By Ms. Bruck

1           Just off. He's off. I don't really know how to  
2 explain it.

3 Q.    What'd you do when you started going off about  
4 Jaquala's husband and her other kids?

5 A.    I had got confused. So, I had repeated my question  
6 which was why he had put his hands on Jaquala in front of  
7 Jamaría.

8 Q.    And what'd he say?

9           SOLICITOR SCOTT: Objection---

10 A.    He did the same---

11           SOLICITOR SCOTT: ---to hearsay unless it's an  
12 exception.

13           THE COURT: What's the exception?

14           MS. BRUCK: Your Honor, in, in a self-defense case, I  
15 think everything that leads up to the altercation can come  
16 in. It's not for the truth of the matter asserted. It's  
17 for the way the conversation happened and what led to the  
18 incident. We can proffer if you'd like.

19           THE COURT: Mr. Scott.

20           SOLICITOR SCOTT: I just -- I don't think that's a  
21 hearsay exception, Your Honor.

22           THE COURT: Yeah, I didn't know---

23           MS. BRUCK: Well, we have---

24           THE COURT: ---we had a self-defense hearsay exception.

25           SOLICITOR SCOTT: I've never heard of such. But I

Jaylen Bell - Direct examination  
By MS. Bruck

1 think they can talk about his demeanor, which they have, and  
2 any kind of aggressive behavior. But the substance of the,  
3 of the, the conversation -- if -- and, and I'm not trying  
4 to, you know, prevent you from getting it out. But the  
5 rules don't allow it.

6 MS. BRUCK: And, Your Honor, if we can proffer, I think  
7 we can demonstrate that the rules absolutely would allow it  
8 to go to Jaylen's demeanor. I mean -- I'm sorry. To go to  
9 Jaylen's perceived threat at the moment.

10 THE COURT: All right. I'll allow you to ask the  
11 question.

12 MS. BRUCK: Thank you.

13 So, Jaylen, did he make any threat to you?

14 A. Yeah, it led to him saying that he would beat my ass.

15 Q. And this is after you asked him, you know, what's going  
16 on?

17 A. Correct.

18 Q. And after he gave you that non sequitur answer?

19 A. Correct.

20 Q. He said he was going to beat your ass?

21 A. Correct.

22 Q. What did you do when you said he was gonna beat your  
23 ass?

24 A. Oh, that's a good -- well, he eventually stood up and  
25 he start reaching in his pocket like he was fishing for

Jaylen Bell - Direct examination  
By Ms. Bruck

1 something.

2 Q. And what did you do?

3 A. I thought it was a knife or something. Well, when he  
4 came out his pocket he didn't come out with nothing.

5 Q. Okay. So he doesn't have anything in his hand?

6 A. Correct.

7 Q. Why did you think it was a knife that he was fishing  
8 for?

9 A. I didn't see anything else that I could, you know,  
10 assume it was or either think it was.

11 Q. And what happened after, after that?

12 A. It led to him shoving me. So, I had shoved him back  
13 and he had shoved me again. So, I shoved him a little  
14 harder. Then he stumbled and bounced on the bed and that's  
15 when he reached over himself with his left hand between the  
16 mattress and the wall and came up with a gun.

17 Q. Okay. So just to make this crystal clear, who shoved  
18 who first?

19 A. Meatball shoved me first.

20 Q. And what did you do in response?

21 A. I had shoved him back.

22 Q. And then what happened?

23 A. He shoved me again and I shoved him a little harder.

24 Q. And did he fall onto the bed?

25 A. He kind of like stumbled and sat down on the bed.

Jaylen Bell - Direct examination  
By Ms. Bruck

1 Q. And then what happened?

2 A. That's when he reached across himself with his  
3 left-hand and came up with a gun from between the mattress  
4 and the wall.

5 Q. And what did he do with that gun?

6 A. He had pointed it at me.

7 Q. Was he still seated or was he standing?

8 A. He was seated when he pointed the gun at me but he  
9 stood up afterwards.

10 Q. And where was the gun pointed?

11 A. Chest/neck area.

12 Q. Did he say anything?

13 A. Like yeah, yeah. I took that as a like basically he  
14 felt like he had the advantage in the situation.

15 Q. What about saying yeah made --?

16 A. It's just the way he said it, the way he said it. I  
17 got something. I don't want to say he bragging but like I  
18 don't really know how to explain it.

19 Q. You said he -- the what -- his tone and him pointing  
20 the gun at you made you feel like he had the advantage in  
21 this situation?

22 A. Correct.

23 Q. And what did you say in response to that?

24 A. I told him he could pump fake all he wanted to, that I  
25 wasn't scared.

Jaylen Bell - Direct examination  
By Ms. Bruck

- 1 Q. What do you mean by pump fake, Jaylen?
- 2 A. I can describe it?
- 3 Q. Yeah, you can describe it.
- 4 A. Basically like if -- pretty sure everybody's familiar  
5 with basketball. So it's like---
- 6 Q. Some of us are.
- 7 A. Oh, not -- okay.
- 8 Q. No, go ahead.
- 9 A. Like basically playing basketball, you know, your  
10 opponent is in front of you as in defense and then you fake  
11 like you fixing to shoot to get him to react.
- 12 Q. So you're telling Meatball you can't get a reaction out  
13 of me?
- 14 A. Correct.
- 15 Q. I don't, I don't want to put words in your mouth.  
16 Is that what you said?
- 17 A. No, you're right.
- 18 Q. You said I'm not scared?
- 19 A. Correct.
- 20 Q. You told Meatball that?
- 21 A. Correct.
- 22 Q. Why did you tell him that?
- 23 A. I told him that to buy me some time to keep him from  
24 doing anything that I thought he would do.
- 25 Q. And what'd you think he would do?

Jaylen Bell - Direct examination  
By Ms. Bruck

1 A. Shoot me, kill me.

2 Q. How did you feel in that moment?

3 A. I was scared, nervous, trying to think fast and quick  
4 on my feet.

5 Q. Did you raise your voice?

6 A. Did I raise my voice?

7 Q. (WHEREUPON, there was no audible response.)

8 A. Nah, I didn't raise my voice at all.

9 Q. What happened?

10 He's standing there, gun pointed at your chest, what  
11 happened after that?

12 A. He had took his attention off of me. He had kind of  
13 like looked past me as if like he was kind of looking up  
14 the -- towards the hallway behind me and I had took that  
15 opportunity to try to get the gun out of his hand.

16 Q. You want to come down here?

17 A. I can.

18 Q. Okay. Come down.

19 A. (WHEREUPON, the witness comes down from the stand.)

20 Q. So, if this is the bed---

21 A. This the bed here.

22 Q. ---this is the doorway.

23 A. Correct.

24 Q. You said he reached---

25 THE COURT: Deputy Wills, can you -- thank you.

Jaylen Bell - Direct examination  
By Ms. Bruck

- 1 MS. BRUCK: Oh sorry.  
2 Can everyone see it?  
3 (WHEREUPON, there was no audible response.)  
4 Q. He reached in this general area?  
5 A. Correct.  
6 Q. This is between the bed and the wall, right?  
7 A. Right.  
8 Q. And when you walked in that room, did you see---  
9 THE DIGITAL REPORTER: Speak, speak up please.  
10 MS. BRUCK: I'm sorry.  
11 THE COURT: Both, both of you need to speak up so I can  
12 hear you.  
13 Okay?  
14 THE WITNESS: All right.  
15 THE COURT: Thank you.  
16 Q. You said he reached with his left-hand?  
17 A. Correct.  
18 Q. And this is the area between the bed---  
19 A. And the wall.  
20 Q. ---and the wall?  
21 A. Correct.  
22 Q. He comes up with a gun?  
23 A. Right.  
24 Q. And he points it at your chest?  
25 A. Correct.

Jaylen Bell - Direct examination  
By Ms. Bruck

1 Q. And then what happened?

2 A. Well, that's when he looked past me and that's when I  
3 took the opportunity to try to get the gun out of his hand.

4 Q. Okay. And where'd you get the gun out of his hand?

5 A. He had the gun in his left-hand. So, I had pushed his  
6 hand to the wall with my right-hand.

7 Q. Okay. And was that -- you can have a seat.

8 A. (WHEREUPON, the witness returns to the stand.)

9 Q. I may have to call you back down but you can have a  
10 seat right now.

11 A. All right.

12 Q. You put the -- you said you put the gun against the  
13 wall?

14 A. Correct. Kind of like the doorframe.

15 Q. The doorframe.

16 So, realizing my back's to everyone, here?

17 A. Correct.

18 Q. And what happened after that?

19 A. I had jammed my finger behind the trigger so he  
20 wouldn't accidentally or purposely shoot and I had pushed  
21 him or shoved him with my left-hand and snatched the gun out  
22 of his hand with my right.

23 Q. So you have his gun now?

24 A. Correct.

25 Q. And you can just walk away, right?

Jaylen Bell - Direct examination  
By Ms. Bruck

- 1 A. Nah, I didn't really have enough time cause, when I  
2 pushed him with my left-hand, he kind of stumbled, hit the  
3 bed, and bounced back up. That's when he came at me with a  
4 closed fist.
- 5 Q. And how close is he to you?  
6 Is he this close?
- 7 A. From where I am now?
- 8 Q. (WHEREUPON, there was no audible response.)
- 9 A. Or -- maybe a little bit closer.
- 10 Q. Was he this close?
- 11 A. Like a little bit backwards. About right there.
- 12 Q. Okay. And he lunges?
- 13 A. Correct.
- 14 Q. Where is this fist?
- 15 A. Where's his fist?
- 16 Q. (WHEREUPON, there was no audible response.)
- 17 A. Well, I'll say cocked or I don't know how to say it.  
18 But kind of behind him when he was charging at me.
- 19 Q. Okay. And what did you do?
- 20 A. I just closed my eyes and fired. The last thing I  
21 remember is him charged at me with a closed fist.
- 22 Q. Where did you shoot him?
- 23 A. I don't know.
- 24 Q. Do you know how many times you shot him?
- 25 A. I wouldn't say no more than eight.

Jaylen Bell - Direct examination  
By Ms. Bruck

- 1 Q. How fast did this all happen---
- 2 A. It had---
- 3 Q. ---when you started shooting till when you stopped?
- 4 A. Pretty fast.
- 5 Q. What's the last thing that Meatball did before you shot
- 6 him?
- 7 A. Lunged at me with a closed fist.
- 8 Q. And did you say anything to him throughout this?
- 9 A. Before, before it led to him charging at me, I had told
- 10 him just to calm down. After I had got the gun from him, I
- 11 had told him just to calm down and chill in the midst of him
- 12 falling back and coming and charge at me.
- 13 Q. Was Meatball still standing when you left the room?
- 14 A. I'm not sure but I don't think so.
- 15 Q. What did you do with the gun?
- 16 A. When I exited the house, I had threw it on the couch.
- 17 Q. Where was this couch located?
- 18 A. On my right side exiting out.
- 19 Q. And what'd you do after that?
- 20 A. Went and got in the car.
- 21 Q. Did anyone else get in the car with you?
- 22 A. Yeah, Jamaría actually.
- 23 Q. And what did y'all do after that?
- 24 A. We headed to Ridgeway.
- 25 Q. Now, at some point your family starts calling

Jaylen Bell - Direct examination  
By Ms. Bruck

- 1 Stephanie, right?
- 2 A. Yeah, while we was on the way to Ridgeway.
- 3 Q. Did you tell her what happened?
- 4 A. I didn't. She asked.
- 5 Q. Why didn't you tell her?
- 6 A. Cause I didn't want her to be concerned or worry.
- 7 Q. And where did she end up taking you that night?
- 8 A. After we had got to Ridgeway, we had got -- I had got
- 9 out the car. Jamaria, we went in the house and she told me
- 10 she needed to talk to me. That's when she told me I
- 11 couldn't stay there. So I asked her to drop me off on
- 12 Colonial.
- 13 Q. Did you say anything to her at all?
- 14 A. Nah. When we had got to Colonial, I just told her I
- 15 love her.
- 16 Q. Did Jamaria say anything about what happened?
- 17 A. No.
- 18 Q. And how long were you at that house on Colonial?
- 19 A. When?
- 20 After I got dropped off?
- 21 Q. (WHEREUPON, there was no audible response.)
- 22 A. Like a few -- I don't know. Like two days.
- 23 Q. Where did you get arrested?
- 24 A. Where I got arrested?
- 25 Q. (WHEREUPON, there was no audible response.)

Jaylen Bell - Direct examination  
By Ms. Bruck

- 1 A. By the Colonies.
- 2 Q. Was that where your brother was living at the time?
- 3 A. You could say that.
- 4 Q. When you got arrested, did you tell investigators what  
5 had happened?
- 6 A. I did.
- 7 Q. And what happened after that?
- 8 A. After I told them what happened they booked me for  
9 murder.
- 10 Q. Did you tell them the truth?
- 11 A. I did.
- 12 Q. Jaylen, did you have a gun that day?
- 13 A. No, I didn't.
- 14 Q. Did you walk into that house with a gun?
- 15 A. No.
- 16 Q. Did you have a knife on you?
- 17 A. No.
- 18 Q. Did you walk into that house with a knife?
- 19 A. No.
- 20 Q. Did you take any drugs that day?
- 21 A. I didn't.
- 22 Q. What was your intention when you went back into your  
23 auntie's house?
- 24 A. My intentions was just to make sure Jamaria is  
25 straight, go in there and get her clothings, and nothing

Jaylen Bell - Direct examination  
By Ms. Bruck

1 else, you know, happened outside the situation that already  
2 happened.

3 Q. And I know it's been brought up a bit during this  
4 trial, why didn't you turn yourself in?

5 A. Honestly I was just confused. I didn't know what to do  
6 or how to turn myself in.

7 Q. And your family was telling you to turn yourself in?

8 A. Yeah, they was. A couple friends told me to turn  
9 myself in too but neither one of them could tell me how.

10 Q. No one could tell you how?

11 A. No.

12 Q. Did you have an attorney to talk to?

13 A. I did not.

14 Q. Did you go into the bedroom that night with the intent  
15 to hurt Meatball?

16 A. No, I didn't. I ain't mean for any of that to happen.

17 Q. Did you want to hurt Meatball?

18 A. No, I didn't.

19 Q. Then why'd you do it?

20 A. Because I feared for my life. I felt like he would  
21 kill me if I didn't do what I had did.

22 Q. Thank you, Jaylen. I have no further questions at this  
23 time. Please answer any questions that the State has for  
24 you.

25           okay?

Jaylen Bell - Direct examination  
By Ms. Bruck

1 A. All right.

2 CROSS-EXAMINATION

3 BY SOLICITOR SCOTT:

4 Q. Okay. Jaylen, I just want to clear a few things up.

5 That night when you guys went to the Colonies  
6 initially, it was to go see one of your friends to get  
7 Ecstasy from them, right?

8 A. I didn't go to the Colonies. I went to Colonial Drive.

9 Q. I get those mixed up.  
10 Colonial Drive. Okay.

11 A. Correct.

12 Q. When you went to Colonial Drive, it was one of your  
13 friends that you were getting the Ecstasy from, correct?

14 A. Oh, no. I, I didn't get no, no Ecstasy or wasn't  
15 trying to get Ecstasy for anybody else from Colonial Drive.  
16 Colonial Drive, which is where I hang out with my brother,  
17 my cousin, and a few of his friends.

18 Q. So where'd you go to get Jaquala Ecstasy?

19 A. Beltline.

20 Q. Beltline.

21 And that was one of your friends though?

22 A. Nah, he wasn't really a friend. Just someone I already  
23 had knew about, I was familiar with.

24 Q. And you knew he had Ecstasy?

25 A. Basically.

Jaylen Bell - Cross-examination  
By Solicitor Scott

- 1 Q. Okay. Did you think it was a good idea to get out  
2 somebody -- I think Jaquala says she has bipolar or  
3 something?
- 4 A. No, I wasn't aware of none of that.
- 5 Q. Did you---
- 6 A. I don't know what she was diagnosed with or nothing  
7 like that.
- 8 Q. But you, you went to go get her Ecstasy?
- 9 A. I didn't went to go get her nothing.
- 10 Q. But you took her to your friend's house?
- 11 A. Basically.
- 12 Q. And that was -- you had the one year old in the car  
13 with you when you went to a dope house?
- 14 A. Yeah. But neither one of us was involved with getting  
15 out, going to get anything. She, she did it herself.
- 16 Q. But do y'all usually ride around with Ike to get drugs?
- 17 A. We don't ride around getting drugs at all.
- 18 Q. Well this night you did because it's -- one of your  
19 friends but you don't know his name, right?
- 20 A. I do know his name. I know his nickname or what he go  
21 by.
- 22 Q. What's that?
- 23 A. Tae.
- 24 Q. Tae?
- 25 A. Yeah.

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 Q. You don't know his real name?

2 A. No, I don't.

3 Q. But that's where you go whenever somebody needs Ecstasy  
4 or --?

5 A. That's not where I go. It's just on this occasion my  
6 cousin was looking. Not --.

7 Q. Okay.

8 A. Just trying to help her out.

9 Q. Did you go in with her?

10 A. Nah, I didn't get out the car.

11 Q. Did you introduce Tae to Jaquala?

12 A. Nah, they pretty much already knew about each other.

13 Q. Did you introduce them together?

14 A. No, I wasn't the one that introduced her.

15 Q. All right. And then you go back to the house?

16 A. Yeah, we go back to my Aunt Neco's house.

17 Q. And that's when you go back to the burn barrel?

18 A. Correct.

19 Q. And everybody's inside and, and you didn't see anything  
20 that happened inside?

21 A. No, I didn't.

22 Q. Okay. And then it comes time to leave and y'all are  
23 leaving the driveway and Jamaría needs her clothes. So  
24 that's why you turn around.

25 A. Correct.

Jaylen Bell - Cross-examination  
By Solicitor Scott

- 1 Q. But you also left lasagna there, right?  
2 Didn't you go back and get some lasagna?
- 3 A. I was suppose to.
- 4 Q. Okay. So the reason for y'all going back in the house  
5 was to get clothes and get lasagna?
- 6 A. No, it was really just to get the clothes. I was gonna  
7 ask about the lasagna later. But I wasn't really focused on  
8 that cause the situation had already happened. I really was  
9 just trying to get Jamaría away from the house.
- 10 Q. Didn't you say before you were going there to get  
11 lasagna too and the clothes?
- 12 A. Yeah, cause I was, you know, dealing with -- my, my  
13 memory was a little bit fresher.
- 14 Q. Okay. So, what you use -- what you said when your  
15 memory's fresher was your intention was to get Jamaría's  
16 clothes but also you, you kind of want some lasagna?
- 17 A. Correct.
- 18 Q. And then so I guess your testimony's while you're in  
19 there you're like let me get lasagna, let me get clothes,  
20 and I guess, while I'm here, let me go talk with Demetrius,  
21 let me go back there?
- 22 A. Actually, when we had entered the house, Jamaría went  
23 straight to the room to get her clothes. I had asked  
24 Jaquala what was going on. I seen she was upset and her  
25 face was red but she didn't give me a response. So, I just

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 went to go check on Jamaria to make sure she was getting her  
2 clothes. That's when I looked past the room and seen  
3 Meatball and I went to go ask him why did he have put his  
4 hands on Jaquala in front of Jamaria.

5 Q. You could see Meatball in the bedroom from the kitchen?

6 A. Not from the kitchen but from Jamaria room I could.

7 Q. Okay. Did you get your lasagna?

8 A. Nah, I didn't.

9 Q. So you go back there. While you're in there you say  
10 I'm, I'm gonna go ahead and talk to Meatball and Meatball is  
11 6'1", 150 pounds, right?

12 A. I'm not sure.

13 Q. Well, did you hear the pathologist testify that he's  
14 6'1"?

15 A. I did. I did.

16 Q. He's a skinny guy.

17 A. Yeah.

18 Q. Were you afraid of him?

19 A. Nah, I really didn't have no problem with him at the  
20 time, you know, before or anything.

21 Q. Did -- I mean y'all were cool, right?

22 A. Yeah, we had, you know --.

23 Q. And so the intention was, when you go back there, you  
24 keep saying I just want to see what's going on.

25 What does that mean?

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 Can you describe that better?

2 A. Basically me just wanting to know what was so different  
3 about, you know, the situation that occur -- led to him  
4 putting his hands on Jaquala in front of Jamaría.

5 Q. Okay. Was your dad still out at the burn, burn barrel?

6 A. Nah, none of my family that was there when we came  
7 earlier that day when we was coming from Ridgeway was there.  
8 Everybody hadn't -- pretty much left.

9 Q. What about Black?

10 A. Black?

11 Q. You know him?

12 A. You talking about Aunt Neco's husband or boyfriend?

13 Q. Yes.

14 A. Well, I didn't see both of them. But from what I know,  
15 they, they was in the room asleep.

16 Q. Okay. Okay. So you just -- you were gonna maybe talk  
17 some sense into Meatball?

18 Is that kind of the --?

19 A. Nah, not really talk sense. Just really see what was  
20 going on and what led him putting his hands on Jaquala in  
21 front of Jamaría.

22 Q. What was going on?

23 I, I, I just -- you keep saying -- I'm trying to figure  
24 out -- you're trying to figure out what's going on.

25 So, what if he said you know I, I hit her, what are

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 you -- what would you even done then?

2 A. I'm not really sure, but he didn't say that, and the  
3 response he gave me wasn't even about nothing I asked about.

4 Q. So, you know, we got a body cam footage. Then we got  
5 Jaquala and officers.

6 Did you see any red on her face when the officers get  
7 there in the video?

8 A. I didn't recall.

9 Q. Did you think, you know, maybe about calling the police  
10 or getting her medical attention or anything like that?

11 A. Talking about after the incident had happened?

12 Q. Yeah.

13 A. Nah, she really -- she was pretty fine. I just seen --  
14 you know, I didn't seen what happened. You know, I didn't  
15 see anything. I just heard basically. You know, I went and  
16 check in on her but I seen she was upset to the point she  
17 didn't even want to talk. She didn't respond to me.

18 Q. Did you ever think, you know, let's get Jaquala out of  
19 here?

20 You know, let's, let's go ahead and take her back to  
21 Ridgeway or take her to Carriage House or anything like  
22 that?

23 A. Nah, honestly, to tell you the truth, that's pretty  
24 much pointless. You feel me?

25 Cause, like I said, it's been through that a lot. He's

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 put his hands on her a lot you know. We told her to leave.

2 I had told her to leave. You know what I'm saying?

3 He -- she just go back to it. It would of been a waste  
4 of my breath.

5 Q. But you -- Neco allowed him to stay in the house,  
6 right?

7 A. Yeah. Correct.

8 Q. And did you ever call the police on them or anything  
9 that night?

10 A. Did -- you said did I?

11 Q. Yeah.

12 A. No, I didn't.

13 Q. You didn't think enough of it to call the police for  
14 your cousin?

15 A. Nah, I, I just let them handle it when it was just on  
16 their behalf. The only reason I got involved this time was  
17 cause it was done in front of Jamaría. Like I said, I never  
18 heard or seen that happen before.

19 Q. Okay. Okay. All right. I'm sorry. I'm, I'm not  
20 gonna belabor the point.

21 But I mean what would you have done if he said yeah, I  
22 hit her and I like it?

23 What would you have done?

24 I mean what were you -- what was your intent to find  
25 out what was going on?

Jaylen Bell - Cross-examination  
By Solicitor Scott

1           what would of been an answer that you were expecting?

2   A.    That I was expecting?

3           Ah, just, you know, well, I just expecting to hear  
4 something, you know, new or, you know, something like real  
5 serious cause of the fact he had done this in front of  
6 Jamaría and I said that, because like I say, I'd never seen  
7 nor heard that happen before.

8   Q.    But you knew he was drunk, right?

9   A.    No, I really didn't know he was drunk, you know what  
10 I'm saying, cause when I pull up, you know, I didn't really  
11 conversate with him. I was really focusing on talking to my  
12 pops and then, after that, a few of my cousins and then my  
13 actual cousin, Cornelius, that, you know, actually called me  
14 to meet him at the house.

15   Q.    So, when you talked with him about -- you told your  
16 lawyer you, you talked to Demetrius around the burn barrel.

17           when you were talking to him---

18   A.    The only time I talked to Demetrius while he was around  
19 the burn barrel is when Quala wanted to ride with us to  
20 colonial cause, you know, her and step wasn't finished, you  
21 know, communicating or talking, whatever they was talking  
22 about, and that's when I went to go ask him was it fine with  
23 Quala to ride with us.

24   Q.    Did he seem drunk though to you?

25   A.    I couldn't tell. we didn't really have that much words

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 to exchange. It was just a yes, that's fine and that was  
2 that.

3 Q. All right. But he wasn't falling down or --

4 A. Nah.

5 Q. -- acting---

6 A. He wasn't falling down. None of that.

7 Q. Okay. And then he would -- did you know he was asleep  
8 when -- after y'all left to go?

9 A. I don't know that. I, I was at Colonial. I was left  
10 at Colonial when they came back, you know, and got the food.

11 Q. I mean y'all went to go get drugs though.

12 Did you know he was asleep?

13 A. No, I was not aware. You know, he was brought to my  
14 attention. I didn't hear anything about him or anything.

15 Q. Okay. Now -- so when you go to your -- his bedroom,  
16 you say you did not have a gun on this occasion?

17 A. Nah, I didn't have a gun.

18 Q. All right. But, but you've owned a lot of guns, have  
19 you not?

20 A. I have.

21 Q. All right. And you would buy them off the street?

22 A. Correct.

23 MS. BRUCK: Objection. 404(b).

24 THE COURT: Overruled.

25 Q. And your testimony that -- and tell me, when you were

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 carrying, didn't you use to put it in your waistband?

2 A. Come again?

3 Q. Didn't you use to put your guns in your waistband?

4 A. Correct.

5 Q. And you'd put your shirt over it cause you didn't want  
6 anybody to see it?

7 A. Correct.

8 Q. And tell me, how did you get rid of all those guns?

9 A. I just give them away.

10 Q. You give them away?

11 A. Yeah, I just give them away. I don't really do too  
12 much.

13 Q. All right. Do you have any that I can maybe have?

14 You have any extras?

15 A. Nah, I, I stopped toting guns after a certain point in  
16 time.

17 Q. Okay. But you even had -- all right. Let me -- I'm  
18 getting ahead of myself.

19 So you go in there and you gon see what's going on with  
20 Meatball and maybe talk some sense into him and he's sitting  
21 on the bed, right?

22 A. Correct. At the head of the bed.

23 Q. Okay. You think this chair's about as high as that box  
24 springs and mattress was?

25 A. I don't know. That was a, a long time ago. I don't

Jaylen Bell - Cross-examination  
By Solicitor Scott

- 1 even remember.
- 2 Q. But is this about where he's seated?
- 3 A. That's about.
- 4 Q. Okay. Has he got his feet on the floor?
- 5 A. Correct.
- 6 Q. And so you're right here, right?
- 7 A. In the threshold, correct.
- 8 Q. And he's sitting on the bed and you said hey, what's  
9 going on, man, what, what happened, you know, why did you do  
10 this, right?
- 11 A. Correct.
- 12 Q. All right. And then just on the other side of this  
13 wall right here is Neco Millhouse and Melzie Hammond in  
14 their bedroom, right?
- 15 A. I think so.
- 16 Q. Well, you -- it's your family's house.  
17 You go over there a good bit, right?  
18 I've never been to that house.
- 19 A. Yeah, I -- I would not do goo -- I really grew up in  
20 that house to be honest with you. They took care of me.  
21 when I was over there, you know, it was pretty much just a  
22 front room area. You know, the room that Jamarina and them  
23 be in, that's the room I use to sleep in a lot.
- 24 Q. Okay.
- 25 A. But when we over there, you know, it's events going on.

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 So, we pretty much outside. Maybe the basketball court, you  
2 know, doing things on the outside.

3 Q. All right. So you kind of grew up in this house.

4 Do you know -- if you're in this doorway, you look down  
5 there, there's a hallway, right?

6 A. Correct.

7 Q. If you're walking down this hallway, you can either go  
8 into Jaquala and Meatball's room --

9 A. Correct.

10 Q. -- or you can go into Melzie Hammond and Neco  
11 Millhouse's room?

12 A. Correct.

13 Q. And there's like a little thin wall that separates the  
14 two, right?

15 A. Yes, sir, that is the wall.

16 Q. All right. So, we're sitting on the bed and you, you  
17 were trying to find out what's going on.

18 what does he do?

19 A. When I had asked him the question, he just talked about  
20 something totally different.

21 Q. Okay. Does he immediately get loud and aggressive?

22 A. Immediately.

23 Q. And so surely Neco and Melzie wake up and say what's  
24 all this commotion going on?

25 A. I don't think they never woke up. I don't even

Jaylen Bell - Cross-examination  
By Solicitor Scott

- 1 remember seeing they face the whole time I was there --
- 2 Q. Well, most people---
- 3 A. -- as of from when I came back from Colonial.
- 4 Q. Must not of been too loud then, huh?
- 5 A. I do not know. I think my auntie do sleep a little
- 6 hard though.
- 7 Q. Okay. Were they drunk too?
- 8 A. Nah, I'm not sure.
- 9 Q. Were you drunk?
- 10 A. Nah, no. Hu huh.
- 11 Q. You just high on Ecstasy?
- 12 A. Nah, I wasn't on any drugs either.
- 13 Q. Okay. But he gets loud and aggressive?
- 14 A. Correct.
- 15 Q. And, at that point, you know, cause you're not looking
- 16 for trouble, right?
- 17 A. Correct.
- 18 Q. When he starts getting loud, you go all right. No
- 19 sense dealing with you, Demetrius. You've had too much to
- 20 drink. I don't want anything to do with it. You turned
- 21 around and walk down that hall.
- 22 A. Nah.
- 23 Q. You get---
- 24 A. That's not what happened at all.
- 25 Q. Well, wait a minute, right?

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 That -- you didn't do that?

2 A. Nah, I didn't.

3 Q. Wouldn't that have been reasonable?

4 A. Yeah. But I, I didn't felt like it was, you know, that  
5 hard, you know, just to talk to someone cause that's all  
6 that was going on. So, I just repeated my question.

7 Q. Well, he's being aggressive.

8 He's being loud, right?

9 A. Right.

10 Q. And shouldn't you probably have said this is a lost  
11 cause. This man's drunk. I'm not gonna talk any sense into  
12 him. Let me get Jamarla like I meant to do before and go  
13 ahead and get on out of here, and while I'm at it, let me  
14 get Jaquala too?

15 A. Nah, that didn't occur to me though cause I never had  
16 no problems with this guy or nothing like that.

17 Q. But wouldn't that have been a reasonable thing to do?

18 A. Now that I think of it, you know, front down the line  
19 that would of been.

20 Q. Yeah.

21 But instead you keep engaging him and say tell me  
22 what's going on?

23 A. Um.

24 Q. The man's in his own bedroom, right?

25 A. No, that's my cousin, Quala, room. He just sleep

Jaylen Bell - Cross-examination  
By Solicitor Scott

- 1 there, you know, when they come there---
- 2 Q. Did you---
- 3 A. ---to spend time with each other.
- 4 Q. Well, Neco said he lived there. Jaquala said he lived  
5 there.
- 6 You don't live there, right?
- 7 A. I don't recall them saying that he lived there. I  
8 just---
- 9 Q. Well, the transcript'll be what the transcript is.
- 10 A. Correct. But I just remember him being there whenever  
11 they wanted to, you know, see each other.
- 12 Q. Okay.
- 13 A. Cause most of the time I visit Quala she at her house,  
14 at Carriage House, with her husband.
- 15 Q. Okay. He was sleeping in that bed, right?
- 16 A. I had never seen him---
- 17 Q. He had his belongings---
- 18 A. ---sleep in that bed.
- 19 Q. what?
- 20 A. I never seen him sleep in that bed.
- 21 Q. Okay. Do you think Neco Millhouse was lying when she  
22 said he would sleep in that bed?
- 23 A. I didn't think she was lying. But I told you I never  
24 seen her sleep in that bed -- seen him sleep in that bed.
- 25 Excuse me.

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 Q. She was the homeowner and she said he stayed in that  
2 room.

3 who's lying, you or her?

4 A. I don't think neither one us is lying and I don't think  
5 she's lying about what she said. But I'm telling you  
6 could -- I never seen him sleep in that bed.

7 Q. Okay. Was he bothering anybody when he was in the bed?

8 A. Nah, he wasn't bothering anyone.

9 Q. Okay. You come to him to confront him, right?

10 A. I didn't confront him. I just came to him and asked  
11 him what was going on and why he had to put his hands on  
12 Jaquala in front of Jamaría.

13 Q. That's not a confrontation to you?

14 A. That's not a confront cause, from what I learned, I  
15 heard confront when is you going to actually I guess like  
16 fight or, you know, be on some aggressive. I wouldn't, I  
17 wouldn't say I confronted him. Like I said, I just asked  
18 him a question.

19 Q. Okay. He gets aggressive though and loud?

20 A. He does.

21 Q. Okay. But you keep engaging him and say I want to know  
22 what's going on?

23 A. He's just didn't make sense when he answered my  
24 question cause he answered with a totally different answer  
25 about something totally different. So I just repeated my

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 question again.

2 Q. Okay. And then what happened?

3 A. He did the same thing. Then that's when he threatened  
4 me that he would beat me up.

5 Q. And that's when you said woa, woa, Demetrius, I don't  
6 want to fight. I'm not here to argue with you. I don't  
7 want any confrontation. I'm leaving. I'm getting out of  
8 here and you walked down that hall. You got Jamarina and you  
9 got Jaquala and then y'all left.

10 Right?

11 A. No, that's what -- that wasn't what happened or that  
12 wasn't my exact words. I just told him chill out and that's  
13 when he told me he would beat my ass and that's when he  
14 stood up and got to fishing in his pocket like he was  
15 looking for something.

16 Q. Okay. And that's when you shut the door and you left,  
17 right?

18 A. Nah, I didn't shut the door at all.

19 Q. Why not?

20 I mean this guy -- you're not gonna talk any sense into  
21 this drunk guy, right?

22 A. I don't see no reason to touch the door.

23 Q. Well, did you see any reason to leave though?

24 I mean you could of left, right?

25 A. Not at the time. I'm just trying to figure out what

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 was so new about the situation to him putting his hands on  
2 Jaquala in front of Jamarina.

3 Q. But you could of left, right?

4 A. Everything happened pretty fast.

5 Q. But you could of left, right?

6 A. I don't think so. Everything happened pretty fast.

7 Q. You couldn't have left?

8 A. I, I don't -- I don't think I had the opportunity to  
9 left. I felt like if I would of turned my back on him, you  
10 know, something would of happened.

11 Q. well, why'd you feel that way?

12 A. Cause at the point he got to fish in his pocket. So I  
13 feel like he was reaching for some type of weapon.

14 Q. Okay. And is that when you pushed him down?

15 A. Nah, he pushed me first actually.

16 Q. Did he just abandon the pockets and then push you?

17 A. Yeah, he abandoned the pocket. He didn't come out with  
18 anybody. That's when he shoved me and that's when I shoved  
19 him back.

20 Q. All right. And after he shoved you, could you have  
21 left then or you just locked into fighting at that point?

22 A. Nah, it, it wasn't lock in to fight. It just  
23 everything just happened so fast.

24 Q. Okay. Could you have left after he pushed you?

25 A. Not really. You know, he was already loud and

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 aggressive. No telling what he would of did if I would of  
2 turned my back on him.

3 Q. So he's getting real loud at this point, right?

4 A. Nah, he's just loud. He was always loud.

5 Q. Okay. And that's when Neco and Melzie came and said  
6 what's all the commotion?

7 A. I didn't hear or see my Aunt Neco or Black --

8 Q. Okay.

9 A. -- as I know him by.

10 Q. If, if all this noise was going on, how come nobody's  
11 coming trying to find out what this commotion is?

12 A. I'm not trying to be rude but obviously they sleep  
13 hard.

14 Q. Okay. What about Jaquala?

15 Does she come down the hall and say what's going on?

16 A. I -- no, I didn't see Jaquala. The only time I seen  
17 Jaquala is when I was leaving out and she was still in the  
18 same spot in the kitchen actually.

19 Q. Okay. All right. Pushes you?

20 A. Correct.

21 Q. You push him back.

22 Does he fall on the bed at this point?

23 A. Nah. When he shoved me I pushed him back. He pushed  
24 me again. So I shoved him a little harder. He stumbled  
25 then and that's when he hit the bed.

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 Q. And that's when you turned around and left?

2 A. No, I didn't -- he didn't -- I didn't turn around and  
3 leave. That's when he reached over himself with his  
4 left-hand and grabbed the gun from the head of the bed and  
5 the wall.

6 Q. Okay. But he's sitting about right here and he, he  
7 doesn't do this?

8 A. No, he doesn't.

9 Q. He reaches all the way over and grabs it?

10 A. Correct.

11 Q. And comes up and points it at you, right?

12 A. Correct.

13 Q. And you're standing right here in the threshold?

14 A. Correct.

15 Q. So he's right here, right?

16 A. Pretty much.

17 Q. 21-inches away?

18 A. I'm not sure what the distance was or is.

19 Q. Did you hear me measure it earlier?

20 A. Excuse me?

21 Q. Did you hear me measure it earlier?

22 A. I honestly was not paying attention.

23 Q. What were you paying attention to?

24 A. I was just listening to making sure everything that you  
25 was saying and everybody else was saying was correct.

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 Q. Okay. 21-inches is what I measured right in front of  
2 you.

3 A. All right.

4 Q. So you're 21-inches away from this man and he's sitting  
5 there pointing a gun at you, right?

6 A. Correct.

7 Q. And then what happens, he stands up?

8 A. He stood up. That's when his words was yeah, yeah,  
9 yeah. So I took that as like he felt like he had advantage  
10 of the situation.

11 Q. Okay. So when he stands up, he's right here. Y'all  
12 are face-to-face, right?

13 In fact, in your interview you talked about he's right  
14 here.

15 A. In the interview I had my handcuffs on. I couldn't  
16 really extend my hand out. I wanted to but we could  
17 demonstrate if we---

18 Q. Come on.

19 A. ---if you need to.

20 Q. Come on.

21 A. I can take this off?

22 THE COURT: You can come down.

23 (WHEREUPON, the witness comes down from the stand.)

24 Q. Who do you want to play?

25 A. I want to be myself.

Jaylen Bell - Cross-examination  
By Solicitor Scott

- 1 Q. All right. Stand in the threshold, right?
- 2 A. Yes.
- 3 THE COURT: You got -- y'all got to keep your voices up
- 4 please.
- 5 okay?
- 6 THE WITNESS: I got you.
- 7 THE COURT: Thank you very much.
- 8 Q. All right.
- 9 A. Correct.
- 10 Q. Push him down.
- 11 He's pointing a gun at you, right?
- 12 A. Correct.
- 13 Q. All right. Then he stands up and says yeah, yeah --
- 14 A. Correct.
- 15 Q. -- right?
- 16 How far am I from you?
- 17 A. I'm not sure but it's pretty close though.
- 18 Q. Okay. Then what happens?
- 19 A. That's when he looked past me.
- 20 Q. All right. He looks over here.
- 21 A. And that's when I said---
- 22 Q. what's he looking at?
- 23 A. I don't know cause he looked back.
- 24 Q. And what do you do?
- 25 A. That's when I took the opportunity to try to---

Jaylen Bell - Cross-examination  
By Solicitor Scott

- 1 Q. Show me how you do it.
- 2 A. ---get his gun. I just pushed his hand towards the  
3 wall.
- 4 Q. Push my hand.
- 5 A. Just like that.
- 6 Q. Like that.
- 7 Okay.
- 8 A. And then we---
- 9 Q. And then tell me how you did that move---
- 10 A. I don't---
- 11 Q. ---where you jammed your finger---
- 12 A. I don't really remember.
- 13 Q. ---between the trigger.
- 14 A. It just kind of the heat of the moment---
- 15 Q. Show me.
- 16 A. ---that -- I don't, I don't remember. I can't.
- 17 Q. You suddenly don't remember?
- 18 A. It's not that I don't remember. I just don't know  
19 exactly---
- 20 Q. You just testified---
- 21 A. ---how I did it.
- 22 Q. ---in front of your lawyer --
- 23 A. Correct.
- 24 Q. -- in great detail. Now show me. Push my hands  
25 against the wall.

Jaylen Bell - Cross-examination  
By solicitor Scott

1 A. I can't really. It was the heat of the moment.

2 Q. This is your chance.

3 A. All I know is I jammed my finger behind the trigger.

4 Q. Show me.

5 A. Ain't got --.

6 Q. I got a toy gun. I got the gun right here. You got --  
7 put, put your hands on it.

8 A. You got to actually -- I don't know exactly how he had  
9 his hand positioned on the gun.

10 Q. Isn't this how normal people hold guns?

11 A. I mean people hold guns in many different ways.

12 Q. Show me how you hold your hand though.

13 A. I basically, when he had the gun, he brought the gun  
14 and this be where -- yeah, you feel me?

15 Q. All right. I'll stand up right by the bed.

16 A. And this -- that's when I pushed the gun out.

17 Q. All right.

18 A. I jammed my finger around the trigger.

19 Q. Okay. You put your hand behind the trigger?

20 A. Correct.

21 Q. All right.

22 A. That's when I pushed him with my left-hand.

23 Q. All right. So you got the gun now?

24 A. Yeah. Correct.

25 Q. It's like a John wick movie?

Jaylen Bell - Cross-examination  
By Solicitor Scott

- 1 A. No, it's not.
- 2 Q. He falls backward?
- 3 A. Correct. And that's when he came back at me with a  
4 closed fist. I, I don't know---
- 5 Q. How does that work?
- 6 A. That's when---
- 7 Q. He jumps back up like that?
- 8 A. Nah, not with his fist. Really basically like this  
9 drawing out---
- 10 Q. Like that?
- 11 A. Correct.
- 12 Q. All right. Let's draw that out. Hold your gun.  
13 You got it pointed at him?
- 14 A. Right.
- 15 Q. He's sitting on the bed?
- 16 A. Correct.
- 17 Q. And then he stands up?
- 18 A. Correct. No, he---
- 19 Q. Wait a minute.
- 20 A. As soon as he hit the bed he came back up at me with a  
21 closed fist.
- 22 Q. Didn't you tell Investigator Hinson he stood up when  
23 you said hey, it's over?
- 24 A. In the midst of him---
- 25 Q. You did what you did.

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 A. In the midst of him hitting the bed, that's when I told  
2 him just to chill out. I couldn't even finish what I had  
3 said. So, I had told him exactly what I told Investigator  
4 Hinson and that's when he was coming at me with a closed  
5 fist. I didn't see anything past that.

6 Q. All right. So now you're testifying he hits it. He  
7 comes like that and you shoot him eight times.

8 So show me how you hold the gun.

9 A. I shot him eight times.

10 Q. Hold the gun on me.

11 That distance?

12 A. Correct.

13 Q. You see how chose that is?

14 A. Right.

15 Q. 6-inches?

16 A. I mean I don't know the inches, no.

17 Q. Did you see that mannequin yesterday?

18 A. Yeah, I did.

19 Q. How did you hit him that many times?

20 A. I don't know. I was scared. I panicked. I just  
21 squeezed.

22 Q. And you hit him every single time you pulled that  
23 trigger?

24 A. I don't know. My eye -- I ain't seen nothing happen.  
25 He came at me with a closed fist.

Jaylen Bell - Cross-examination  
By Solicitor Scott

- 1 Q. Let's do it again.  
2 All right.  
3 A. This is not---  
4 Q. He bounces down.  
5 A. But you---  
6 Q. You got the gun on me?  
7 Point the gun at me.  
8 A. Correct.  
9 Q. All right.  
10 A. Right.  
11 Q. And you shoot him eight times like that?  
12 A. Correct. I just shot it trying to---  
13 Q. How'd you do that?  
14 A. I don't know. It's the heat of the moment.  
15 Q. That's pretty good, man.  
16 A. That what happen when you scared.  
17 Q. You shot a man eight times at 6-inches and how'd that  
18 one go up through the bottom of the foot?  
19 A. I don't know. My eyes was closed. I don't know where  
20 he was---  
21 Q. You just---  
22 A. ---when all the shots was fired or nothing.  
23 Q. All right.  
24 THE COURT: You can, you can take your seat again, Mr.  
25 Bell.

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 THE WITNESS: All right.

2 THE COURT: Thank you.

3 THE WITNESS: Thank you.

4 THE COURT: Thank you very much.

5 THE WITNESS: You welcome.

6 (WHEREUPON, the witness returns to the stand.)

7 Q. Okay. You said you hold it just at him like that.  
8 You just showed me and you were about what, 6-inches  
9 from my chest?

10 A. From -- yeah.

11 Q. Okay. That's your testimony though. That's how it  
12 happened.

13 A. Correct.

14 Q. And -- but you've got a lot of experience with guns,  
15 right?

16 A. I don't want to say I got a lot of experience but I'm,  
17 I'm familiar with them.

18 Q. You know -- I mean you, you -- in that heat of that  
19 moment you just showed me, you were able to say it was a  
20 chrome and black 9-millimeter Smith & Wesson?

21 A. That's what it looked like.

22 Q. Well, isn't that because it was your gun?

23 A. No, it's not.

24 Q. Haven't you owned that exact gun before?

25 A. No, I didn't.

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 Q. Haven't you -- Jaylen, haven't you had a chrome and  
2 black gun before?

3 A. I had a lot of guns. But, you know, I, I don't really  
4 recall a chrome and black one.

5 Q. You don't remember ever having a chrome and black gun?

6 A. Nah, I had a, a few but I don't --.

7 Q. Have you ever posed in pictures with a chrome and black  
8 gun?

9 A. Nah, you know, I got a few homeboys that be rapping,  
10 you know, and stuff like that. You know, we be doing music  
11 videos and stuff like that. So, you know, we have a lot of  
12 props if I'm not mistaken if that's what they called.

13 Q. Okay. And you -- all right. So if I -- if you posed  
14 with a chrome and black gun in the past, that was like maybe  
15 a toy gun or a prop or something?

16 A. That's very possible.

17 Q. Very possible?

18 A. Yeah.

19 Q. But probable that it was an actual gun?

20 A. No, I, I don't know.

21 Q. What?

22 A. I -- the pictures that, you know, I post and stuff like  
23 that, it's like maybe from like music videos and stuff like  
24 that.

25 Q. Okay.

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 A. You know, maybe they'll like take a picture from like  
2 the, you know, the scene of the music videos to got -- I  
3 mean, excuse me, excuse my language, to promote, you know, a  
4 music video and a song, stuff like that. I don't rap but,  
5 you know, I have homeboys that rap. You know, they do stuff  
6 like that.

7 Q. You borrow their guns?

8 A. No, I don't borrow their guns, you know. We using  
9 props for the videos and stuff like that.

10 Q. But I'm telling you -- when you take pictures with the  
11 guns --

12 A. The props.

13 Q. The props.

14 Okay. Do you remember posing with a prop gun that was  
15 chrome and black like the one you described?

16 A. Not really but that's very possible though.

17 MS. BRUCK: Your Honor, he said it's possible.

18 THE COURT: I heard him.

19 Q. Is that a prop gun?

20 A. Oh, yeah, that's a prop gun. That was -- actually that  
21 occurred in Lincolnshire. My homeboy was about to do a  
22 music video on Calgary Drive. What they call 300 block.

23 Q. That's a chrome and black gun though?

24 A. Yeah, it kind of look like it if I'm not mistaken.

25 Q. Okay. And then that one that you're posing with, is

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 that a prop gun too?

2 A. Oh, no. Actually in -- you can see it in there if you  
3 look pretty close. Those are BB guns. The ones that in his  
4 hand is a HBG BB gun. You get those from Wal-Mart. And the  
5 one that's in my hand, the bottom of it's peeling but you  
6 really can't see it in that video. But they're plastic BB  
7 gun. They don't even blow back or nothing but this one does  
8 though --

9 Q. Okay.

10 A. -- and those are just gas blow backs.

11 Q. That's a chrome and black BB gun?

12 A. Yeah. Correct.

13 Q. And then what?

14 A. Oh, matter of fact, then that's the same one I was just  
15 explaining to you. Matter of fact, that's the BB gun right  
16 there. It doesn't blow back or nothing. Plastic actually.

17 Q. Okay. That's the one you're posing with is a chrome  
18 and black gun?

19 A. No, that's the one -- matter of fact, you can go back.  
20 That's the -- that, that one right there is the same one  
21 from the picture behind it.

22 Q. Okay. Different days where you're posing with that  
23 gun?

24 A. Yeah, actually that's -- yep, that's them.

25 Q. Different days though?

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 A. Yeah, that's a different day. Correct.

2 Q. Why are you posing so much with that chrome and black  
3 gun?

4 A. Huh?

5 Q. Why do you pose so many different days with that chrome  
6 and black gun?

7 A. No, that's -- that look, that look like brown and  
8 chrome to me --

9 Q. Okay.

10 A. -- if I'm not mistaken.

11 Q. How about that one?

12 A. The same one. Actually in its edit as a matter of  
13 fact.

14 Q. Okay.

15 A. And you could -- if y'all can't --

16 Q. Sure.

17 A. If y'all can't somehow. That's edited.

18 Q. That's a different date that you're posing with that  
19 chrome and black gun?

20 A. Yeah, I say that -- oh, matter of fact, you can go  
21 back. I can actually explain to you matter of fact. Go  
22 back.

23 You see that one right there?

24 That's the clip of the BB gun that's hanging out my  
25 pocket.

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 Q. Okay.

2 A. Yeah, it's all there. You know what I'm saying?

3 Q. All right. How about that one?

4 A. Oh, this a prop. That's a prop, you know, and actually  
5 the people that's in there, you know, they, they rap. You  
6 know, they music videos.

7 Q. Okay.

8 A. Uh-huh.

9 Q. Why do you pose with the props when you used to have so  
10 many guns?

11 A. Um.

12 Q. Why didn't you just---

13 A. I, I -- that's -- you know, I had stopped toting guns  
14 after a while. I been met Stephanie, was trying to change  
15 my life around, get back on the right place.

16 Q. Okay. I guess what was the thought process for closing  
17 your eyes while you're shooting?

18 A. Scared. That's -- you know, it's some fear.  
19 Everything happening so fast.

20 Q. So you're telling me you hit that man all eight times  
21 with your eyes closed?

22 A. I don't know if I hit him all eight times. But that's  
23 what y'all soon -- you know, be showing me.

24 Q. But you heard the doctor yesterday, right?

25 A. Correct. That's why I said that's what y'all seem to

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 be showing me.

2 Q. I seem to be showing you?

3 A. Oh, showing me.

4 Q. Okay. And your testimony to this jury who is listening  
5 to you and judging your credibility --

6 A. Correct.

7 Q. -- is you left the gun there?

8 A. Correct.

9 Q. And why did you do that?

10 A. So -- cause I know like, at that moment, you know, the  
11 police would be calling. I didn't expect my family, you  
12 know, not to call the police or anything like that and do  
13 nothing, you know, out of the way that was illegal. So, the  
14 purpose of me leaving the gun there is just so the police  
15 wouldn't come looking for me and, you know, expecting me to  
16 be armed and dangerous as they did.

17 Q. Okay. What happened to that gun?

18 A. I do not know. I can't tell you, sir. I ain't been  
19 back to the house after that situation. I was just trying  
20 to figure out how to turn myself in and go right about, you  
21 know, the right way with the situation. But I didn't get  
22 time to clearly.

23 Q. You didn't have time to?

24 You could of just stayed there, right, I mean cause  
25 Jaquala was---

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 A. I mean I was---

2 Q. ---calling the police?

3 A. ---scared. I didn't wanted to stay there, you know,  
4 during, during that. I didn't want to see that, you know,  
5 and I'm already kind of dealing with stuff up there.

6 Q. Wonder what happened to that gun.

7 A. Yeah, I wonder. I, I can't tell you. I wasn't there.

8 Q. Maybe, you know, the same thing that happened with all  
9 those other guns you used to have.

10 A. Nah, nothing like that. You know, like I told you, I  
11 had -- I wasn't carrying firearms at that time. I had  
12 stopped a while back.

13 Q. Okay.

14 A. Yeah.

15 Q. But in the past you were able to make guns disappear  
16 pretty easy, right?

17 A. Not pretty easy. Nah, I just give them away. I don't  
18 go hide them, bury them, you know, put them in a river, or  
19 anything like that. I don't do anything like that.

20 Q. So we got guns on the street right now that you just  
21 give to people?

22 A. I don't know where they at. I can't tell you. They  
23 not in my possession.

24 Q. All right. And so your, your testimony is you leave  
25 the gun and then you get in the car?

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 A. Correct.

2 Q. Cool as a cucumber?

3 A. Nah, I was actually in a wreck, you know. Everything  
4 had happened so fast. I was really confused, scared,  
5 shocked, all at one. Really didn't want to speak. You  
6 know, I didn't want to say anything at all. I was just  
7 trying to figure out, you know, what was the next move, what  
8 could I do.

9 Q. Your demeanor was described as cool and calm.

10 A. I was quiet but I'm a quiet person on the street  
11 anyway. I don't really like to talk. I don't even really  
12 like being around people. You know, I just stay in my own  
13 lane.

14 Q. Which makes it, you know, so funny that you decided to  
15 go confront Meatball in this case.

16 A. I didn't go confront anybody. I just went to go ask  
17 him a simple question of what was so different, you know,  
18 this time where he had to put his hands on Jaquala in front  
19 of Jamaría.

20 Q. Okay. Even though you don't like confronting people  
21 and you don't -- you're a quiet person, that this -- this  
22 night was just different?

23 A. Yeah, I don't really engage in, you know, being  
24 aggressive. I just be chilling.

25 Q. Okay. And so you get in the car?

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 A. Correct.

2 Q. And you don't tell Stephanie, Stephanie, I just had to  
3 shoot Meatball in an act of self-defense?

4 A. Nah, I didn't say none of that. I actually didn't say  
5 anything cause I didn't want Stephanie nor anybody else that  
6 was in the car involved.

7 Q. But they are involved if you're in the car with them,  
8 right?

9 A. Yeah, as -- I, I see that now. But I, I didn't know  
10 that then.

11 Q. You didn't know that?

12 A. No, that was the purpose of me, you know, being quiet.  
13 I didn't want to tell them nothing. You feel me?

14 I just wanted to go talk to somebody I was comfortable  
15 with, you know, get information to see how to go the right  
16 way about the situation.

17 Q. You just killed a man laying in bed and then you get in  
18 the car and you start searching for a playlist you wanted to  
19 hear?

20 A. No, actually when I get in the car, it was about the,  
21 the radio part. To, to be truthfully honest with you, I,  
22 I -- Stephanie be playing this little song and she be in her  
23 feelings and stuff. Not trying to be funny. But I just  
24 changed the song to one of the songs that was on my  
25 playlists. Not, you know, a certain song. It didn't really

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 matter. I just picked the first song on the playlist.

2 Q. Looking back, isn't that just kind of funny after you  
3 just killed a man to just be looking for a song?

4 A. Nah, not really. I wasn't really looking for a song.  
5 I just went to my playlist and played the song. Like I say,  
6 she has music she listen to, you know, the little girl  
7 singing music. I have music I listen to. It wasn't nothing  
8 that familiar that I was looking for to play. I just picked  
9 a song.

10 Q. What song did you play after you killed---

11 A. I'm not even sure.

12 Q. ---Demetrius Floyd?

13 A. I don't even remember the song she was playing or who  
14 it was that was singing (sic) the song.

15 Q. Okay. And then I, I guess you don't say anything to  
16 Stephanie on the ride to Ridgeway?

17 A. Oh, no, I don't say anything to her. You know, my, my  
18 granny had called and basically told her, I think actually  
19 twice, and she asked me. She was trying to figure out what  
20 was going on. I still ain't say nothing. When we get to  
21 the house, she had told me she had -- need to talk to me.  
22 That's when she told me I couldn't stay there.

23 So I just asked her could she can drop me off on  
24 Colonial. The last thing I said to her was I love you that  
25 I recall.

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 Q. And at what point do you give her your phone?

2 A. My phone?

3 Q. (WHEREUPON, there was no audible response.)

4 A. Actually my phone had to been broke. I don't know if I  
5 broke it like in the mix after we woke up. But I know it  
6 was broke before we -- yeah, it had to be cause it was broke  
7 while I was -- we went to [REDACTED] Dubard-Boyle.

8 Q. Okay. And so whose phone were you calling Stephanie  
9 from when you were on the run?

10 A. I don't want to say I was on the run. I don't want it  
11 to seem like that. But I actually don't remember who phone  
12 I was using.

13 Q. Did you -- how'd you mask the numbers?

14 They're showing up as unknown on her phone.

15 A. The person -- either -- you know, I, I think -- I, I  
16 don't show who, who phone I used. But I know I remember  
17 somebody telling me, you know, the situation I was in it  
18 just ain't wanted me to call straight from they number cause  
19 they didn't want -- you know, they -- you know, to be  
20 involved or anything.

21 Q. And what's the purpose of keeping the conversation so  
22 short with her?

23 Was it --?

24 A. I ain't, I ain't gonna lie to you. It's always been  
25 me, my parents, you know, they say anybody else that be

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 around me. But I don't even talk on phones.

2 Q. Okay. You, you remember asking her if she had talked  
3 to police yet?

4 A. Come again. I didn't hear you.

5 Q. You remember asking her if she had talked with police?

6 A. I don't remember. But I'm not gonna say I didn't ask  
7 that.

8 Q. All right. So this happens on the 24<sup>th</sup>, correct?

9 A. Correct, 2019.

10 Q. And the fugitive task force catches up with you on the  
11 27<sup>th</sup>, right?

12 A. I, I think. Yeah, I think so.

13 Q. All right. Where were you again?

14 A. Oh, not even far from, you know, the scene. You know,  
15 some -- I was -- either way it went, where I got caught at,  
16 and where I was before that, there's places that everyone  
17 know I would be at.

18 Q. Who's everyone?

19 A. Anyones you could, you could name.

20 Q. Okay. Well, you know they got a team dedicated to  
21 finding fugitives like yourself and they didn't find you  
22 there.

23 A. Who found me?

24 Q. The fugitive task force eventually.

25 A. Exactly.

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 Q. It took them three days and what were you doing those  
2 three days?

3 A. Trying to figure out information of how to turn myself  
4 in. I ain't never been in a situation where I had to turn  
5 myself in.

6 Q. Did you ever Google how to turn myself in after killing  
7 somebody?

8 A. No, I didn't Google that.

9 Q. Did you ever Google Richland County Sheriff's  
10 Department phone number?

11 A. No, I didn't.

12 Q. Did you ever look up, I don't know, SLED's phone number  
13 or anything like that?

14 A. No, I didn't look up anyone's phone number. But I'm  
15 trying to find out how to turn myself in. I just went to  
16 people that was like closely in the situation like that or  
17 either was in a situation like that where they had to turn  
18 their self in or any situation where they had to turn their  
19 self in period. That's what I thought. I was trying to ask  
20 them. They was just telling me that I needed to turn myself  
21 in but wasn't telling me how.

22 Q. Why not just show up at the Sheriff's Department and  
23 say hey, you been looking---

24 A. I didn't know that I was suppose to turn myself in at  
25 the Sheriff's Department. If anything -- if I was just

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 trying to turn myself in, I would of, you know, immediately  
2 did it. I probably would of pull up to Alvin S. Glenn where  
3 they're holding me.

4 Q. Yeah, I mean how -- I don't know how -- I don't know if  
5 you're answering my question or if you know how to.

6 You can't just call the Sheriff's Department and say  
7 listen, I need information on the best way to turn myself  
8 in, I killed a man three days ago?

9 A. I, I didn't know how to do that.

10 Q. All right.

11 A. I don't know how to --.

12 Q. You don't know how to find -- use a phone?

13 A. No, it's not that. I do know how to use a phone  
14 obviously, you know, in my generation. I been -- you know  
15 we be on phones a lot. But I, I didn't call the whatever  
16 you just -- the department. I didn't call them. I didn't  
17 know that I needed to call them to find out that type of  
18 information.

19 Like I said, to find out information like that to turn  
20 my myself in, I went to people that I thought had been in  
21 that situation or somewhere near it or knew somebody that  
22 did that could tell me.

23 Q. And they said Jaylen, you need to turn yourself in,  
24 man?

25 A. Correctly. They was telling me I need to turn myself

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 in. I had called my moms and my dad -- well, my step mama  
2 and my dad, you know, to try to figure out what was going  
3 on. Then I was hearing, you know, opposite stories and that  
4 still was, you know, throwing me in a confused situation  
5 trying to figure out how everything was going.

6 Q. Whose house were you in at, at Colonial -- is it  
7 Colonies or Colonial Avenue?

8 whose house were you at?

9 A. Which one are you referring to, the house that I went  
10 to that I told Stephanie to take me to after I left  
11 Ridgeway?

12 Q. How many different hideouts did you go to?

13 A. I didn't hide out and neither one of those are hideout.

14 Q. How many houses did you go to?

15 A. After I left Ridgeway, after she told me I couldn't  
16 stay there, I asked her to drop me off at Colonial. So I  
17 was there for two days. So, if it happened on the 24<sup>th</sup>, I  
18 mean I stayed there till like the 26<sup>th</sup>. Matter of fact,  
19 it be actually -- it -- could of been more. Honest, I  
20 actually think I was there till the 27<sup>th</sup>. Matter of fact,  
21 I think I was there till the 27<sup>th</sup> if I'm not mistaken.

22 Q. Did you---

23 A. Then I went like later like late, late that morning to  
24 my brother's ex-girlfriend house, now ex-girlfriend where I  
25 was arrested at.

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 Q. Why didn't you go to your house?

2 A. My house?

3 Q. Yeah, your house and you---

4 A. Nah, I didn't, I didn't -- that's -- I, I wouldn't want  
5 to go there. I don't want to get my step-mom and my dad --  
6 you know, I don't want to put them through that.

7 Q. And, and one last time, Ja -- why not call the  
8 Sheriff's Department again?

9 A. I didn't know I had to call the Sheriff's Department.  
10 I didn't know I could get that type of information from the  
11 Sheriff's Department. But the information I know now  
12 clearly I would of called them, you know, the Sheriff's  
13 Department or actually went there myself. I didn't know  
14 that's where I needed to call to get that type of  
15 information from and I ain't know that's where I needed to  
16 call to turn myself in.

17 Like I told you, I was just trying to go to people who  
18 I thought would be in that situation or knew somebody that  
19 was in that situation so they could tell me how to turn  
20 myself in.

21 Q. And they told you to turn yourself in, didn't they?

22 A. Yeah, they told me to turn myself in. But they wasn't  
23 telling me how.

24 Q. Okay. Did you ask them how do I turn myself in?

25 A. I most definitely did. Actually that was the first

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 question. I say I just need to know how to turn myself in  
2 after they told me to turn myself in.

3 Q. And nobody said call the Sheriff's Department, dude?

4 A. Nobody said that at all.

5 Q. Who are these people that you're---

6 A. Oh, actually one person told me that I needed to get in  
7 contact with a lawyer. But I didn't know no lawyer numbers  
8 or who lawyers was to get in contact with, with them.

9 Q. That was good advice.

10 A. Yeah.

11 Q. And did you Google local lawyers or anything like that?

12 A. I did not.

13 Q. Why?

14 A. But I did ask around to see if anybody knew a lawyer  
15 though.

16 Q. You couldn't find a lawyer in three days that---

17 A. Nah, actually I did find a lawyer. I don't remember  
18 his name. I hadn't -- I know my plea (phonetic) was at a  
19 lawyer. You know, he was in a situation where it was just  
20 something totally different not to bring up. But he didn't  
21 answer the phone. And I found this out, if I'm not  
22 mistaken, like late on the 25<sup>th</sup> or like early, early on  
23 the 26<sup>th</sup> to be exact.

24 Q. And the juries got the interview you did.

25 But you don't dispute that you told Investigator Hinson

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 that that last time when you got the gun, you're standing in  
2 the threshold, Meatball's on the bed and he stands up, you  
3 got the gun on him and you said I told him don't come at me.  
4 It's over with. You did what you did. You said what you  
5 said. It's over with.

6 A. I don't remember but I, I wasn't -- I wouldn't say that  
7 I didn't say that.

8 Q. And then he rushed at you from this distance right  
9 here. In this 21-inches he rushes at you. From right here.  
10 Right?

11 A. Yeah. Correct.

12 Q. And he's doing like that rushing at you?

13 A. Yeah, he had drew a fist. He lunged at me.

14 Q. He's standing about like that I'm standing?

15 A. I don't really remember. I, I, I just know he's lunged  
16 at me with a closed fist. That's the last thing I seen --

17 Q. Okay. But---

18 A. -- is him lunging at me with a closed fist.

19 Q. All right. Well, I'm saying there's not much move --  
20 room to move but he stands up and you're talking. You say  
21 it's over. You did what you did. You said what you said.  
22 It's over.

23 A. I had said that in the midst of when I pushed him with  
24 my left-hand and when he stumbled back and hit the bed.

25 Q. But he stands up and then---

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 A. He didn't stands up. He just shot straight up at me  
2 with a closed fist and that's when I closed my eyes. I  
3 didn't see nothing from then.

4 Q. All right. Let me just -- you told Hinson though on --  
5 this is right after you were picked up on the 27<sup>th</sup>, three  
6 days after.

7 A. Correct.

8 Q. I think this is it but this is how you described it to  
9 Investigator Hinson.

10 (WHEREUPON, a portion of the defendant's statement was  
11 played at this time.)

12 Q. You got back up and you said it's over, right?

13 A. That's what I said on the interview.

14 Q. Huh?

15 A. That's what I said on the interview.

16 Q. Are you saying something different now?

17 A. It's not the fact I'm saying something different. I'm  
18 just telling you what I remember. And, no, I really been  
19 trying to, you know, just get the whole thing out my head  
20 but trying to, you know, remember enough of what I would  
21 assume is enough, you know, to be here today trying to  
22 explain.

23 Q. But you agree with me here you're telling him --.

24 (WHEREUPON, a portion of the defendant's statement was  
25 played for the jury at this time.)

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 Q. All right. So, you talked about him getting off.

2 (WHEREUPON, another portion of the defendant's  
3 statement was played for the jury at this time.)

4 Q. You got back up.

5 (WHEREUPON, another portion of the defendant's  
6 statement was played for the jury at this time.)

7 Q. Right?

8 A. Yeah, I can't disagree cause I see myself saying that.

9 Q. Yeah.

10 So, y'all are standing here and he gets back up and  
11 how -- y'all are face to face, 18-inches to 21-inches apart,  
12 right?

13 A. What I remember is me pushing him with my left-hand and  
14 I got the gun in my hand and me telling him to chill while  
15 he's stumbling back and he hit the bed and comes at me with  
16 a closed fist.

17 Q. We're all trying to visualize this cause we weren't  
18 there.

19 A. And I'm trying to give you the best explanation to it  
20 as what I remember.

21 Q. All right. Right there what you described. He gets  
22 back up.

23 Okay. So you're in the threshold probably  
24 face-to-face, right?

25 A. Maybe.

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 Q. Right?

2 And you're saying hey, it's over. You did what you  
3 did. You said what you said. It's over and he lunges at  
4 you.

5 I mean it was one step away, right?

6 A. You could say that. But what I remember is me pushing  
7 him with my left-hand getting the gun out his hand and  
8 telling him to chill and then mixing -- him hitting the bed  
9 and he coming back at me with a closed fist.

10 Q. You want me to play that again?

11 A. Nah, you ain't got to play it again. I seen it -- you  
12 know, I seen myself say that. That's why I can't disagree  
13 about, you know, saying it in the interview. But I'm  
14 telling you what I remember. It is 33 months later and some  
15 days.

16 Q. I mean it would of been ideal if you'd stayed on the  
17 scene and told law enforcement that night hey, self-defense  
18 right here. Let me tell you exactly how it happened. But  
19 instead of going on the run for three days.

20 wouldn't it have been best to stay there and told them  
21 that night what happened?

22 A. And you actually correct. It would of been -- now that  
23 I know that and I know how to go about the situation. But  
24 at that time I didn't know how to do it. I was confused,  
25 scared. I didn't know what to do.

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 Q. Now that you know how to go about the situation, so the  
2 next time you kill somebody you'll know what to do?

3 A. Nah, I don't have no intentions on, you know, killing  
4 anybody. I don't have no aggressive thoughts or nothing  
5 like that.

6 Q. Okay. You told Meatball at least twice you're not  
7 scared. You said bro, shit don't scare me. It doesn't  
8 phase me, phase me. I've been through that.

9 Right?

10 A. Yeah, I had told them that I wasn't scared. But I told  
11 him I wasn't scared, you know, basically just to keep him  
12 calm so he wouldn't go with his mood.

13 Q. How does saying you're not scared keep somebody calm?

14 A. May I explain that?

15 Q. That's what I'm asking you.

16 A. I'll give you an example. Well, you know it's like no,  
17 you don't want to be no off tackle or anything. But you  
18 know I'm pretty sure a few of us can relate.

19 Just being young, maybe like I could just do a  
20 little -- just a little old example just when I was young.  
21 Like you know being in school, you know you just acting up,  
22 you get that phonecall home. Your teacher try to be funny  
23 and put them on speakerphone. They tell you what's going  
24 on. Your mama like oh, yeah, you know you're gonna get a  
25 whopping but you're like -- the whole time you're scared to

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 go home. You know what's going on.

2 Q. But false bravado I guess is what you're describing?

3 A. I don't know how it -- what that mean but I'm, I'm  
4 thinking so if you using that in the right way.

5 Q. So maybe in your mind if you say I'm not scared he'd be  
6 intimidated now?

7 A. No, I wouldn't think he would be intimidated. I just  
8 felt like it will buy me more time. You know, leave him  
9 skeptical cause I feel like him drawing the gun on me is to  
10 make me scared, you know. So that's why I say I'm not  
11 scared just to throw him off and buy me a little time before  
12 he go with his move.

13 Q. You said none of that is scaring me. I done been  
14 through that.

15 So you had something like that happen before?

16 A. Not as further as me what I have to, you know, shoot at  
17 anyone with me having a gun period. I just have been on the  
18 other side of a gun. I been robbed a lot, jumped, anything  
19 like that. You know, I'm -- I ain't gonna say I'm scared  
20 but I, I be scared though. I be scared.

21 Q. But you, you didn't seem scared when you walked back  
22 out to the car.

23 A. I mean I don't, I don't know how they took it. Man, I  
24 really kind of say I do though. But, like I say, I'm a  
25 quiet person. You know, I was confused, shocked, mind was

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 everywhere. Someone just had been shot. I ain't know what  
2 to do, what to think, what to say.

3 Q. All right. And you -- you'd never seen Meatball with a  
4 gun before?

5 A. Not that I recall.

6 Q. Just answer yes or no.

7 A. I just don't recall.

8 Q. But how many guns have you had?

9 A. I can't tell you.

10 Q. Ten?

11 A. I don't know.

12 Q. Twelve?

13 A. I don't know.

14 Q. Why not?

15 A. I can't give you no answer.

16 Q. It might be 20 or more?

17 A. No, I wouldn't say that.

18 Q. And they're all, according to you, just given away on  
19 the streets?

20 A. Yeah, um, you know, do anything where I have to like  
21 actually get rid of them.

22 Q. Okay. But in the past what you would do is just go  
23 find somebody and give them the gun?

24 A. Nah, it's mostly like people be like -- on like --  
25 maybe like little outlet like Facebook or something like

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 that. They'll post a -- you know, make a post like they  
2 looking for something. You know, if I know them, it  
3 wouldn't be no stranger or nothing like that but if I know  
4 them. You know what I'm saying?

5 Something like that.

6 SOLICITOR SCOTT: Okay. Beg the Court's indulgence.

7 THE COURT: Yes, sir.

8 (Pause.)

9 Q. Had you been -- isn't it true you've been trying,  
10 trying to better yourself and work on your anger issues?

11 A. Talking about while I was home?

12 Q. Right. Lately.

13 Haven't you been trying to work on your anger issues?

14 A. Oh, I have. I, I really have. Not just lately. You  
15 know ever since I, I been in Alvin S. Glenn period, you  
16 know, from Yankee, which is the 27<sup>th</sup> till I think  
17 December, if I'm not mistaken, till when I got in  
18 popularity. You know, I was placed in I dorm.

19 So, you know, I was just really trying to like stay  
20 away from negative energy, stay positive, work on myself. I  
21 actually was gonna try to get my GED while I was in there.  
22 But, you know, they closed that down doing to COVID and it's  
23 still closed as of right now.

24 Q. But you---

25 A. I was just trying to find better ways, you know, just

Jaylen Bell - Cross-examination  
By Solicitor Scott

1 to better myself.

2 Q. You, you---

3 A. Work on my personal problems.

4 Q. You describe yourself as having anger issues a lot?

5 A. Yeah, I, I do got anger issues. I, I get mad  
6 sometimes.

7 Q. Okay. All right. I think that's all the questions I  
8 have for you, Mr. Bell.

9 THE COURT: All right. Redirect.

10 MS. BRUCK: Thank you, Your Honor.

11 REDIRECT EXAMINATION

12 BY MS. BRUCK:

13 Q. All right, Jaylen. When you walk back into your Auntie  
14 Neco's house and walked into that room, Meatball was not  
15 sleeping in the bed, right?

16 A. No, he wasn't.

17 Q. How did he appear to you when you walked in that room?

18 A. He was sitting at the edge of the bed. He had a bill.  
19 I don't know what kind of bill. You know, just money though  
20 or that type of bill in his hand or what I assume was coke.

21 Q. He wasn't lying down?

22 A. No, he wasn't lying down at all. Actually sitting up.

23 Q. And you know he hadn't just been sleeping, right?

24 A. No, I didn't know that.

25 Q. Well, what did you hear he had just done before you

Jaylen Bell - Redirect examination  
By Ms. Bruck

1 entered the house?

2 A. That he had done put his hands on Jaquala in front of  
3 Jamaría.

4 Q. He wasn't sleeping when he was doing that, right?

5 A. Correct.

6 Q. When you shot Meatball the first time, he was at the,  
7 at this line essentially, right?

8 A. Pretty much.

9 Q. And you're in the threshold of the doorway, right?

10 A. Correct.

11 Q. And we've hammered that pretty hard. It's a, it's a  
12 close -- it's a close distance, right?

13 A. It is.

14 Q. Do you know if he stayed in that position every time  
15 you fired the gun?

16 A. No, I don't. All I remember is him actually just  
17 getting up from the bed with a drawn fist. That's the last  
18 thing I seen.

19 Q. If he's at the end of the bed, it's still pretty close,  
20 right?

21 A. Correct. The room's pretty small.

22 Q. Oh, I'm sorry. You can't see that. It's still a very  
23 short distance.

24 Am I right?

25 A. Pretty much.

Jaylen Bell - Redirect examination  
By Ms. Bruck

1 Q. Now, Mr. Scott talked to you a lot about how you kept  
2 engaging is the word I think he used. You kept engaging  
3 with Meatball. We talked a little bit about this on, on  
4 direct. But you, you help people in your family resolve  
5 issues.

6 A. Yeah, I---

7 Q. Is that fair to say?

8 A. Yeah, you, you could, you could. I did it a lot  
9 actually. I did it a lot.

10 Q. Cornelius came to you with his marital problems?

11 A. Pretty much. He felt comfortable enough to come tell  
12 me what was going on.

13 Q. And you felt that you could talk to Meatball that night  
14 without it escalating?

15 A. Correct. I ain't never had no problem with him and  
16 that's the reason me trying to resolve what was going on.

17 Q. And when you left the house that day and you threw the  
18 gun on the couch, what was your other option?

19 A. As of what?

20 Q. What else could you have done with that gun?

21 A. Well, I most definitely couldn't take it with me. I  
22 wasn't fixing to bring a gun in the car with not only my  
23 little cousin Jamarica but a baby at that.

24 Q. So you left the gun, for the safety of the kids, in the  
25 car, right?

Jaylen Bell - Redirect examination  
By Ms. Bruck

1 A. Correct.

2 Q. And you mentioned this to Investigator Hinson quite a  
3 bit in your interview. The rumors about what has happened  
4 start flying then.

5 Is that fair to say?

6 A. Very fast.

7 Q. And you're hearing from all angles?

8 A. Correct.

9 Q. And you may of been absolutely justified in what you  
10 did.

11 But the bottom line is this, this did happen at your  
12 Auntie Neco's house, right?

13 A. Right.

14 Q. Her house has turned into a crime scene at least for a  
15 little while, right?

16 A. Right.

17 Q. How'd that make you feel?

18 A. I just really had mixed emotions about it, you know. I  
19 was upset, really sad. You know, I be depressed.

20 Q. Were you worried your family was mad at you?

21 A. Yeah, I was worried about that especially off, you  
22 know, to what I could say -- what's the right word?

23 Accusations they was saying about what happened.

24 Q. You heard some things that were false?

25 A. I heard a lot of things that was false. To be honest,

Jaylen Bell - Redirect examination  
By Ms. Bruck

1 everything I heard was false.

2 Q. And what -- Jaylen, you've, you've had some guns in  
3 your past, right?

4 A. Correct.

5 Q. We talked about this.

6 How old were you then, 17?

7 A. Yep, about 17 or younger.

8 Q. And younger?

9 A. Correct.

10 Q. Did something happen in your life that made you want to  
11 turn things around?

12 A. I mean -- and just to be honest, you know, just being  
13 young, people having guns, you know, in the movies, however  
14 you want to paint the picture, the gangs, I just kind of  
15 pretty cool the way I use to look at it as, you know, young  
16 growing up. But actually I was -- I think I was like around  
17 the age maybe like -- I want to say like 12 or 13. I  
18 actually seen my homeboy get killed by the police and his  
19 brother left him on the scene and I had left too to be  
20 honest. And I always just felt like I should keep, you  
21 know, a firearm since then.

22 Then you know this stuff I was dealing with around the  
23 neighborhood of being robbed, jumped, stuff like that.

24 That's really the main purpose in me keeping a firearm on me  
25 just for protection.

Jaylen Bell - Redirect examination  
By Ms. Bruck

1 Q. You're telling Meatball I've been through stuff like  
2 that before --

3 A. Correct.

4 Q. -- seeing a friend get killed, right?

5 A. Correct. And also being on the opposite side of a  
6 loaded gun.

7 Q. Did you carry guns anymore on the day of November  
8 24<sup>th</sup>, 2019?

9 A. Nah, I ain't had no gun in a minute.

10 Q. And why is that?

11 A. Because, first things, Investigator Hooks had came to  
12 my house and stuff like that for the people that I was  
13 around. And, after that, I wasn't really toting no guns.  
14 Then I had met Stephanie. So I really wasn't even on that  
15 type of timing. I mean she didn't even really play that to  
16 be real.

17 Q. Tell me about what about your relationship with  
18 Stephanie changed things.

19 A. You know, she just came around. She brought a lot of  
20 positive energy. You know what I'm saying?

21 She was just, you know, really a big on, you know, just  
22 seeing me grow, you know. Just being young, I wasn't really  
23 seeing it at the time. I felt like I did have to sit down  
24 to really realize a lot of stuff. But she was just -- she  
25 just wanted better for me. I was just catching on to it

Jaylen Bell - Redirect examination  
By Ms. Bruck

1 slowly. But I was just trying to get myself together.

2 Q. Trying to get yourself together?

3 A. Correct. Ever since I met her.

4 Q. And part of that means no guns, no drugs, right?

5 A. No guns, no drugs, getting education.

6 Q. And I'm gonna show you real quick -- one second.

7 (Pause.)

8 Q. Okay. This has been marked as Defense Exhibit 5 up  
9 right here.

10 okay. So this is the room where it happened?

11 A. Correct.

12 Q. Correct?

13 Oops.

14 Can you see there?

15 A. I can.

16 Q. Okay. Is that right?

17 A. Come again.

18 (WHEREUPON, Defendant's Exhibit No. 5 was being played  
19 at the time.)

20 Q. Okay. This is the room?

21 A. Correct.

22 Q. And whoever's coming is standing outside the door?

23 A. Correct.

24 Q. Is that right?

25 what's behind you when you turn around?

Jaylen Bell - Redirect examination  
By Ms. Bruck

1 A. As of where I was standing?

2 Q. Let's play it all the way through.

3 walk into the room into the threshold and that's what's  
4 behind you, right?

5 A. Correct.

6 Q. Not an open hallway?

7 A. Right.

8 Q. It's a closet?

9 A. Right.

10 Q. would it have been easy to back out of that room?

11 A. Actually it wasn't because, you know, of the fact that  
12 he was being, you know, very loud and aggressive, you know.  
13 For me to leave the situation, I would have to really rush  
14 to avoid the situation. So, if I go back, back up, possibly  
15 could of hitten (sic) the wall. He could of went with his  
16 move. Anything could of happened.

17 Q. And would it have been easy to turn around and get out  
18 of there?

19 A. It would not really of the simple fact of everything  
20 happened so fast.

21 They can hear me?

22 MS. BRUCK: Court's indulgence.

23 THE COURT: Okay.

24 (Pause.)

25 Q. Jaylen, you were asked on cross by Mr. Scott a lot

Jaylen Bell - Redirect examination  
By Ms. Bruck

1 about why, why you didn't involve the police in prior  
2 altercations between Meatball and Jaquala, right?

3 A. Correct.

4 Q. You were asked why you didn't involve the police in  
5 this, correct?

6 A. Correct.

7 Q. Were you raised to call the police?

8 A. I most definitely wasn't.

9 Q. And why is that?

10 A. Oh, I don't, I don't know. I can't really give a  
11 straightforward answer with that one. I wasn't though. I  
12 can say that for sure.

13 MS. BRUCK: I have no further questions at this time.

14 RE CROSS EXAMINATION

15 BY SOLICITOR SCOTT:

16 Q. You weren't raised to call the police but your family's  
17 telling you to turn yourself in?

18 A. Correct.

19 Q. The people you trust most, right, family?

20 A. Right.

21 Q. They're saying turn yourself in, man?

22 A. Correct.

23 Q. And you say everything you're hearing on the streets is  
24 false.

25 wouldn't it have been good to go ahead and get your

Jaylen Bell - Recross examination  
By Solicitor Scott

1 narrative out there to the police?

2 A. It would, you know, and I would have done that if I  
3 knew the correct way to do it.

4 Q. All right. Well, now, have you had some issues with  
5 telling false things to police before?

6 A. Nothing besides the false information charge I caught  
7 when I believe I was 17.

8 Q. You were following -- filing a police report is what  
9 you were convicted of?

10 A. Correct. I think I gave a false name.

11 Q. Okay. And, and so you have been charged with crimes of  
12 dishonesty in the past and you have some credibility issues  
13 at least when it comes to police?

14 A. Nothing besides that. I just, you know, I had but I  
15 had my reasons. I, I, I really did have my reasons with  
16 that situation. That's why I was only one situation. You  
17 know, everybody learn from their mistakes.

18 Q. But -- well, I guess I think you answered but my  
19 question is you were convicted of filing a false police  
20 report?

21 A. I was.

22 Q. Okay. Which is a crime of dishonesty?

23 A. Correct.

24 Q. And you're here to judge your credibility today?

25 A. Correct.

Jaylen Bell - Recross examination  
By Solicitor Scott

1 Q. Okay. And, and what you're on this stand telling  
2 everybody is, in these five pictures, these are toy guns  
3 you're posing with?

4 A. Yeah, a few of them is toy guns. I don't, I don't  
5 really know the exact way -- nah, it's not -- the BB guns  
6 are toy guns. But the other pictures, they are props.

7 MS. BRUCK: Objection. This has been asked and  
8 answered?

9 THE COURT: Sustained.

10 Q. Okay. And all the real guns are gone. You're done  
11 with those now.

12 A. I've been done with those for years.

13 Q. And you've never seen Demetrius with a gun.

14 But you self-admit you've had maybe as many as 20 guns  
15 before?

16 A. I don't recall.

17 Q. Okay. And we were to believe that you did not have a  
18 gun on this particular night?

19 A. Correct.

20 Q. Even though we got a picture of you posing with the  
21 exact same gun?

22 MS. BRUCK: Objection.

23 A. Nah.

24 MS. BRUCK: That's mischaracterizing---

25 A. Nah, that's props---

Jaylen Bell - Recross examination  
By Solicitor Scott

1 MS. BRUCK: ---the evidence.

2 A. ---and just BB guns.

3 MS. BRUCK: Your Honor, it's mischaracterizing the  
4 evidence.

5 THE COURT: Overruled. He answered.

6 A. Okay. So---

7 THE COURT: All right.

8 Q. ---it was a -- the night of -- again, as you're  
9 fighting over this gun, life and death situation, and you go  
10 hey, look at that chrome and black 9-millimeter Smith &  
11 Wesson?

12 A. No, just, you know, my familiar with guns, you know,  
13 and I have seen a lot and I have a few myself, I could tell  
14 what gun that was.

15 Q. You don't find that extraordinary that you can tell the  
16 caliber of the gun during a---

17 A. Not really.

18 Q. ---fight?

19 A. It's just been a, a lot of situations, you know, and  
20 very similar to this one, you know, that people have  
21 described or detail, you know, guns in the situation.

22 Q. So you -- you're able to look at the guns and say  
23 that's a 9-millimeter or a .38 or a .357 or---

24 A. If I see the barrel, correct, I, I feel like I can.  
25 May have to does -- with no experts or none like that. Just

Jaylen Bell - Recross examination  
By Solicitor Scott

1 my familiarities like I could tell, you know, the Richland  
2 County officers that here, I could tell, you know, that they  
3 tote Glocks. You know, just that familiar. Not that, that  
4 I'm an expert.

5 Q. Okay. But isn't it extraordinary that the casings  
6 found on the bed were 9-millimeter casings?

7 So you were right.

8 A. Yeah.

9 Q. Maybe it's cause it was your gun?

10 A. Nah, not at all.

11 Q. Okay. Same kind you posed with in the picture, a  
12 chrome and black Smith & Wesson?

13 That's what it was?

14 A. Nah, the pictures that you got are just props and BB  
15 guns.

16 Q. But you're saying that day in question it was a chrome  
17 and black 9-millimeter Smith & Wesson?

18 A. Correct.

19 Q. Thank you.

20 THE COURT: Okay. All right. Thank you, Mr. Bell.

21 You may step down.

22 THE WITNESS: All right.

23 THE COURT: Thank you very much.

24 THE WITNESS: You welcome.

25 THE COURT: All right. Y'all approach real quick.

1 Everyone stand up, twist, turn, stretch your legs.

2 Attorneys approach real quick.

3 Mr. Scott.

4 (WHEREUPON, a bench conference was held out of the  
5 hearing of the jury at this time.)

6 THE COURT: All right. Hang on with me just one  
7 moment, ladies and gentlemen.

8 (Pause.)

9 MS. BRUCK: He's on his way up, judge.

10 THE COURT: Okay.

11 All right, ladies and gentlemen. We're gonna do one  
12 more witness and then we'll, we'll take a lunch break at  
13 that point in time. So give me just one second.

14 (Pause.)

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

16 MS. BRUCK: Defense calls Carl Weston.

17 THE COURT: All right. Come on down, Mr. Weston.

18 THE BAILIFF: All right. Come on over here, sir.

19 THE CLERK: State your full name please.

20 THE WITNESS: Charles Antihony Weston, Senior.

21 THE CLERK: Speak up a little.

22 THE WITNESS: Charles Antihony Weston, Senior.

23 THE CLERK: What's your middle name?

24 THE WITNESS: Antihony.

25 THE CLERK: Spell it.

Carl Weston - Direct examination  
By Ms. Bruck

1 THE WITNESS: Antihony.

2 THE CLERK: spell it.

3 THE WITNESS: A-N-T-I-H-O-N-Y.

4 THE CLERK: Antihony.

5 CARL WESTON, being first duly  
6 sworn, testified as follows:

7 THE CLERK: Thank you. Have a seat right there, sir.

8 DIRECT EXAMINATION

9 BY MS. BRUCK:

10 Q. Good afternoon, Mr. Weston.

11 A. Good afternoon.

12 Q. Mr. Weston, do you know Demetrius Floyd?

13 A. Yes. Yes, ma'am.

14 Q. And how long have you known him for?

15 A. well, we moved in the neighborhood in 1977. He was a  
16 youngster. I must of met him when he was maybe 15.

17 Q. And did you know Demetrius Floyd to drink alcohol?

18 A. Yes, ma'am.

19 Q. Can you tell me a little bit about that?

20 A. well, he never finished high school and I use to see  
21 him periodically walking around the street with beer.

22 Q. would you see that often?

23 A. Just about every day.

24 Q. Every day?

25 A. Yes, ma'am.

Carl Weston - Direct examination  
By MS. Bruck

1 Q. And how did Demetrius act when he drank alcohol?

2 A. He was never level headed kid on, on alcohol walking up  
3 and down the street. I mean he never held a job day-to-day  
4 without having a beer in his hand. Afternoon or after dark  
5 or during the day.

6 Q. I'm sorry.

7 what was that last one?

8 A. After dark or during the day. After dark or during the  
9 day.

10 Q. And without describing anything specific, how would you  
11 describe him generally?

12 A. Hot tempered.

13 Q. Hot temper?

14 A. Yes, ma'am.

15 Q. And, again, you knew him since he was a kid?

16 A. Yes, ma'am. At times I'd try to talk to him but it  
17 never did make any map -- change in reaction.

18 Q. He never what?

19 I'm sorry.

20 A. Change in reaction. I mean it just stop his drinking  
21 and slow down him down or change his way of life.

22 Q. And did you know -- did you know Demetrius as an adult  
23 as well?

24 A. I met his son just before he passed away and that's  
25 about the best I -- well, we had an altercation. He hit me

Carl Weston - Direct examination  
By Ms. Bruck

1 in the face with a brick on the side of my face.

2 SOLICITOR SCOTT: Your Honor, I can't---

3 A. I came to at the---

4 SOLICITOR SCOTT: I can't understand him.

5 A. Oh.

6 THE COURT: He just -- yeah. What, what he just said  
7 you would of objected to and the objection would of been  
8 sustained. The jury will disregard that last statement.

9 Let's ask direct questions please.

10 MS. BRUCK: Yes, sir.

11 Q. So, you knew Demetrius since he was a kid.

12 Do you know how old he was the last time you saw him?

13 A. No, ma'am, I didn't, didn't directly know his age, no.

14 Q. Was he an adult?

15 A. He was an adult, yes, ma'am.

16 Q. Okay. Was he in his twenties you think?

17 A. It might be in his thirties.

18 Q. Might of been in this thirties?

19 A. Yes, ma'am.

20 Q. Do you remember -- and it's okay if you don't.

21 Do you remember what year it was?

22 A. No, I sure don't.

23 Q. Okay.

24 A. It might of been '2019, '20.

25 Q. 2019?

Carl Weston - Direct examination  
By Ms. Bruck

1 A. 2019, yeah.

2 Q. Okay. Thank you, sir.

3 I've no further questions.

4 A. Is that it?

5 Is that it?

6 THE COURT: Stay right there.

7 CROSS-EXAMINATION

8 BY SOLICITOR SCOTT:

9 Q. All right. Mr. Weston, are you a crack addict?

10 A. No, sir.

11 Q. Have you ever done crack?

12 A. I have.

13 Q. A lot?

14 A. At times, yeah.

15 Q. If I ran your rap sheet, which we're doing, would I  
16 find some arrests for crack?

17 A. I'm not sure.

18 Q. You don't remember?

19 A. I might -- I been around drug dealers at times, yeah.

20 Q. You've been around drug dealers?

21 A. I have, I have been around drugs at times.

22 Q. All right. What does crack do to you?

23 A. To me?

24 Q. Yeah.

25 A. Just even headed. I've never had any reaction and run

Carl Weston - Cross-examination  
By Solicitor Scott

- 1 up and down the street or exchange attitude with people.
- 2 Q. You never had any --?
- 3 A. And I don't run the street if I ever did. I was in the  
4 house, in my own house.
- 5 Q. You just do crack in your own house?
- 6 A. If I ever did, it was in my own house, yeah.
- 7 Q. Okay. And what other convictions would I find?
- 8 A. Shoplifting or something.
- 9 Q. Shoplifting?
- 10 A. Yes, sir.
- 11 Q. Is that to feed your crack habit?
- 12 A. Well, I -- I was, I was schizo -- diagnosed  
13 schizophrenic at 22.
- 14 Q. You're schizophrenic?
- 15 Is that what you said?
- 16 A. I was, I was diagnosed schizo manic at 22.
- 17 Q. Uh-huh.
- 18 A. And I been drawing Social Security.
- 19 Q. You're on -- okay.
- 20 A. I was drawing Social Security, yes, sir.
- 21 Q. And so how you pay for your crack?
- 22 A. How did I pay for it?
- 23 Q. With Social Security.
- 24 A. Well, I do yard work.
- 25 Q. Huh?

Carl Weston - Cross-examination  
By Solicitor Scott

- 1 A. I do yard work.
- 2 Q. Okay.
- 3 A. Clean yards, yes, sir.
- 4 Q. And that's how you buy your crack?
- 5 A. Yes, sir, that's how I used to buy it.
- 6 Q. But Demetrius drank beer and you smoked crack?
- 7 A. Well, at, at times I, I never -- I was never with him.
- 8 I was never with him.
- 9 Q. I know but around that time he, he drinks the Budweiser
- 10 and you smoke a crack pipe?
- 11 A. I -- in, in my house. He wasn't in my -- he never came
- 12 to my house.
- 13 Q. I know. I'm really not saying---
- 14 A. Well, that---
- 15 Q. He has his vice.
- 16 A. Yes. Yes, sir.
- 17 Q. You have yours.
- 18 A. Yes, sir.
- 19 Q. They're just not the same.
- 20 A. Yes, sir. Yes, sir.
- 21 Q. That's fair.
- 22 A. That's right.
- 23 Q. And you know his mother up here?
- 24 A. Yes, sir.
- 25 Q. And she---

Carl Weston - Cross-examination  
By Solicitor Scott

1 A. And I do work for his mom at times, yes, sir.

2 Q. And she -- you know her?

3 A. Yes, sir.

4 Q. And the -- I guess you were known as the neighborhood  
5 crack addict?

6 A. Huh?

7 Q. You were known as the neighborhood crack addict?

8 A. If you want to call it when they were saying that. If  
9 you want to say that they were saying that, we'll go with  
10 that.

11 Q. All right. Thank you.

12 THE COURT: Redirect?

13 MS. BRUCK: Your Honor, may we approach?

14 (WHEREUPON, a bench conference was held out of the  
15 hearing of the jury at this time.)

16 MS. BRUCK: Nothing further, Your Honor.

17 THE COURT: All right. Thank you, Mr. Weston. Have a  
18 good day.

19 All right. Who's your next witness?

20 MS. BRUCK: The defense rests, Your Honor.

21 THE COURT: All right. Ladies and gentlemen, the  
22 defense has rested. I have some issues I need to take up  
23 with the parties outside of your presence. So we'll go  
24 ahead and take a break for lunch.

25 Do not discuss the case. Keep an open mind about the

1 case. Do not have any contact with anybody involved in the  
2 case. Do not do any research on the case.

3 It's one o'clock. We're gonna start back at 2:30.  
4 We'll start back at 2:30. Be in your jury room and ready to  
5 go at 2:30.

6 Thank you very much.

7 (WHEREUPON, the following takes place outside the  
8 presence of the jury.)

9 THE COURT: Okay. Motions from the defense.

10 MS. BRUCK: Your Honor, at this time we would renew  
11 our -- parts -- let me move this.

12 At this time we would renew our motion for immunity and  
13 all pretrial motions or motions in limine under 404(b) and  
14 our 403 motions as well as all objections during trial. In  
15 particular, Your Honor, objections to the use of social  
16 media posts that weren't disclosed to defense counsel and we  
17 would move for a directed verdict.

18 THE COURT: Okay. All right. And my ruling's upon  
19 those motions would be the same. Your motion for a directed  
20 verdict is denied considering the standard that's before the  
21 Court at this point in time.

22 All right. Are you gonna call any reply witnesses?

23 SOLICITOR SCOTT: Two quick ones.

24 THE COURT: Okay. And who are they?

25 SOLICITOR SCOTT: His mother.

1 THE COURT: Okay.

2 SOLICITOR SCOTT: And, and really only because I think  
3 one of their witnesses said that he was violent towards her  
4 and these are just gonna be rebutting the issue of  
5 character, violent character, and then I'm sorry I can't. I  
6 keep forgetting -- and Ashley Wright who is the mother of  
7 Demetrius's god daughter.

8 THE COURT: What's her name?

9 SOLICITOR SCOTT: Ashley Wright with a W and mother is  
10 Shirley Jones.

11 THE COURT: Okay. So let's -- does anybody have any  
12 jury charges they want me to look at?

13 MS. WARTHEN: May I approach, Your Honor?

14 THE COURT: Yeah.

15 (Pause.)

16 SOLICITOR SCOTT: You mind if -- stand it up.

17 THE COURT: Okay.

18 SOLICITOR SCOTT: Do you charge the Victor v. Nebraska  
19 reasonable doubt?

20 THE COURT: I do, yes.

21 All right. All right. So the defense is requesting a  
22 charge that said -- that says the defendant has no duty to  
23 retreat if by doing so the danger of being killed or  
24 suffering serious bodily injury would increase.

25 What's the State's position on that?

1 SOLICITOR SCOTT: I would, I would ask you to consider  
2 my duty to retreat charge.

3 MS. WARTHEN: I'm not seeing yours here.

4 THE COURT: Well, I think they say the same thing  
5 frankly. Just saying different wording but it's the same  
6 concept.

7 Okay. And is the defense requesting any lesser  
8 includeds?

9 MS. WARTHEN: Beg the Court's indulgence.

10 MS. BRUCK: Your Honor, can we have lunch to consider  
11 that?

12 THE COURT: No, ma'am, this case is three years old.  
13 We've been here all week.

14 How do we not know what jury charges we're asking for?

15 MS. BRUCK: Because respectfully, Your Honor, I wanted  
16 to take in the trial and see what evidence was presented.

17 THE COURT: I mean you -- 95 percent of what was  
18 presented this week was what was presented in the immunity  
19 hearing, was it not?

20 MS. BRUCK: The immunity hearing was half of a day,  
21 Your Honor. It wasn't nearly this substantial.

22 THE COURT: Okay. Do you want a charge on voluntary  
23 manslaughter or not?

24 I mean what's the State's position on lesser includeds?

25 SOLICITOR SCOTT: Judge, I don't think that they do get

1 the lesser included, Your Honor. This is either  
2 self-defense or it's murder. Malice will be the reckless  
3 disregard, value of human life.

4 In the alternative, he, he's not -- he's not saying  
5 that there was any heat of passion or legal provocation.  
6 He's saying he is fully immune from prosecution based on his  
7 self-defense. So, I don't see how they get the lesser.  
8 Perhaps if they found to---

9 THE COURT: I mean he says he doesn't go in there  
10 angry. He doesn't go in there frustrated. He doesn't go in  
11 there mad. He's got no prior beef with or, or disagreements  
12 with the victim. There's no bad blood between them.

13 SOLICITOR SCOTT: That was my understanding.

14 THE COURT: Yeah, he goes in there to question him  
15 about what occurred and whatever happened happened. But I  
16 mean you're welcome to take the lunch and look over it but  
17 that's fine.

18 MS. BRUCK: Thank you, Your Honor.

19 THE COURT: Okay. All right. Well, we'll plan on  
20 doing those two witnesses and then arguing and charging this  
21 afternoon.

22 All right. Do we need to be back in here at two  
23 o'clock to have -- to hear any argument the State wants --  
24 the defense wants to make on jury charges.

25 (WHEREUPON, Court was in recess for the lunch break.)

1 THE COURT: All right. Were there any further  
2 requested charges from the State?

3 SOLICITOR SCOTT: No, Your Honor.

4 THE COURT: Okay. And from the defense?

5 MS. BRUCK: No, sir, Your Honor.

6 THE COURT: Okay. Good. So I think I -- everything  
7 everybody submitted is in there.

8 So, all the different categories under self-defense  
9 that the defense submitted I put in there and the, the  
10 State's paragraph on retreat and the defense's paragraph for  
11 retreat are really the same thing. They're just worded a  
12 little bit differently. There's just a little bit of a  
13 wording and I used the standard charge that was in the book  
14 that, if by doing so, the danger of being killed or  
15 suffering serious bodily injury would increase. So I used  
16 the language from the defense's requested charge which is  
17 basically the same as the one the State submitted.

18 All right. And then I did a verdict form and it has  
19 murder, not guilty or guilty. Then it says only if they  
20 find him guilty of the murder can they consider the weapons  
21 charge and it says that on there. But it's just a one page  
22 sheet of paper as to that.

23 Anything else from the State?

24 SOLICITOR SCOTT: No, Your Honor.

25 THE COURT: All right. And from the defense?

1 MS. BRUCK: No, Your Honor.

2 THE COURT: Okay. And do you want us to email you---

3 SOLICITOR SCOTT: Your Honor?

4 THE COURT: ---copies of the charge or --?

5 SOLICITOR SCOTT: Yes, sir, that's it.

6 THE COURT: Huh?

7 SOLICITOR SCOTT: Email, yeah.

8 THE COURT: Yeah.

9 Okay. All right. I'm gonna go -- so we're good. I'll  
10 make sure she has it in her final form and we'll start back  
11 at 2:30 with your two witnesses.

12 SOLICITOR SCOTT: well, I tell you what, I -- we, we've  
13 discussed. I think, I think we'll just roll into closings.

14 THE COURT: You sure?

15 SOLICITOR SCOTT: Yeah.

16 THE COURT: okay. All right. That's perfectly fine.

17 All right. That's good.

18 All right. So when the jury comes back in, the State  
19 will go first, defense will go second, and then the State  
20 will have an opportunity to make a reply argument. I'm  
21 gonna go make sure those -- the verdict form and the jury  
22 charge is sent to you via email and then we'll be down till  
23 2:30.

24 Okay. Thank you very much.

25 MS. BRUCK: Thank you, sir.

1 trial which are known as closing arguments. This is an  
2 opportunity for the attorneys to come before you and  
3 summarize the case from their respective points of view.

4 Okay. Now, you have all done a very good job this week  
5 of paying attention to me, to the witnesses, to the  
6 attorneys, to what's going on in court and I sincerely  
7 appreciate that and I know that the attorneys do as well.

8 This is their final opportunity to come before you.

9 Okay. So I ask that you give them your undivided  
10 attention.

11 Okay. Now, as with every single thing we do in this  
12 courtroom, there is an order to the way things happen.

13 Okay. It's just not random how I determine how things  
14 go.

15 All right. So the State will be allowed to go first,  
16 okay, and then the defense will be allowed to make a closing  
17 argument. Once the defense makes their closing argument,  
18 the State will be allowed to make what we call a reply  
19 argument.

20 Okay. Once those three arguments have occurred, I will  
21 then charge you on the law that is applicable to this case,  
22 okay, and we'll take a kind of stand up and stretch in one  
23 of those in-between there and then. And usually right  
24 before I charge the jury there's a mass exodus of observers  
25 in the courtroom because hearing me give a jury charge is --

1 it's important but it's never exciting.

2       Okay. So -- and people do that. I know they're gonna  
3 do that. It's perfectly fine that they're gonna do. We'll  
4 give them kind of the opportunity to do that, get everybody  
5 settled back down, and then I'll charge you on the law  
6 that's applicable to this case. But right now I ask that  
7 you give the attorneys your undivided attention and I thank  
8 you for doing so.

9       And, Mr. Scott, are you closing first?

10       SOLICITOR SCOTT: Yes, sir, both times.

11       THE COURT: All right. Whenever you're ready, sir.

12       SOLICITOR SCOTT: Thank you.

13       May it please the Court?

14       THE COURT: Yes, sir.

15       (WHEREUPON, a portion of the body cam video was played  
16 for the jury at this time.)

17       SOLICITOR SCOTT: Too much violence. This is too much  
18 violence going on in our community.

19       (WHEREUPON, the microphones started making noises.)

20       THE COURT: What do you think -- which one do you think  
21 it is?

22       Push it straight up.

23       SOLICITOR SCOTT: This isn't the Richland County I  
24 remember growing up. But it seems like current times,  
25 people, especially young people, can not grasp the inherent

1 value of human life and everyday, everyday here we got to  
2 hear about it. violence. Just needless killing.

3 And, and I've heard somebody I know describe our  
4 society and I guess our obsession with all things digital,  
5 all things virtual, and compare it to this failure to  
6 recognize the value of human life, and maybe that in their  
7 day-to-day life, their video games and social media.

8 Young people associate with video game characters and  
9 avatars and other things.

10 How, how many times have a 21 year old mowed down, you  
11 know, multiple video game characters only to hit reset and  
12 they're all back to life and they're no worse for the wear?

13 That's not how the real world works, is it?

14 I mean we know that. But people running around just  
15 treating their fellow humans like disposable video game  
16 characters. I, I don't know any other logic. I mean you  
17 see it everyday, people killing people with guns.

18 Do people still grasp the value of human life do y'all  
19 think?

20 I mean Black Lives Matter, Blue Lives Matter, All Lives  
21 Matter, it looks good on a, a poster in front of the State  
22 House but do people in Richland County really believe that?

23 Do you think we still hold human life to be valuable or  
24 all we like Jaylen Bell and we just shoot somebody eight,  
25 nine times on their own bed?

1           And I don't know. I, I don't mean to be pessimistic.  
2 Maybe, maybe it's the job. But it, it wears on, you know,  
3 sitting this day in and day out you know.

4           Y'all -- just, just people blowing up people and, and  
5 no remorse whatsoever here. They don't care.

6           You know, Demetrius, his life did matter. I mean you  
7 look at a row of people up here. His life had value to  
8 them. I bet if you ask his mother, his life had some value  
9 to her. And if you ask his sister, his life, you couldn't  
10 put a price tag on it.

11           You talk to his friends. You talk to people who  
12 thought enough of him to name their -- name him the  
13 godfather of their daughters.

14           Okay. I mean I, I, I don't get to, you know, put a big  
15 picture of him up in life and show y'all that. That --  
16 the -- the Courts won't allow me to do that, you know.

17           So you guys have heard all these stories about  
18 Demetrius Floyd and here you, you see him after he's passed  
19 on. But, but remember, keep in mind, this is somebody's  
20 son.

21           All right. This is somebody's brother.

22           Okay. And so it was. I mean November 24<sup>th</sup>, 2019,  
23 there, there Demetrius Floyd was mowed down in a bed he  
24 slept in and make no mistake about it either. Demetrius  
25 Floyd, I'm gonna say it right now, was killed as he sat on

1 that bed helpless, isolated in his own room as they said in  
2 opening statements, surrounded by this drug activity and  
3 gunplay in his own bedroom.

4 All right. Killed by a man who's owned more guns than  
5 he can count. You heard everybody say Demetrius didn't have  
6 a gun in that room and we're gonna talk about that. But  
7 that was Deva Imel's body cam. That was the first witness  
8 y'all heard from, the deputy who responded to the scene just  
9 met with the family of Jaylen Bell who were pretty  
10 uncooperative with her.

11 Okay. Again, that theme of just not really caring  
12 about human life. Nobody's jumping to the aid of law  
13 enforcement to help find Jaylen Bell. He's already on the  
14 run.

15 Neco Millhouse was the second witness. I called her  
16 and she said that Demetrius lived there. He didn't even  
17 have to pay rent. She didn't have a problem with him living  
18 there. Demetrius was dating her daughter. She didn't have  
19 a problem with them dating each other.

20 You're in a relationship. I'm not here to tell you  
21 this was some storybook romance or some kind of storybook  
22 couple or anything like that. I never knew the people when  
23 they were alive or, or never knew Demetrius when he was  
24 alive. Certainly I've met Jaquala but that's really not the  
25 point of this case.

1           Okay. You guys understand what a red herring is. That  
2 is something that maybe we'll dangle over here so you're not  
3 paying attention to the facts over here.

4           Okay. I submit to you this defense team has done that  
5 to you-all the entirety of this week in an attempt to keep  
6 your eyes off the facts. Let's look over here at Demetrius  
7 and Jaquala's relationship.

8           Okay. Let's talk about him being a drinker and  
9 everything. Don't, don't -- no, don't look over here at  
10 Jaylen Bell.

11           Okay. Let's look over here at Demetrius, right. I  
12 mean you saw it time in and time out and, and I'd object and  
13 then the judge would sustain it and then they keep doing it  
14 and keep doing it.

15           You, you saw that, right?

16           I want to talk about that in a little bit, okay, cause  
17 that should be concerning to you-all.

18           Neco Millhouse, the cousin of the defendant.

19           Did you even notice when it came time for the defense  
20 to question her she said okay, hey Ms. Zoe?

21           The level of familiarity with the State's witnesses and  
22 defense team just shows you, you know, kind of what  
23 Demetrius was up against when he died in that house  
24 surrounded by family members of the man who held the gun.

25           Ronnie Hinson, he's the lead investigator. You heard

1 from him and you heard (indiscernible), people who were  
2 pretty uncooperative to begin with and he was able to get  
3 them in and able to interview them eventually and, and  
4 eventually, you know, after three days, he gets to interview  
5 Jaylen and that's where he gets his first version of the  
6 story, after being on the run for three days, three days to  
7 think about it, three days to explain this killing, and  
8 that's what he comes up with and it makes no sense and it's  
9 absurd.

10 But he testified to it or an amended version of it  
11 today. You'll, you'll be able to watch his whole interview  
12 with Ronnie Hinson as it happened on the 27<sup>th</sup> after him --  
13 he's been on the run for three days.

14 Stephanie, the girlfriend who had him listed in her  
15 phone as husband, she, again, Ms. Zoe, how are you, you  
16 know. Just -- we understand what team everybody's on here,  
17 okay, and that's fine. I'm not looking for them to be my  
18 friend.

19 Okay. I just want the facts and I want to point out  
20 the facts that make sense and I want to shed light on the  
21 facts that don't make sense. But, but Stephanie, you know,  
22 she talked about getting there, and she described, you know,  
23 about Jaylen used to carry a gun, how he'd always have it in  
24 his waist, under his shirt.

25 She didn't see it that day. That was her testimony,

1 okay, his girlfriend didn't see it that day and that's fine.

2       Okay. But she did admit that he usually carries it  
3 under his shirt and we understand why she didn't see it.  
4 But, but, you know, she, she tells the story. She didn't  
5 see anything. But she does say that, when Jaylen comes out,  
6 he's, he's just cool as a cucumber.

7       I mean this is a man, he just took another man's life  
8 in an, in an extremely violent way. I mean we went over the  
9 gunshot wounds and the trajectories and everything else.  
10 But he comes out there and his main concern is let me find a  
11 song I like on the radio. Matter of fact, I -- this is the  
12 playlist I like and I like this song too. She didn't know  
13 anything had happened.

14       I mean can you imagine that, killing somebody and  
15 getting in the car with your girlfriend, boyfriend, husband,  
16 wife, and they don't even know. I mean you would think he'd  
17 be shaken. I mean you would think he'd be on the edge after  
18 all this.

19       She had no clue until somebody called and said Jaylen  
20 shot Demetrius in Demetrius's bed. That's when she said you  
21 ain't staying with me. But it's noteworthy. I wonder why  
22 he didn't just go to his mom's house.

23       why does he go to Colonial Avenue and why can't he tell  
24 us where he went?

25       You know, it's, it's just -- these are, these are

1 things I want y'all to think about. Probably already are.

2 why does he get rid of the phone, you know, because she  
3 said he had the phone up until then, and then, when he's on  
4 the run, he's calling from several unknown numbers?

5 wonder why. wonder why he was keeping them abnormally  
6 short, those phonecalls.

7 Okay. These are things to think about but, but curious  
8 nonetheless.

9 Jaquala, you know, she talked about Demetrius and her.  
10 said she loved him. I mean I, I, I don't believe she  
11 thought he deserved to meet that fate and I, I get it. The  
12 heart wants what the heart wants, you know. So, if -- they  
13 bickered back and forth, and they argued, and things got  
14 physical. It's no love a man (indiscernible). It happens.  
15 we see it all the time.

16 But she did say they shared that room together. He was  
17 welcome to stay there. Her mom let him stay there and her  
18 mom didn't even charge him rent. She talked about the day  
19 of and she admits -- I, I don't know why she'll admit to  
20 going out and engaging in illegal drug activity. I mean she  
21 put herself in it. But she said yeah, that's what we were  
22 doing. We were going to get X, me, Jaylen, Stephanie, and  
23 Baby Ike, going to do -- a drug dealer facilitated by Jaylen  
24 Bell cause he knew the guy, Tae.

25 I'm gonna take Baby Ike and Jaquala and Stephanie over

1 to Tae's house and get some Ecstasy and, and then Jaquala  
2 says we took the Ecstasy. Not just she, but even in the  
3 interviews with Investigator Hinson, we, Jaylen and I, we  
4 were tweaking.

5 All right. She described what tweaking was.

6 Okay. And then you heard from the SLED guy who said  
7 yeah, when you tweak on Ecstasy, a lot of times you  
8 experience high levels of anxiety. You know, it can make  
9 you hallucinate. It can make you paranoid. It has all  
10 these different effects on them and that is the mind set  
11 that Jaquala and Jaylen are operating on when they get back  
12 to Dubard-Boyle Road and there's Demetrius back in his  
13 bedroom sleeping, minding his own business.

14 Okay. You know, if, if, if there was a physical  
15 altercation, why, why don't we have one phonecall from that  
16 location to the police in the last couple of years for  
17 domestic violence?

18 You know, well, I -- let's say it did happen.

19 Aren't there a lot better ways to deal with an assault  
20 you witnessed then to choose, you know, to enter into a  
21 bedroom of the man involved, engage him a pointless  
22 (indiscernible) while you're armed with a pistol and high on  
23 Ecstasy?

24 And that was the testimony and then we hear from Oates.  
25 Oates was the crime scene investigator. These are some

1 pictures he took.

2       Again, we got this nice layout that kind of shows you  
3 just how small that room was when Demetrius died and it's  
4 just a tiny room. I'm gonna have y'all stand up in a minute  
5 just to kind of show you a couple things with it.

6       These are pictures he took the night of. That's the  
7 bedroom looking out in this hallway where you remember  
8 Jaylen said I had no other way of retreating. This hallway,  
9 it's a (indiscernible) leap down that hallway you  
10 understand. I could never of turned around and left. I  
11 don't know.

12       That, that -- I feel like I could walk out that door  
13 pretty easy. I feel like most people would of walked out  
14 that door. But not Jaylen because he's there for another  
15 reason, right.

16       This is the room where he and Demetrius, in the past,  
17 have exchanged drugs according to Quala, his cousin, right.

18       This -- what do you see here?

19       This is a still shot and it's, it's a little grainy.  
20 But this is Demetrius's feet on the floor and he is laid  
21 back on the bed. You see the head of the bed with the  
22 pillows in here and you see the threshold leading out to the  
23 hallway. This is how Demetrius lay as he died on his back,  
24 on the bed, in that small bedroom.

25       The shell casings, we talked about how the

1 semiautomatic weapon would eject the casings after the  
2 bullets were fired. Oates testified they're here at the  
3 bottom of the bed right next to the bed. He talked about  
4 casings that were actually on the bed, right, and those  
5 are -- those are the AG and AF. Those are markings showing  
6 casings. Very noteworthy these casings are on the bed.

7       Okay. I want y'all to remember that story. I want you  
8 to remember that demonstration of Jaylen Bell earlier and I  
9 want y'all to think about the casings being on the bed.  
10 This likewise is noteworthy.

11       Okay. These are holes going into the mattress and  
12 exiting out the bottom of the mattress and Oates was able to  
13 use trajectory rods to put them down there into the holes  
14 and see them here.

15       what does that tell you?

16       Does that tell y'all anything?

17       You think somebody's shooting down into the bed?

18       Listen to me. Did it have -- did this stuff -- I'm not  
19 asking you to jump to any conclusions. I'm not asking you  
20 to make any great leaps of faith and all, and all this kind  
21 of stuff. Just look at what your eyes are showing you.

22       Okay. When you see trajectory rods aiming down into  
23 the mattress, what does that tell you?

24       How is that different from the testimony by the  
25 defendant?

1           Doctor Monroe, I guess that was yesterday, he, he went  
2 over and it, and it took some time but, but, but he went  
3 over the various wounds, entry wounds, and then the  
4 corresponding exit wounds and they are many and they go in  
5 the front. They go in the back. But none of them are  
6 straight through.

7           Did y'all notice that?

8           Do y'all remember the testimony?

9           what we are dealing with instead are trajectories that  
10 tell a story. Eight gunshot wounds. Holes in the mattress.

11          This man, ladies and gentlemen, was killed cold blooded  
12 as he sat defenseless on a bed. Nobody deserves that.

13          So, the defense de jour in the -- Richland County is  
14 self-defense. People kill all the time. Yep, self-defense.  
15 It doesn't matter what the evidence shows. That's, that's  
16 what they're gonna try to sell you. That's the bill of  
17 sale. They're gonna try to get you to believe and the law  
18 requires that they bring that up and the judge charge you on  
19 it.

20          what is self-defense?

21          There's four things required for a valid self-defense.  
22 You can't be without fault in bringing on the difficulty. I  
23 submit to you he fails right there. I submit to you when  
24 you are a man-armed with a gun, chrome and black  
25 9-millimeter, Smith & Wesson, had just completed illicit drug

1 transactions with a one year old, and then you go to  
2 confront somebody in their own bedroom, I submit to you he  
3 fails, number one, because he is most certainly at fault in  
4 engaging in what ended up being a fatal encounter.

5 But if you find that oh, he was not at fault, you move  
6 on to the next one. Jaylen Bell must to have been in actual  
7 imminent danger of losing his life or sustaining serious  
8 bodily injury or he must of actually believed he was in such  
9 danger. If he did believe he was in such danger, he must  
10 show that a reasonable, prudent person of ordinary courage  
11 would of had that same belief.

12 Okay. Even in his version of the story he's got the  
13 gun.

14 Okay. Even in his version, as absurd as it is, a drunk  
15 man is winding back like this.

16 Do you kill somebody for that?

17 Are you in imminent danger of death when a guy is about  
18 to crow hack you like this and he's drunk as a skunk and  
19 he's in his own bedroom?

20 We don't believe it actually happened that way but  
21 let's say it did for argument sake.

22 Are you really in danger of imminent peril?

23 No, he fails that too and then, of course, the last one  
24 he must show that he had no other probable means of avoiding  
25 the danger.

1           Okay. Even in his story, his absurd story, he's got  
2 the gun. He's got that 9-millimeter. He's got that  
3 hallway, unobstructed hallway, leading to the door, leading  
4 to his car, and he can get the hell out of there if he  
5 wanted to.

6           Self-defense is, is really not on the table here. That  
7 is just kind of the evidence don't look good when you got to  
8 come up with something. How about self-defense?

9           That's kind of what we're dealing with here but this  
10 isn't a self-defense claim. No. This is murder, and, for  
11 murder, the State must prove, beyond a reasonable doubt,  
12 that the defendant killed another person with malice  
13 aforethought. The person -- you, you know what killing  
14 means. You know what another person means.

15           But malice aforethought is, is something that is in our  
16 murder statute but at least it's talking about premeditation  
17 and whatnot. Malice aforethought is what we require and  
18 that can be hatred, ill will, hostility towards another  
19 person. It's the intentional doing of a wrongful act  
20 without just cause or excuse and with an intent to inflict  
21 an injury or under circumstances in the law would infer an  
22 evil intent.

23           It does not require that malice exist for any  
24 particular time before the act was committed. But malice  
25 must exist in the mind of the defendant just before and at

1 the time the act was committed. Therefore, there must be a  
2 combination of previous evil intent and the act.

3 Now, there's two ways malice can be shown. Express  
4 would, would be I'm gonna kill you. Those are words  
5 expressing, you know, malice and hatred, ill will, but it  
6 can also be entered. They do not mean different kinds of  
7 malice. They're merely mean the manner in which malice may  
8 be shown to exist and that is either by direct evidence or  
9 by inference from the facts and circumstances which were  
10 proven.

11 Again, express malice is shown when a person speaks  
12 words which express hatred or ill will for another or when  
13 the person prepared beforehand to do the act which is later  
14 accomplished. Malice may be inferred from conduct showing a  
15 total disregard for the value of human life. That's exactly  
16 what we're dealing with here. It's inferred malice when  
17 this old man is seated on a mattress and box springs in his  
18 own room. That is inferred malice because then we're not  
19 talking about one shot. We're not talking about this elbow  
20 shot or this.

21 We're talking about bam, bam, bam, bam, bam, bam, bam,  
22 bam. That's hatred. That's ill will. That is a total  
23 disregard for Demetrius Floyd's life.

24 Beyond all doubt, beyond all reasonable doubt is the  
25 standard. Anybody convicted up here or in Oregon, if they

1 are convicted, a jury must be convinced that they were  
2 guilty beyond a reasonable doubt. That's not just South  
3 Carolina. That's, that's nationwide and every case we try  
4 in this courtroom that's the standard the prosecution must  
5 meet.

6 Does it mean beyond all doubt?

7 No. It means that you have a doubt that is reasonable  
8 and based on logic. If you do, you should find the  
9 defendant not guilty. If you believe that crazy story he  
10 gets up there and tried to sell y'all earlier, let him go.

11 Okay. Let Jaylen Bell go if that story matches with  
12 the evidence and matches with the law in your mind.

13 Do you hear what I'm saying as a prosecutor?

14 I sleep very well at night. I will go home. I'll move  
15 on to the next case. If the people of Richland County  
16 believe that story, and they believe that it happened that  
17 way, let him go. You know, just -- I'm gonna -- telling you  
18 that's the law. I don't get to make the law. I don't get  
19 to bend the facts. I show them to you. I hope you use  
20 logic. I hope you use reason, okay, and not passion, not  
21 emotion.

22 When you took an oath earlier, the judge told you and  
23 he'll tell you again in his charges that's not how you come  
24 to your decision. You know, you don't say you know what,  
25 when those defense attorneys kept talking about how mean and

1 nasty that, that victim was, that had an affect on me. I  
2 must not -- I don't think I like him very much. So, I think  
3 he probably deserved to die. So I'm gonna find him not  
4 guilty. That's what they're hoping you'll do.

5 The judge will instruct you you're not suppose to do  
6 that though. Use logic. Use reason.

7 Okay. But if your doubt is not reasonable or your  
8 doubt is not really logical, you should find him guilty.  
9 That's what your sworn oath was.

10 Okay. Does it have to be 100 percent certain?

11 No. The judge is gonna tell you that there are very  
12 few things in this world we know with absolute certainty.  
13 You know, we, we believe every morning the sun's gonna come  
14 up. No, I, I don't know that we know that with absolute  
15 certainty though.

16 In criminal cases, the law does not require proof that  
17 overcomes every possible doubt. If, based on your  
18 consideration of the evidence, you are firmly convinced the  
19 defendant is guilty of the crime, you must find him guilty.  
20 That's the best way I know to explain beyond a reasonable  
21 doubt and the judge will use that term twice when he reads  
22 his instructions to you, firmly convinced. If you are  
23 firmly convinced Jaylen Bell killed that man with a reckless  
24 disregard for human life, you must find him guilty.

25 You, you have no enemies to punish. You have no

1 friends to reward. You are to look at the evidence. You  
2 are to look at the law and you are to deliberate and make a  
3 decision.

4 At the risk of getting on y'all's nerves about this  
5 demonstration -- see you guys won't get to do this because  
6 you only get to take back to the jury room stuff that was  
7 introduced as evidence. We can't introduce this floor as  
8 evidence and y'all take it back with you.

9 So, I, I just want to show you again what, you know,  
10 this defendant's trying to sell you on.

11 Okay. I want you to remember what the evidence was  
12 when you do it. This is approximately where he said  
13 Demetrius was sitting when he entered the room.

14 All right. By the way, his defense team put this all  
15 together.

16 Okay. So don't take my word for it. Take theirs.  
17 This is the dimension of the room.

18 30-inches right there from the threshold of the door to  
19 the edge of the bed.

20 Nick, come here.

21 When he's sitting on the bed, what trajectory am I  
22 achieving when I'm standing here shooting him?

23 A downward trajectory much like what we see here,  
24 right, and isn't that consistent with the holes in the bed  
25 and, and then -- but his version is this.

1           okay. He stands up. He's got the gun on him. He says  
2 you said what you said. You did what you did. It's over  
3 and then Demetrius lunges at him.

4           okay. He immediately is able to, with his hand cocked,  
5 he's immediately able to get off eight shots.

6           what trajectory would you expect if somebody was to be  
7 shot this way?

8           This is a through and through shot. This is a front to  
9 back shot. It entered his chest here and exited back here.  
10 There's not one wound that looks like that.

11           Again, we have these exaggerated trajectories where  
12 they're entering Mr. Floyd in his sternum and exiting down  
13 here and ending up in his buttock.

14           This man was killed while he was sitting down and you  
15 remember the soot and the stippling and you remember how we  
16 went through the demonstration and Jaylen Bell said yeah, we  
17 stood up. You know, I had the gun here. I don't know how  
18 the heck you're gonna believe him with this story. But  
19 Doctor Monroe said well, when that happens, you're gonna see  
20 stippling because stippling occurs on the skin and clothing  
21 6-inches to three and a half feet. He didn't see one shred  
22 of stippling on Demetrius Floyd. No, he wouldn't have  
23 because I am here to tell you the evidence shows that he was  
24 shot while he was sitting down from approximately 30-inches  
25 to the end of the bed but 4-feet when he sat on the edge of

1 the bed.

2 It's ugly and it's, it's ugly. There's too much  
3 violence and there's no regard for the value of human life.  
4 The judge told you you are to decide the facts -- what the  
5 facts are through the evidence, which witness to believe,  
6 which not to believe, how reasonable his testimony is in  
7 light of other evidence.

8 He talked about implicit bias. You, you are not to  
9 judge this case based on passion, the defense trying to  
10 inflame the passions by beating on someone who's not here to  
11 defend themselves. You know, if, if, if the evidence is on  
12 your side, beat on the evidence, okay, like I been doing.

13 If the facts are on your side, you beat on the facts,  
14 right?

15 But if neither are on your side, if you're the defense,  
16 you beat on the victim. You kick him while he's down. Beat  
17 him up. Don't look over here. Look over here.

18 Okay. That's the strategy. It's not new. I mean this  
19 isn't the first time I've dealt with this. That's the  
20 strategy. Don't look at this. Look at Demetrius drinking  
21 beer.

22 okay. That's not how to look at this case. You look  
23 at the facts. You look at the evidence and I'm not here to  
24 say Demetrius Floyd is pure as the driven snow. Again, I,  
25 I, didn't know him. But that's not what this case is about.

1           You didn't see me trying to beat up on Jaylen Bell's  
2 character because I don't see his character as being what  
3 this case is about. I see the facts and the evidence being  
4 what this case is about. I see this reckless disregard for  
5 human life being what this case is about.

6           I'm gonna sit down but this defendant has been afforded  
7 a fair trial and he's been given all the rights of somebody  
8 accused of a crime. Demetrius Floyd was never given any  
9 kind of a fair shake.

10           Jaylen Bell, on November 24<sup>th</sup> of 2019, was judged,  
11 and jury, and ultimately executioner.

12           Is that what we do here in Richland?

13           We let people who run around with guns and give them  
14 away on the streets decide who gets to live and who gets to  
15 die?

16           No.

17           When you're back there to deliberate, I ask you again  
18 to do what co-counsel asked you to do in opening statements.  
19 I ask you to deliver a verdict that speaks the truth but you  
20 know verdict is Latin for veredicto. Translated literally  
21 it just means to say the truth and this verdict, the only  
22 one that says the truth, that speaks any truth, that fits  
23 the evidence, fits the testimony is one of guilt.

24           I'm, I'm gonna ask you when you deliberate, use your  
25 logic. Use your common sense. Speak to one another and

1 deliberate to find him guilty of murder.

2 Thank you.

3 THE COURT: All right. Thank you very much, Mr. Scott.  
4 Whenever you're ready, Ms. Bruck.

5 MS. BRUCK: Thank you, Your Honor.

6 THE COURT: Yes, ma'am.

7 MS. BRUCK: Jaylen Bell, while (indiscernible) at his  
8 Auntie Neco's house, accompanied by his little cousin, went  
9 to ask Meatball a question. This was a house that he'd been  
10 walking into since he was a baby. This was a place where he  
11 had every right to be and he wanted to talk to the man who  
12 was initiating violence in front of his cousin.

13 Had he known at the time, he would not have gone back  
14 into that house. Had he known that Meatball would respond  
15 to a question with violence, had he known that he'd been  
16 staring at a gun pointed at his chest, had he known that  
17 even after disarming Meatball he would continue to lunge at  
18 him, continue to try to grab that gun back, had he known  
19 that he would be stuck in this tiny area with a man who was  
20 trying to kill him, had he known that he would be forced to  
21 shoot Meatball, to shoot him until the threat was over, he  
22 would of told Jamaría no, you can't go back in that house.  
23 You can't go to your own room, get your own clothes.

24 ..... He would of told Stephanie let's just go and Stephanie,  
25 Jamaría, Jaylen, and Baby Isiah would of driven to Ridgeway

1 and they would of slept safely. Jaylen had already chosen  
2 to leave. Every witness who was present agrees with that.

3 They got in the car and the only logical reason for  
4 Jaylen to go back into that house is exactly for the purpose  
5 that he told you. He accompanied Jamaría back inside so  
6 that she could go with him and Stephanie to Ridgeway. He  
7 checked on Jaquala and he went to talk to Meatball.

8 He's not happy to hear that Meatball just shoved  
9 Jaquala into a refrigerator. He's not happy to hear that  
10 happened in front of his 13 year cousin. But he did not  
11 want to kill Meatball and his actions are not the actions of  
12 someone out to commit a murder.

13 These aren't the actions of someone robbing someone for  
14 drugs. These are the actions of someone who was forced to  
15 defend themselves and that is what the evidence shows.

16 I'm gonna talk about the law just briefly. The State's  
17 gone over it and the judge is gonna go over it a lot more  
18 with you later cause -- but there's some important concepts  
19 that I don't want you to keep in mind.

20 The burden of proof. I want you to think about the  
21 burden of proof as you go through all the evidence presented  
22 in these last couple of days and you must ask yourself am I  
23 convinced, beyond a reasonable doubt, that Jaylen was not  
24 acting in self-defense. And if you have any reasonable  
25 doubt as to whether or not he was acting in self-defense,

1 Jaylen's not guilty.

2 It's the highest standard in our legal system. This is  
3 a higher standard than to take a child away from his or her  
4 mother. This is a higher standard than to hospitalize  
5 someone against their will for the rest of their life and  
6 our system of justice makes this standard so high because  
7 this is a decision that will last for the rest of your life.  
8 It will last for the rest of Jaylen's life and this is a  
9 decision that can't be taken back.

10 Regarding self-defense, I want to touch on without  
11 fault in bringing on the difficulty. The judge is  
12 essentially gonna tell you Jaylen can't have brought the  
13 fight to Meatball.

14 Now, who here testified that Meatball ever picked on  
15 anyone at his aunt's house?

16 He hit women. He hit babies.

17 who here testified that Jaylen and Meatball had any bad  
18 blood between them?

19 They were acquaintances. Nothing more, nothing less,  
20 and Jaylen would of had no reason to think that, by going  
21 into that room, that Meatball would initiate a fight with  
22 him. You heard his family relied on him as a mediator, as a  
23 negotiator, who wasn't out looking for fights. People came  
24 to him with their problems, and, in retrospect, it was a  
25 mistake to go in that room but he did not go looking for the

1 fight and he is not responsible for the actions that  
2 Meatball took after. He simply entered a room in his aunt's  
3 house where he had every right to be.

4 The judge is also gonna tell you that Jaylen's entitled  
5 to keep shooting until his life is no longer in danger.  
6 That means Jaylen had a right to defend himself when  
7 Meatball shoved him. He had a right to defend himself when  
8 Meatball escalated by reaching into his pocket and  
9 attempting to grab this knife, this knife that was pulled  
10 out of Meatball's pocket, this knife that presumably he was  
11 attempting to attack Jaylen with, this knife that had none  
12 of Jaylen's DNA on it, this knife that likely caused the  
13 stab wound in the thigh that Doctor Monroe told you about.

14 Jaylen had a right to defend himself when Meatball  
15 fully came at him and he had a right to defend himself after  
16 he'd gotten that gun away and Meatball kept lunging at him  
17 and lunging to get the gun back.

18 The last thing that Jaylen saw was Meatball lunging for  
19 him with somewhat of a closed fist. He shot as fast as he  
20 could and he isn't required to calculate every shot. He had  
21 no way to leave that room without risking injury or death.

22 Also want to talk about the burden of proof. The State  
23 claimed in opening that they welcome this burden. They say  
24 they embrace their job of proving this beyond a reasonable  
25 doubt.

1           But ask yourself why did the defense have to call the  
2 toxicologist, the first person to tell you that there's no  
3 drugs in the decedent's body when this whole altercation,  
4 according to the State's theory, had something to do about a  
5 drug deal?

6           The first person to tell you, and the only person who  
7 could tell you with certainty, no drugs and a blood alcohol  
8 content of .257.

9           why'd they fight to keep so hard to keep you from  
10 knowing the truth about Meatball?

11           why didn't they want you to know that he had beat  
12 Jaquala many more times than just this night?

13           why didn't they want you to know that he knocked her  
14 teeth out?

15           why did we have to call these witnesses to tell you who  
16 Meatball is and what he had done?

17           The State really hammered when they were talking to  
18 Jaylen about the fact that he didn't stick around and call  
19 the police after this shooting. He was 18 years old. He  
20 had no money. He had no lawyer, and unbeknownst to him,  
21 very shortly after this incident, the warrants for his  
22 arrest were signed. By the time the police picked him up,  
23 by the time he complied, by the time he gave in -- came in  
24 and gave a statement, he'd been charged with murder.

25           That's before anyone had heard his side of the story,

1 and after they had, no investigation was done and that's a  
2 problem and frankly that's been the state's problem and  
3 that's why their theory doesn't line up. They want you to  
4 believe that Jaylen either wanted drugs so badly that he  
5 left the house just briefly, comes back in, little cousin in  
6 tow, marches straight to the bedroom, and shoots Meatball on  
7 the bed or simultaneously they want you to believe that he's  
8 so enraged by this abuse that he does the same thing.

9       What they've got is that Meatball is deceased and that  
10 Jaylen admitted to killing him and they want you to ignore  
11 all of the things that make this -- all of the facts that  
12 you've learned throughout this trial that make this much  
13 more complicated and a much more gray area.

14       The state said over and over again that, in Jaylen's  
15 investigation, he insisted that he wasn't scared and it took  
16 a lot but we finally got there. They're conceding that  
17 Jaylen didn't say he wasn't scared. Jaylen told Meatball  
18 that he was not scared in an attempt to diffuse an  
19 escalating situation and that is an extremely important  
20 distinction and I think you-all understand why.

21       A person has to have a reasonable fear in order to act  
22 on self-defense. If he says he's not scared, that's not  
23 self-defense. But if he told someone in the moment, in  
24 order to deescalate a situation, calm down, you know you're  
25 not scaring me, something entirely different, and that, that

1 issue that they had, that mischaracterization that they  
2 tried to bring throughout the trial, we know now that that's  
3 not what he said.

4 He didn't say he wasn't scared and watch out for that.  
5 You can't let the state tell you what to think cause things  
6 like that will happen. They're not always playing straight.

7 Now, been a lot of talk too about the missing gun and I  
8 called all these witnesses in today, the two deputies who  
9 testified this morning, and I got it out from some of the  
10 state's witnesses as well, that was a chaotic crime scene.  
11 There were people running around. They're people running  
12 through the woods. There were people talked to who admitted  
13 that they were on scene, we don't know their names. We have  
14 no -- they were never followed up with.

15 Talk about Doctor Monroe a little bit as well. Every  
16 injury he says no soot, no stippling. Well, Meatball was  
17 wearing clothes.

18 Well, I looked at the clothes. I looked at them with  
19 my naked eye. The state's trying to tell you that Meatball  
20 is shot sitting on his bed minding his own business. Even  
21 if their theory's correct, there would be soot. Anywhere  
22 practically on this bed there would have been soot and there  
23 would have been stippling and we went over a litany of tests  
24 that he could have performed. No, I didn't do those.

25 The other thing about Doctor Monroe is that he's not

1 gonna over promise. He's gonna tell you what his science  
2 says. Nothing more. Nothing less. And what it says is  
3 that the position of an anatomical standing person at the  
4 moment the projectile enters. Mr. Scott shows you the photo  
5 of the bed, of the mattress with the trajectory rods.

6 There are injuries. There are gunshot wounds to that  
7 body that have the downward trajectory. There are many  
8 injuries to the lower part of the body. Any of those  
9 downward trajectory wounds, any of those projectiles could  
10 of ended up in the bed. It did not indicate that Meatball  
11 was sitting in the bed when he was shot.

12 I know the judge told you this is the last chance that  
13 I have to talk to any of y'all, and I know, as soon as I hit  
14 that chair, I'm gonna think of a dozen other things that I  
15 wish that I brought up. And that's why I need you to look  
16 at all of this evidence, to not make assumptions, and I  
17 think, when you do, I know when you, I trust when you do,  
18 that you'll come to the only just result and that is that  
19 Jaylen had no choice but to act in self-defense and he's not  
20 guilty of murder.

21 Thank you.

22 THE COURT: All right. Thank you very much, Ms. Bruck.  
23 would the State like to make a reply argument?

24 SOLICITOR SCOTT: Just briefly.

25 It just -- because it just kills me that they still

1 stick with he's stuck in this tiny room. He is not stuck in  
2 the room. He, himself, places himself in the threshold of  
3 the room. If anybody's stuck in the room, it's poor  
4 Demetrius Floyd who, up till then, was minding his own  
5 business.

6 He was not -- think was not stuck in the room. Here's  
7 a door.

8 All right, all right. I'll talk to you later. It  
9 looks like you're not in the mood to talk with me.

10 Good-bye. That -- that's all he had to do.

11 why did they keep telling you he's stuck in that room?

12 But they've said he had the right to keep shooting  
13 until he was no longer in danger.

14 So was he still in danger after the third shot, after  
15 the, the fourth shot, after the fifth shot?

16 was he still in danger after the sixth shot or the  
17 seventh shot?

18 You know, I, I did not try to hide what was it they  
19 said that the defense -- the state didn't call of anybody to  
20 talk about there was no drugs in his system. That's, that's  
21 not really relevant to the facts of the case. But I would  
22 tell you Hinson said that. Hinson said there was no drugs  
23 in Mr. Floyd's system. But I really don't find that all  
24 that relevant cause he could of been high as a kite too and  
25 he still didn't deserve to get killed that way.

1           The evidence is over here. It's not here where they're  
2 trying to get you to focus.

3           Okay. You know, why'd the State not call SLED?

4           I actually did call SLED. I, I called -- but rather  
5 an, an analyst with the Richland County. I kept calling her  
6 a SLED analyst but she said I'm with Richland County. And  
7 she said we tested underneath the fingernails of the  
8 decedent. No DNA from the defendant.

9           Okay. And the reason the test under the fingernails of  
10 the victim is to see if there's any connection with anybody  
11 else.

12           Okay. You know, Jaylen Bell describing this fight over  
13 a gun where people are getting their heads slashed open,  
14 people are getting shot eight times. He's performing some  
15 kind of maneuver where he's able to grab it. He couldn't  
16 ever show me how he did. I kept asking him just show me,  
17 you know. He's like I can't. But he was able to get the  
18 gun away but yet our victim has none of his DNA on him.

19           You know why?

20           Because the victim was sitting on the bed when he was  
21 killed and Jaylen Bell was standing right here 4-feet away,  
22 4-feet from his chest, 21-inches from the bed. That's why  
23 you don't see stippling.

24           They say look at the evidence but I don't get the  
25 feeling they want you to look at the evidence.

1           It's, it's not the State put the words in the  
2 defendant's mouth that he wasn't scared. You've got his  
3 interview. You're gonna hear, not once but multiple times,  
4 him say I'm not scared, bro. None of that shit phases me,  
5 bro. I been through this. I didn't put those words in his  
6 mouth. These are his words on the video.

7           So to say the State has mischaracterized anything is a  
8 falsity. I put the interview into evidence cause I want you  
9 to see it and I want you to match it up with the evidence.  
10 And I, I have not said or the State wants you to believe  
11 this was over him fighting about drugs. It may of been but  
12 I've never asserted that.

13           The fact is we don't know what Jaylen was so upset  
14 about in that room. We know he was hopped up on Ecstasy.  
15 We, we know he was something of an expert with firearms. We  
16 know he can't even count how many of his own or how many  
17 he's gotten rid of before. But that came out of his mouth  
18 by the way. I didn't put that in his mouth about the gun.

19           And so I, I just ask you one more time, you know, use  
20 common sense, the missing gun. He took that gun. He  
21 testified he's gotten rid of plenty of guns before.

22           If not, who did?

23           It was all his family members in the house.

24           Don't you think one of them would come forward once  
25 they realized this was a big deal and been like okay, Jaylen

1 didn't get rid of the gun. I did it. I mean these are all  
2 his family. He took that gun. He knows where it is right  
3 now. You're not gonna find out and I'm not either cause  
4 he's able to get rid of guns on the street.

5 But the defendant, in their closing argument, just  
6 essentially told you that it is okay to go into a man's room  
7 and kill him and shoot him as many times as you want and he  
8 thinks it's okay. That's what they told you just now in  
9 that closing argument.

10 Thankfully that's not the law. The law is not me  
11 saying well, you know, Investigator Hinson and I got a  
12 little drinking problem. So I think I'm gonna kill him.  
13 And, walt, I think he hits his girlfriend. So I'm probably  
14 gonna kill him tonight. It doesn't work like that. That's  
15 what they're trying to tell you and that's not law.

16 The judge is gonna read you the law. He's gonna  
17 explain malice being a reckless disregard for human life,  
18 and shooting somebody that many times in a downward  
19 trajectory while they're sitting on their bed, that's  
20 malice. I just ask you to use common sense, reason, look at  
21 that evidence. Look at that mattress where there's downward  
22 holes going into it.

23 Remember Jaylen Bell showing me how he aimed like this  
24 and none of the evidence fits that. And speak the only  
25 verdict that is justice in this case, the only verdict that

1 speaks truth, and the only verdict that addresses this  
2 violence and this needless killing in Richland County and  
3 that's a verdict of guilt.

4 Thank you.

5 THE COURT: All right. Thank you, Mr. Scott.

6 Ladies and gentlemen, let's stand up, stretch, twist,  
7 turn.

8 If you want to exit the courtroom out of the back, now  
9 is your chance to do so.

10 THE BAILIFF: Your Honor, need a bathroom break.

11 THE COURT: Okay. We'll take a short bathroom break.  
12 Don't discuss the case. Keep an open mind. Short bathroom  
13 break.

14 (WHEREUPON, a short recess was taken at this time.)

15 (WHEREUPON, the following takes place within the  
16 presence of the jury.)

17 THE COURT: -- issue on the law applicable to this  
18 case. So, if you would please give me your undivided  
19 attention.

20 I understand that closing arguments are engaging and  
21 the attorneys are walking around and showing you things and  
22 they're a lot more exciting than any jury charge has ever  
23 been. But this is the law that you are to apply to the  
24 case. So, it's very important that you give me your  
25 undivided attention.

1 THE COURT: Okay. And head back to the jury room.  
2 Don't -- the sign you can start is when the exhibits come to  
3 you.

4 Okay. All right. Thank you all very much.

5 (WHEREUPON, the following takes place outside the  
6 presence of the jury.)

7 THE COURT: All right. Anything from the State as to  
8 the charge?

9 SOLICITOR SCOTT: No, Your Honor.

10 THE COURT: From the defense?

11 MS. BRUCK: No, Your Honor.

12 THE COURT: Okay. All right. So here's what we're  
13 gonna do. I need the lawyers to get together with Janie and  
14 Rod and Mackenzie and make sure we have the correct  
15 exhibits.

16 THE DIGITAL REPORTER: We did.

17 THE COURT: Huh?

18 THE DIGITAL REPORTER: We did.

19 THE COURT: And we'll do it one more time. Make sure  
20 we got a clean computer and then make sure Janie has your  
21 phone numbers.

22 (WHEREUPON, the jury began deliberations at 4:13PM and  
23 sent a question out at 5:26PM.)

24 THE COURT: Okay. Take your seats.

25 We got a note and what it says is may we have the four

1 points of self-defense.

2 Mark that as a Court's Exhibit.

3 (WHEREUPON, the note from the jury was marked as  
4 Court's Exhibit No. 1 and received into evidence at this  
5 time.)

6 THE COURT: What's the defense's position?

7 MS. BRUCK: The, the four points of self-defense?

8 THE COURT: That's what it says. May we have them?

9 MS. WARTHEN: You mean on the charges?

10 MS. BRUCK: On the charges?

11 On the charges?

12 THE COURT: What?

13 MS. BRUCK: In the charges?

14 THE COURT: Yeah.

15 MS. BRUCK: Yes.

16 THE COURT: They don't have the jury charge.

17 MS. BRUCK: I was thinking.

18 THE COURT: Are you -- do you have any objection to me  
19 sending the jury charge back?

20 MS. BRUCK: No.

21 THE COURT: Do you?

22 SOLICITOR SCOTT: No.

23 THE COURT: Okay. All right. So I'm gonna send the  
24 jury charge back and I'm just gonna tell them I'm giving you  
25 this. I, I read it almost verbatim, and that way, if they

1 have any further legal question, they just have it.

2 MS. BRUCK: That is fine.

3 THE COURT: You okay with that?

4 MS. BRUCK: Yes, sir.

5 THE COURT: You okay with that?

6 SOLICITOR SCOTT: Yep.

7 THE COURT: Okay. All right. Thank you.

8 (WHEREUPON, a second note from the jury was sent out at  
9 6:27PM.)

10 THE COURT: -- to -- and it says are we required to  
11 finish our deliberation tonight. And, if so, what time by  
12 or may we resume in the morning.

13 Thoughts?

14 (WHEREUPON, the note from the jury was marked as  
15 Court's Exhibit No. 2 and received into evidence at this  
16 time.)

17 SOLICITOR SCOTT: How long they been out, less than two  
18 hours now?

19 THE COURT: They went out at 4:15.

20 SOLICITOR SCOTT: Okay. Two hours---

21 THE COURT: They're, they're---

22 SOLICITOR SCOTT: ---10 minutes.

23 THE COURT: They're right at out---

24 UNIDENTIFIED SPEAKER: Two hours.

25 THE COURT: ---just over two hours.

1 SOLICITOR SCOTT: So that's not terribly lengthy. I, I  
2 just always kind of, you know, with the cellphones and  
3 everything else, once they, they go home for the night, I, I  
4 know they're admonished not to, but people tend to be  
5 curious---

6 THE COURT: Well---

7 SOLICITOR SCOTT: ---and look things up and --.

8 THE COURT: I'm with you on that. One, one of the  
9 issues is I have no way to feed them tonight. The last time  
10 I fed a jury, I paid for it myself and the Clerk's office  
11 is -- refuses to reimburse me.

12 SOLICITOR SCOTT: Wow.

13 THE COURT: So I have no way to feed them. I don't --  
14 I mean I -- there's a couple ways that we could do it. One  
15 is I could tell them -- well, number one, I, I have -- I got  
16 to tell them there's no time limit on them, right, you know,  
17 and I think every -- I think we all understand that.

18 I mean I can offer, you know, y'all can stay up here  
19 another hour. If you reach a decision in the next hour,  
20 that's fine. If not, we'll come back tomorrow and start in  
21 the morning. It's about 6:30, a few minutes before 6:30.  
22 So I really wouldn't want to keep them up here much past  
23 7:30 or 8:00 unless, unless they tell me they want to stay  
24 up here. But I'm, I'm gonna have to tell them I have no way  
25 to feed them.