

RECEIVED

Feb 28 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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

Hon. Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2022-001287

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

The State Respondent,

v.

Eugene Turner, Jr.. Appellant.

RECORD ON APPEAL
VOLUME I

Alan Wilson
Joshua A. Edwards
W. Walter Wilkins
OFFICE OF THE ATTORNEY GENERAL
Post Office Box 11549
Columbia, SC 29211
(803) 743-3727

Attorneys for Respondent

Miles E. Coleman
Adam McCoy
NELSON MULLINS RILEY & SCARBOROUGH LLP
2 W. Washington Street
Suite 400
Greenville, SC 29601
(864) 373-2300

Robert M. Dudek
S.C. COMMISSION ON INDIGENT DEFENSE
PO Box 11433
Columbia, SC 29211
(803) 734-1343

Attorneys for Appellant

February 27, 2024

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General Sessions Tracking Sheet
Indictment # 0000GS23

Name: Turner, Eugene Jr

AKA:

Addr: [REDACTED]

SSN# [REDACTED] SS#

Sex: M Race: B

DOB: [REDACTED] DOB

DL# SC [REDACTED] DL#

Warrant/Ticket #: 2017A2330208092

Date of Arrest: 09/06/2017

Date of Offense: 09/01/2017

Date Rcv by Clerk 09/11/2017

Magistrate: Ford, Dean Eugene

Counts: Code: 3410/Assault / Attempted Murder

Indictment # 0000GS23 18-6134

Disposition Information

1. Transmitted to SOL & SCCA:
2. Disp Received by Clerk:
3. Date of Disposition:

Disposition	☐ 1. Guilty plea	
	☐ 2. Trial -- guilty	
	☒ 3. Trial -- not guilty	
	☐ 4. Dism/Not Pros/Pros Ended	Explain: _____
	☐ 5. Judicial Commitment	Explain: _____
	☐ 6. Judicial Dismissal	
	☐ 7. Remanded	Explain: _____
	☐ 8. Dismissed at Prelim	
	☐ 8. No Bill	
	☐ 9. Failure to Appear	Explain: _____
	☐ 10. Other	Explain: _____

Judge: _____

Defense Atty: Chris Grubbs

Counts: _____ Code: _____

Sentence: _____

Court Reporter: _____

Solicitor: Marcel Smith

11832

WITNESSES

C W Mitchell

7/28/18

Greenville County Sheriffs Office

9/6/2017

ARREST WARRANT NUMBER

2017A2330208094

**ACTION OF GRAND JURY
TRUE BILL**

Clay Tuttle
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018-GS-23-
KBH

000137

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

August TERM 2018

THE STATE

vs.

EUGENE TURNER JR

Indictment for

3410

ATTEMPTED MURDER

VIOLATION § 16-03-0029

ENTERED
ACCT *BM*

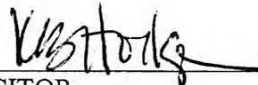
STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER

At a Court of General Sessions, convened on **AUG 28 2018** the Grand Jurors of Greenville
County present upon their oath:

That EUGENE TURNER JR did in Greenville County, on or about the 1st day of September, 2017,
unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Kimberly Pickens. This
is in violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR BAR # 8245

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Eugene Turner Jr

AKA:

Race: BLACK Sex: M Age: 48

DOB: DOB SS# SS# SS# SS#

Address:

City, State, Zip:

DL#: DL# SID#: SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2306137

A/W#: 2017A2330208094

Date of Offense: 9/1/2017

S.C. Code § : 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Murder/Attempted Murder

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

☒ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

11832

Smith, Marcus

SC Bar#

Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,

for a determinate term of 8 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years

and/or to pay a fine of \$ provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 9/9/22

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

1824 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Eugene Turner Jr INDICTMENT/CASE#: 2018GS2306137

SPECIAL CONDITIONS: A/W#: 2017A2330208094

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning : _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

		\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____		
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
	TOTAL	\$ 128.75

Clerk of Court/ Deputy Clerk:

Paul B. Wislenski

Presiding Judge:

My H. Gray

Court Reporter:

Jenkins Johnson

Judge Code:

27517

Sentence Date:

9/9/22

WITNESSES

C W Mitchell

8/28/18 *KJM*

Greenville County Sheriffs Office

9/6/2017

ARREST WARRANT NUMBER

2017A2330208095

ACTION OF GRAND JURY
TRUE BILL

Clay Tuttle

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-23-

KBH

004137

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2018

~~AUGUST~~

THE STATE

vs.

EUGENE TURNER JR

Indictment for

3410

ATTEMPTED MURDER

VIOLATION § 16-03-0029

ENTERED
ACCT. *BM*

INDICTMENT FOR ATTEMPTED MURDER

the Grand Jurors of Greenville

AUG 28 2018

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Kestel
SOLICITOR BAR # 8245

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Eugene Turner Jr

AKA:

Race: BLACK Sex: M Age: 48DOB: DOB [REDACTED] SS# [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#: DL# [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2018GS2306139A/W#: 2017A2330208095Date of Offense: 9/1/2017S.C. Code § : 16-03-0029CDR Code #: 3410

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Murder/Attempted Murderin violation of § 16-03-0029 (C)(1) of the S.C. Code of Laws, bearing CDR Code # 3410☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, _____ (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

11832

Smith, Marcus

SC Bar#

Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 8 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ yearsand/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with **probation** for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 9/9/22☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP.
1825 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Eugene Turner Jr INDICTMENT/CASE#: 2018GS2306139

SPECIAL CONDITIONS: A/W#: 2017A2330208095

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning : _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

	\$	
§14-1-206 (Assessments 107.5 %)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
	TOTAL	\$ 128.75

Clerk of Court/ Deputy Clerk:

Paul B. Wislenski

Presiding Judge:

Ray Wiley

Court Reporter:

Jenkins/Johnson

Judge Code:

2755

Sentence Date:

9/9/22

WITNESSES

C W Mitchell

7/28/18

Greenville County Sheriffs Office

9/6/2017

ARREST WARRANT NUMBER

2017A2330208093

2017A2330208099

**ACTION OF GRAND JURY
TRUE BILL**

Clay Tuttle

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-23-

KBH

000101

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

August

TERM 2018

THE STATE

vs.

EUGENE TURNER JR

Indictment for

3410

0549

COUNT ONE-ATTEMPTED MURDER

VIOLATION § 16-03-0029

**COUNT TWO-POSSESSION OF WEAPON
DURING THE COMMISSION OF A VIOLENT
CRIME**

VIOLATION § 16-23-0490

**ENTERED
ACCT. *pm***

[illegible]

At a Court of General Sessions, convened on _____ the Grand Jurors of Greenville
County present upon their oath: **AUG 28 2018**

COUNT ONE-ATTEMPTED MURDER

That EUGENE TURNER JR did in Greenville County, on or about the 1st day of September, 2017, unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Daniel Stokes. This is in violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

COUNT TWO-POSSESSION OF WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That EUGENE TURNER JR did in Greenville County, on or about the 1st day of September, 2017, possess or visibly display a firearm during the commission or attempted commission of a violent crime, to wit: Attempted Murder. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

SOLICITOR

BAR # 8245

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Eugene Turner Jr

AKA:

Race: BLACK Sex: M Age: 48DOB: DOB SS# SS#Address: City, State, Zip: DL#: DL# SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2306141A/W#: 2017A2330208093Date of Offense: 9/1/2017S.C. Code § : 16-03-0029CDR Code #: 3410

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Murder/Attempted Murderin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

11832

Smith, Marcus

SC Bar#

Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 18 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 9/9/22

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
1829 (days/months)

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Eugene Turner Jr INDICTMENT/CASE#: 2018GS2306141

SPECIAL CONDITIONS: A/W#: 2017A2330208093

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning : _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

		\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____		
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
	TOTAL	\$ 128.75

Clerk of Court/ Deputy Clerk:

Paul B. Wisniewski

Presiding Judge:

W. W. W. W.

Court Reporter:

Jenkins Johnson

Judge Code:

2757

Sentence Date:

9/9/22

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Eugene Turner Jr

AKA:

Race: BLACK Sex: M Age: 48DOB: DOB SS# SS#

Address:

City, State, Zip:

DL#: DL# SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2306141A/W#: 2017A2330208099Date of Offense: 9/1/2017S.C. Code § : 16-23-0490CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Poss. Weapon During Violent Crin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

11832

Smith, Marcus

SC Bar#

Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 180 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ yearsand/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with **probation** for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 9/9/22
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 180 days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Eugene Turner Jr INDICTMENT/CASE#: 2018GS2306141

SPECIAL CONDITIONS: A/W#: 2017A2330208099

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning : _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

		\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____		
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
	TOTAL	\$ 128.75

Clerk of Court/ Deputy Clerk: Paul B. Wiseman

Court Reporter: Jenkins / Johnson

Presiding Judge: [Signature]

Judge Code: 2755

Sentence Date: 9/9/22

WITNESSES

C W Mitchell

WGA 8/28/18

Greenville County Sheriffs Office

9/6/2017

ARREST WARRANT NUMBER

2017A2330208096

ACTION OF GRAND JURY

TRUE BILL

Cheryl Turner
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-23-
KBH

003102

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

August

TERM 2018

THE STATE

vs.

EUGENE TURNER JR

Indictment for

3410

ATTEMPTED MURDER

VIOLATION § 16-03-0029

ENTERED
ACCT. *Bm*

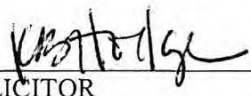
STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER

At a Court of General Sessions, convened on **AUG 28 2018** the Grand Jurors of Greenville
County present upon their oath:

That EUGENE TURNER JR did in Greenville County, on or about the 1st day of September, 2017,
unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Angela Anderson. This
is in violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

BAR # 8245

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Eugene Turner Jr

AKA:

Race: BLACK Sex: M Age: 48DOB: DOB SS# SS#Address: City, State, Zip: DL#: DL# SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2306142A/W#: 2017A2330208096Date of Offense: 9/1/2017S.C. Code § : 16-03-0029CDR Code #: 3410

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Murder/Attempted Murderin violation of § 16-03-0029 (C) of the S.C. Code of Laws, bearing CDR Code # 3412☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

11832

Smith, Marcus

SC Bar#

Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 8 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 9/9/22☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc. 182 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Eugene Turner Jr INDICTMENT/CASE#: 2018GS2306142

SPECIAL CONDITIONS: A/W#: 2017A2330208096

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning : _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____	\$ _____
§14-1-206 (Assessments 107.5 %)	\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$ _____
§56-5-2995 (DUI Assessment)	\$12 \$ _____
§56-1-286 (DUI Breath Test)	\$25 \$ _____
§14-1-212 (Law Enforce. Funding)	\$25 \$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$ _____
§50-21-114(BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	TBD \$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500 \$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$ _____
TOTAL	\$ 128.75

Clerk of Court/ Deputy Clerk: Paul B. Wickens

Court Reporter: Jenkins/Johnson

Presiding Judge: _____

Judge Code: 225

Sentence Date: 9/9/22

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	2018-GS-23-06134
	)	2018-GS-23-06137
	)	2018-GS-23-06139
	)	2018-GS-23-06141
	)	2018-GS-23-06142
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
EUGENE TURNER, JR.,	)	
DEFENDANT.	)	
_____	)	

September 6 and 7, 2022
Greenville, South Carolina

B E F O R E:

THE HONORABLE PERRY H. GRAVELY, JUDGE; and a jury.

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

MARCUS L. SMITH, ESQ.
Assistant Solicitor

MINDY H. LIPINSKI, ESQ.
Circuit Public Defender

CHRISTOPHER A. GRUBBS, ESQ.
Deputy Public Defender

HOLLIE M. JENKINS
Circuit Court Reporter

I N D E X

(SW) - Denotes State's Witness
 (DW) - Denotes Defense Witness
 (IC) - Denotes In Camera

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All Exhibits were retained by the Clerk of Court for
Greenville County.

P R O C E E D I N G S

(WHEREUPON, Defendant's Exhibit Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 were marked for identification only.)

(WHEREUPON, State's Exhibit Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 were marked for identification only.)

THE COURT: I think when I'm publishing the indictments to the jury, I'm just going to say there are five separate counts and I'll read it. And then I'll put the alleged victim on each of these would be, and then I'll just list the victim so I don't have to read all five of them the same way.

Is the State ready?

MR. SMITH: Yes, Your Honor.

THE COURT: Any other voir -- I've got the -- the -- a witness list.

Anything else from either side?

MS. LIPINSKI: Your Honor, I don't know if she's still affiliated with it, but the potential victim is a bail bondsman.

Is she still doing that?

MR. SMITH: Occasionally.

MS. LIPINSKI: I just wonder seeing that that's to company and -- do -- do we need to make that aware of

1 anybody?

2 MR. SMITH: Hold on one minute.

3 (Pause.)

4 MR. SMITH: Angelo's Family Bail Bonds.

5 THE COURT: Angelo's Family?

6 MR. SMITH: Bail Bonds.

7 THE COURT: All right. Anything else?

8 MR. SMITH: Not that I'm aware of.

9 MR. GRUBBS: I think that was the only thing we had a
10 concern with.

11 THE COURT: All right. So I've got some of my
12 standard questions. I've got both witness lists. And
13 I'll read the indictment -- one indictment and say these
14 are the victims -- I'll say the alleged victims. All
15 right.

16 MR. SMITH: All right. That's good.

17 THE COURT: Bring the jury in.

18 (WHEREUPON, the jury panel entered the courtroom.)

19 THE COURT: All right. Ladies and gentlemen, thank
20 you for your patience.

21 We've got a lot of moving parts and are trying to get
22 a lot of different courts going. So we do apologize and
23 appreciate your patience.

24 And our whole goal to -- this morning was that we
25 would get everything finished this morning so that when we

1 finish this morning we wouldn't have to have you come back
2 after lunch. So that's why we had y'all wait so we could
3 go ahead and select a jury for this case.

4 Now, the -- what we're going to be doing now is a
5 little different than what we did downstairs. And some of
6 you may have just gone through this. But this is -- we'll
7 be selecting a trial -- I mean, a jury for the trial that
8 we're probably going to start in the morning. Okay.

9 And I realize -- and I'll go through. I know there's
10 some people that have protection for Thursday and Friday.
11 So we will -- I will deal with that at the conclusion
12 because this could go into Friday.

13 The -- the purpose for these questions are -- are
14 twofold. One is for the attorneys to get a little more
15 information about you. So when they make their
16 selections, they'll have a little more information.

17 And the second thing and the most important part is
18 to make sure that you can be fair and impartial in the
19 trial of this case, and that it is both fair to the State
20 and the Defendant in this matter.

21 Now, this is the State of South Carolina vs. Eugene
22 Turner. And what I'm going to do at this point is read to
23 you what we refer to as indictments. Now, these
24 indictments are merely allegations made by the State to
25 which the Defendant has pled not guilty.

1 And so the -- there are five indictments for
2 attempted murder and one indictment for possession of a
3 weapon during the commission of a violent crime. And the
4 indictments are that Eugene Turner, Jr., did in Greenville
5 County on or about September the 1st, 2017, unlawfully
6 with malice aforethought with the intent to kill attempt
7 to kill the following alleged victims: Angela Anderson,
8 Nachrisha Rosemond, Kimberly Pickens, Christine
9 Wolfe-Young, and Daniel Stokes.

10 Then the indictment for the possession of a weapon
11 during the commission of a violent crime is that Eugene
12 Turner did in Greenville County on or about September the
13 1st, 2017, possess or visibly display a firearm during the
14 commission or attempted commission of violent crime for
15 attempted murder. So those are the allegations involving
16 this matter.

17 Now, I'm going to tell -- ask a little bit about the
18 witness.

19 But before that, Mr. Turner, at this time, if you
20 would stand and just face the jury.

21 All right. Thank you.

22 JURY QUALIFICATION

23 THE COURT: Is there anybody related by blood or
24 marriage or have any close personal, business, or social
25 relationship with Eugene Turner, Jr.? If so, please,

1 stand.

2 (WHEREUPON, there was no response.)

3 THE COURT: All right. And no response.

4 At this time, I would ask that the attorneys stand
5 and introduce themselves.

6 MR. SMITH: My name is Marc Smith. I work at the
7 solicitor's office.

8 MR. GRUBBS: My name is Chris Grubbs. And I
9 represent Eugene Turner.

10 MS. LIPINSKI: My name is Mindy Hervey Lipinski. And
11 I, also, represent Eugene Turner.

12 THE COURT: All right. Is there anybody related by
13 blood or marriage, have any close personal, social, or
14 business relationship with the attorneys in this matter?
15 If so, please, stand.

16 All right. Your name and number?

17 PROSPECTIVE JUROR: Malcolm Isley, Juror #96.

18 THE COURT: Okay. And what is your response to that?

19 PROSPECTIVE JUROR: I know the Solicitor from Sunday
20 school class.

21 THE COURT: Okay. And could you still be fair and
22 impartial in the trial of this case?

23 PROSPECTIVE JUROR: I could.

24 THE COURT: All right. Thank you.

25 Now, kind of a follow-up question to that, has

1 anybody ever been represented by these attorneys or have
2 you ever been involved in a matter where these attorneys
3 represented another party? If so, please, stand.

4 (WHEREUPON, there was no response.)

5 THE COURT: All right. And no response.

6 Now, here are some possible witnesses -- and, again,
7 the question's going to be, are you related by blood or
8 marriage or have a close personal or business relationship
9 with any of these individuals?

10 So if recognize one of these names, you need to
11 respond. And you would stand. And then I'll ask -- I
12 will call on you one at a time to go through these names.

13 Tirissa Johnson with 911; Rene Beauford with 911;
14 Kevin Azzara with the Greenville County Sheriff's Office;
15 Cameron Woody with the Greenville County Sheriff's Office;
16 Shannon McHale with the Greenville County Sheriff's
17 Office; Kimberly Price, formerly with the Greenville
18 County Sheriff's Office; Emmanuel Davis with the
19 Greenville County Sheriff's Office; Cody Mitchell,
20 formerly with the Greenville County Sheriff's Office;
21 Dustin Kretschmar, formerly with the Greenville County
22 Sheriff's Office; Jared Greer with the Greenville County
23 Sheriff's Office; Kara Bennick with property and evidence
24 with the Greenville County Sheriff's Office; Daniel
25 Stokes; Angela Nicole Anderson; Christine Wolfe-Young;

1 Nachrisha Nycole Rosemond; Kimberly Michelle Pickens;
2 Jason Carver with EMS; Kandyce Hales Carver, formerly with
3 EMS; Amanda Donald; and Justin Ball.

4 All right. Is any --

5 MR. SMITH: Judge, I think you said Kimberly Price.
6 And it's Kyle Price, one of our -- one of our Greenville
7 County Sheriff's Office witnesses.

8 THE COURT: Okay. That's Kyle. Okay. Kyle Price,
9 formerly with the Greenville County Sheriff's Office.

10 Is anybody related by blood or marriage, have any
11 close business, social, or personal relationship with any
12 of these individuals? If so, please, stand.

13 (WHEREUPON, there was no response.)

14 THE COURT: All right. Is there anybody that is
15 related by blood or marriage or have a close personal,
16 business, or social relationship with anybody that is
17 employed, works, or has a connection with Angelo's Family
18 Bail Bond Company? If so, please, stand.

19 (WHEREUPON, there was no response.)

20 THE COURT: All right. And no response.

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

24 (WHEREUPON, there was no response.)

25 THE COURT: Okay. And no response.

1 Is there any member of the jury panel or immediate
2 family associated with, related by blood or marriage to
3 anyone who's employed with the Greenville County Sheriff's
4 Office or the Thirteenth Circuit Solicitor's Office? If
5 so, please, stand.

6 Yes, your name and number?

7 PROSPECTIVE JUROR: #5, Angie Alford. My husband is
8 Greenville County.

9 THE COURT: Greenville County Sheriff's Office. And
10 what is his name?

11 PROSPECTIVE JUROR: Richard Alford.

12 THE COURT: All right. And could you still be fair
13 and impartial in the trial of this case?

14 PROSPECTIVE JUROR: I could.

15 THE COURT: All right. Thank you.

16 Anyone else?

17 (WHEREUPON, there was no response.)

18 THE COURT: Is anybody related by blood or marriage
19 to anyone involved in law enforcement? If so, please,
20 stand, other than Ms. Alford.

21 (WHEREUPON, there was no response.)

22 THE COURT: All right. And no response.

23 Is there any member of the jury panel who is a member
24 or contributor to any organization which promotes victim's
25 rights or law enforcement such as MADD, SADD, or any other

1 advocacy group which promotes -- promotes the interest of
2 law enforcement or victim's rights? If so, please, stand.

3 (WHEREUPON, there was no response.)

4 THE COURT: All right. And no response.

5 Is there any member of the jury panel -- and I
6 believe that this event took place at the --

7 Was it the Dugout?

8 MS. LIPINSKI: The Dugout, Your Honor.

9 THE COURT: Which is a local establishment?

10 MS. LIPINSKI: Yes, sir.

11 THE COURT: All right. Just to make sure y'all know,
12 it -- it happened at the Dugout. And I need to make sure
13 if anybody's read any newspaper articles, or postings, or
14 any Internet sites, social media, or any information about
15 this case or the Defendant? If so, please, stand.

16 (WHEREUPON, there was no response.)

17 THE COURT: All right. No response.

18 Is any member of the jury panel a member of any
19 political, religious, social, industrial, fraternal law
20 enforcement, or other organization who believes their
21 teachings would prejudice him or her against the State or
22 the Defendant? If so, please, stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: Okay. And no response.

25 Is any member of the jury panel aware of any

1 physical, mental, or emotional condition which would
2 prevent them from giving the Defendant and the State a
3 fair and impartial trial of the case -- or in this case?
4 If so, please, stand.

5 (WHEREUPON, there was no response.)

6 THE COURT: All right. And no response.

7 Is any member of the jury panel aware of any bias or
8 prejudice which would keep them from being fair and
9 impartial in the trial of this case? If so, please,
10 stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: All right. No response.

13 Is there any member of the jury panel who knows of
14 any reason whatsoever that he or she could not serve on
15 the jury this week? If so, please, stand.

16 (WHEREUPON, there was no response.)

17 THE COURT: Counsel, can y'all approach?

18 (WHEREUPON, a bench conference was held.)

19 THE COURT: All right. For anyone that I protected
20 for Thursday or Friday of this week, if you could stand at
21 this time.

22 All right. Your name and number?

23 PROSPECTIVE JUROR: Bruce Morrison, #138.

24 THE COURT: All right. And I'm going to excuse you.

25 Yes. And your --

1 PROSPECTIVE JUROR: Laurie Landis, #108.

2 THE COURT: #108.

3 All right. And your name and number?

4 PROSPECTIVE JUROR: Anne Mayher, #123.

5 THE COURT: All right. And -- okay. Y'all can sit
6 down.

7 And is it -- the gentleman that had the cabinet shop,
8 what's your name and number?

9 PROSPECTIVE JUROR: William McCarter, #126.

10 THE COURT: All right. And I'm going to -- I'm going
11 to be able to protect you from this week. So after we --
12 after we leave here, then you can -- you'll be -- you'll
13 be good to go for the week.

14 PROSPECTIVE JUROR: All right. Thank you, sir.

15 THE COURT: All right. Any further questions from
16 the State?

17 MR. SMITH: No, Your Honor.

18 THE COURT: Any additional questions from the
19 Defense?

20 MR. GRUBBS: No, Your Honor.

21 THE COURT: All right. At this time, we will begin
22 the selection process.

23 And it'll be five and five. And let's see. We
24 should be able to get two alternates. And two alternates.

25 All right. When the clerk calls your name, you'll

1 stand and then wait for further instructions.

2 THE CLERK: How many strikes?

3 THE COURT: Five and five.

4 JURY SELECTION

5 THE CLERK: When I call your name, please, stand and
6 wait for further instructions.

7 Juror #190, Stephen Craig Sawyer.

8 (WHEREUPON, Stephen Craig Sawyer, a white male,
9 stood.)

10 THE CLERK: What says the State?

11 MR. SMITH: Please seat the juror.

12 THE CLERK: What says the Defense?

13 MR. GRUBBS: Please seat the juror.

14 THE CLERK: If you would gather your things and have
15 a seat, please.

16 Juror #76, Letitia Gordon.

17 (WHEREUPON, Letitia Gordon, a black female, stood.)

18 THE CLERK: What says the State?

19 MR. SMITH: Please seat Ms. Gordon.

20 THE CLERK: What says the Defense?

21 MR. GRUBBS: Please excuse the juror.

22 THE CLERK: You may have a seat. You're excused from
23 this trial.

24 Juror #182, James Rowe.

25 (WHEREUPON, James Rowe, a white male, stood.)

1 THE CLERK: What says the State?

2 MR. SMITH: Please seat Mr. Rowe.

3 THE CLERK: What says the Defense?

4 MR. GRUBBS: Please seat Mr. Rowe.

5 THE CLERK: Sir, if you'll, please, make your way to
6 the jury box.

7 Juror #124, Jack McCarley.

8 (WHEREUPON, Jack McCarley, a white male, stood.)

9 THE CLERK: What says the State?

10 MR. SMITH: Please seat Mr. McCarley.

11 THE CLERK: What says the Defense?

12 MR. GRUBBS: Please excuse Mr. McCarley.

13 THE CLERK: You may have a seat, please.

14 Juror #74, Oropeza Gonzalez.

15 (WHEREUPON, Oropeza Gonzalez, a Hispanic female,
16 stood.)

17 THE CLERK: What says the State?

18 MR. SMITH: Please seat Ms. Gonzalez.

19 THE CLERK: What says the Defense?

20 MR. GRUBBS: Please seat Ms. Gonzalez.

21 THE CLERK: Juror #2, Matthew Adamson.

22 (WHEREUPON, Matthew Adamson, a white male, stood.)

23 THE CLERK: What says the State?

24 MR. SMITH: Please seat Mr. Adamson.

25 THE CLERK: What says the Defense?

1 MR. GRUBBS: Please seat Mr. Adamson.

2 THE CLERK: Juror #111, Juliet Lee.

3 (WHEREUPON, Juliet Lee, a white female, stood.)

4 THE CLERK: What says the State?

5 MR. SMITH: Please seat Ms. Lee.

6 THE CLERK: What says the Defense?

7 MR. GRUBBS: Please seat Ms. Lee.

8 THE CLERK: Ms. Lee, if you'll gather your things and
9 make your way to the jury box.

10 Juror #56, Morgan Dockery.

11 (WHEREUPON, Morgan Dockery, a white female, stood.)

12 THE CLERK: What says the State?

13 MR. SMITH: Please seat Ms. Dockery.

14 THE CLERK: What says the Defense?

15 MR. GRUBBS: Please seat Ms. Dockery.

16 THE CLERK: If you'll gather your things and make
17 your way to the jury box, please.

18 Juror #50, Haley Dalaten.

19 (WHEREUPON, Haley Dalaten, a white female, stood.)

20 THE CLERK: What says the State?

21 MR. SMITH: Please seat Ms. Dalaten.

22 THE CLERK: What says the Defense?

23 MR. GRUBBS: Please seat Ms. Dalaten.

24 THE CLERK: Ms. Dalaten, if you'll make your way to
25 the jury box, please.

1 Juror #219, Steve Varner.

2 (WHEREUPON, Steve Varner, a white male, stood.)

3 THE CLERK: What says the State?

4 MR. SMITH: Please excuse Mr. Varner.

5 THE CLERK: You're excused from this hearing [sic],
6 Mr. Varner.

7 Juror #22, Allison Brennan.

8 (WHEREUPON, Allison Brennan, a white female, stood.)

9 THE CLERK: What says the State?

10 MR. SMITH: Judge, may we approach?

11 THE COURT: You may.

12 You can have a seat for right now.

13 (WHEREUPON, a bench conference was held.)

14 THE COURT: All right. Ms. Brennan, you can stand
15 again.

16 MR. SMITH: Please seat Ms. Brennan.

17 THE CLERK: What says the Defense?

18 MR. GRUBBS: Please seat Ms. Brennan.

19 THE CLERK: Gather your things and make your way to
20 the jury box, please.

21 Juror #158, Tuan Phan.

22 (WHEREUPON, Tuan Phan, a Asian male, stood.)

23 THE CLERK: What says the State?

24 MR. SMITH: Please excuse Mr. Phan.

25 THE CLERK: You may have a seat. You're excused from

1 this trial.

2 Juror #184, Jacqueline Ruiz.

3 (WHEREUPON, Jacqueline Ruiz, a Hispanic female,
4 stood.)

5 THE CLERK: What says the State?

6 MR. SMITH: Please seat Ms. Ruiz.

7 THE CLERK: What says the Defense?

8 MR. GRUBBS: Please seat Ms. Ruiz.

9 THE CLERK: If you'll gather your things and make
10 your way to the jury box, please.

11 Juror #213, Katie Taylor.

12 (WHEREUPON, Katie Taylor, a white female, stood.)

13 THE CLERK: What says the State?

14 MR. SMITH: Please seat Ms. Taylor.

15 THE CLERK: What says the Defense?

16 MR. GRUBBS: Please seat Ms. Taylor.

17 THE CLERK: If you'll gather your things and make
18 your way to the jury box, please.

19 Juror #5, Angela Alford.

20 (WHEREUPON, Angela Alford, a white female, stood.)

21 THE CLERK: What says the State?

22 MR. SMITH: Please seat Ms. Alford.

23 THE CLERK: What says the Defense?

24 MR. GRUBBS: Please excuse Ms. Alford.

25 THE CLERK: You may have a seat. You're excused from

1 this trial.

2 Juror #173, David Riden --

3 PROSPECTIVE JUROR: Ridenour.

4 THE CLERK: Ridenour.

5 Thank you.

6 (WHEREUPON, David Ridenour, a white male, stood.)

7 THE CLERK: What says the State?

8 MR. SMITH: Please seat Mr. Ridenour.

9 THE CLERK: What says the Defense?

10 MR. GRUBBS: Please seat Mr. Ridenour.

11 THE CLERK: If you'll, please, make your way to the
12 jury box.

13 Thank you.

14 Juror #84, Virginia Hayes.

15 (WHEREUPON, Virginia Hayes, a white female, stood.)

16 THE CLERK: What says the State?

17 MR. SMITH: Please seat Ms. Hayes.

18 THE CLERK: What says the Defense?

19 MR. GRUBBS: Please seat Ms. Hayes.

20 THE CLERK: If you'll, please, make your way to the
21 jury box.

22 THE COURT: All right. For the first alternate.

23 THE CLERK: Juror #136, Susan Monroe.

24 (WHEREUPON, Susan Monroe, a white female, stood.)

25 THE CLERK: What says the State?

1 MR. SMITH: Please seat Ms. Monroe.

2 THE CLERK: What says the Defense?

3 MR. GRUBBS: Please excuse Ms. Monroe.

4 THE CLERK: You may have a seat. You're excused from
5 this trial.

6 Juror #192, Joshua Schultz.

7 (WHEREUPON, Joshua Schultz, a white male, stood.)

8 THE CLERK: What says the State?

9 MR. SMITH: Please seat Mr. Schultz.

10 THE CLERK: What says the Defense?

11 MR. GRUBBS: Please seat Mr. Schultz.

12 THE CLERK: Mr. Schultz, if you'll, please, have a
13 seat in the jury box.

14 THE COURT: All right. And then the second
15 alternate.

16 THE CLERK: Juror #208, James Street.

17 (WHEREUPON, James Street, a white male, stood.)

18 THE CLERK: What says the State?

19 MR. SMITH: Please seat Mr. Street.

20 THE CLERK: What says the Defense?

21 MR. GRUBBS: Please seat Mr. Street.

22 THE CLERK: Mr. Street, if you would, please, have a
23 seat in the jury box.

24 THE COURT: All right. Any objections or exceptions
25 from the State for the jury selection?

1 MR. SMITH: No, Your Honor.

2 THE COURT: From the Defense?

3 MR. GRUBBS: No, Your Honor.

4 THE COURT: All right. Let me talk to this crowd and
5 then I'll talk to you.

6 All right. Ladies and gentlemen, you've been
7 selected for the trial of this case. But we've got some
8 other matters that we have to go over. So we cannot start
9 this case until in the morning. So we'll start at 9:30 in
10 the morning.

11 Is that good with everybody?

12 (WHEREUPON, the jurors indicated in the affirmative.)

13 THE COURT: So you'll be -- and then the bailiff
14 will instruct you where you need to be in the morning.

15 All right. I'm going to give a couple of rules that
16 are very important. One is you're not to discuss the
17 case. And I realize you don't have a lot of information.
18 But you're not to discuss it in any way with -- among
19 yourselves, family members, or anything like that. That's
20 totally inappropriate and prohibited.

21 Also, and I know in the day of Google, it's very
22 difficult not to Google anything you want to know. But
23 it's important that you do not do any type of research
24 about the case, about the law that applies here, about the
25 people involved, or anything like that. Because

1 everything that you need to -- that you're supposed to get
2 to make your decision will be information you receive from
3 this courtroom under our rules of evidence. So it's very
4 important that you not get any outside information.

5 Third, I'm not aware of any media coverage relating
6 to this trial. But if you should see any media coverage,
7 including any social media, anything like that, you're to
8 disregard that.

9 And, finally, in the event that you are contacted by
10 anybody, other than somebody from the clerk's office,
11 please, let the bailiff know when you get here in the
12 morning.

13 So with that being said, y'all have a good evening.
14 Follow the bailiff here. And we'll see you at 9:30 in the
15 morning.

16 (WHEREUPON, the jury was excused from open court at
17 approximately 12:33 p.m.)

18 THE COURT: All right. For the balance of y'all, you
19 are going back downstairs just so they can give you the
20 final information.

21 And, Mr. McCarter, when you go down there, you're
22 going to be transferred. So make sure you get with Janine
23 down there, the clerk, and -- about when you can be
24 transferred.

25 PROSPECTIVE JUROR: Her office right there --

1 THE COURT: Yeah. Where you -- you'll be -- she --
2 All of y'all will be going back down there for
3 further instructions. But -- and it will probably be to
4 call back after 6:00 to see where we are. That's kind
5 of -- that's my guess. But don't -- you know, but
6 whatever she tells you, so.

7 All right. And if I don't see you again, I always
8 like to take every opportunity to thank you for your
9 service. I know this is a major inconvenience, especially
10 after coming off a holiday weekend. But it's important
11 for our judicial system to have jurors coming in and being
12 able to assist us in matters that cannot be resolved.

13 So, once again, thank you so much for your service.

14 At this time, I guess you'll follow the bailiff
15 down -- back down to the jury assembly room.

16 So you all have a good rest of your afternoon.

17 (WHEREUPON, the remaining jury panel members exited
18 the courtroom.)

19 THE COURT: All right. Anything from the State? I
20 guess -- do y'all want to start back at 1:30?

21 (WHEREUPON, there was no response.)

22 THE COURT: I mean, you don't get a luxurious lunch
23 hour as far behind as we are now.

24 All right. Is that good -- are y'all good with that?
25 Do you want me to give you a full hour?

1 We'll be back at 1:37.

2 (WHEREUPON, a lunch break was taken.)

3 THE COURT: All right. We are here on State vs.
4 Turner, here for motions. I'll be glad to hear from the
5 State -- or I think y'all had decided it may be better for
6 us to hear --

7 MR. SMITH: Judge, I think -- along with the stand
8 your ground hearing, you're probably going to hear most
9 everything regarding any motion we would have regarding
10 Jackson vs. Denno.

11 THE COURT: Okay.

12 MR. SMITH: And the molestation accusations and
13 everything, and trying to figure out whether that should
14 come in or not.

15 THE COURT: All right.

16 MR. SMITH: So it may be the best thing that you do
17 the stand your ground hearing. And then if there's
18 anything else we may need to add, then maybe we can add
19 that.

20 THE COURT: Is that fine with the Defense?

21 MR. GRUBBS: Yes, Your Honor. That's our intention.

22 THE COURT: All right. Well, you may proceed.

23 MR. GRUBBS: Thank you, Your Honor.

24 Again, on behalf of the Defendant, we move for
25 immunity under Section 16-11-410 following the protections

1 of persons and property act.

2 In addition to that, there will be a motion to
3 dismiss based on the potential outcome of that. And the
4 Defense is ready to proceed.

5 I do have a copy of the motion that I have provided
6 the Court. And I'd, also, like to ask that it be made a
7 Court's Exhibit.

8 THE COURT: Any objection?

9 MR. SMITH: No, Your Honor.

10 MR. GRUBBS: May I call my first witness, Judge?

11 THE COURT: You may.

12 (WHEREUPON, Court's Exhibit No. 1 was marked for
13 identification and admitted into evidence.)

14 MR. GRUBBS: The Defense calls Deputy Robert May.

15 THE COURT: Okay. Mr. May, come forward and be
16 sworn.

17 THE CLERK: Could you, please, place your left hand
18 on the Bible and raise your right hand?

19 WHEREUPON,

20 ROBERT MAY,

21 after first having been duly sworn, testified as follows:

22 THE CLERK: Please be seated.

23 Could you, please, state your name for the record?

24 THE WITNESS: Sergeant Robert May.

25 THE CLERK: Thank you so much.

1 MR. SMITH: Judge, before we begin, I'm going to
2 object to this witness. He's getting into some specific
3 instances of conduct, which I believe would be
4 objectionable under Rules 404(a), (b), 607, 608, and 609.

5 I mean, I don't know where he's -- I think I know
6 where he's going with this, but it's a specific instance
7 of conduct. I know it's a stand your ground hearing.
8 It's something from 2013. And it's -- it's remote. And I
9 just -- I don't think it's proper.

10 THE COURT: All right. I'm going to -- since we
11 don't have a jury, I will allow him to go forward to a
12 certain extent. If we get to a point where I feel like
13 it's not proper, then I'll address it at that point.

14 MR. GRUBBS: Thank you, Your Honor.

15 DIRECT EXAMINATION

16 BY MR. GRUBBS:

17 Q Sergeant May, are you currently employed with the
18 sheriff's office?

19 A Yes, sir, I am.

20 Q How long have you been with the sheriff's office?

21 A About 15 years.

22 Q Were you with the sheriff's office in 2013?

23 A Yes, sir.

24 Q Did you have the occasion to investigate a call for
25 service that happened on August the 14th of 2013?

1 A Yes, sir, I did.

2 Q Would you tell me about that?

3 A So we received a call, my trainee and myself, I
4 believe it was a malicious damage incident between two
5 gentlemen. And they were -- they were arguing, to the
6 best of my ability to recall, over a -- a female and a
7 child. I think there were some -- some family issues
8 going on. And I think that either the girl or the child
9 was the source of the argument.

10 When we -- when we got to the scene, we spoke with --
11 I don't remember the name, an individual on scene told us
12 that there had been some damage to a sunroof. And we
13 observed some damage on scene. The -- the other half was
14 gone by the time we arrived. And then when -- after we
15 did our initial investigation and saw the damage, we ended
16 up making contact with -- I'm sorry. I forgot the name --
17 Mr. -- Mr. Stokes -- or another deputy made contact with
18 Mr. Stokes.

19 We ended up responding over there. And we determined
20 through our initial investigation that Mr. Stokes was a
21 suspect. We ended up detaining him, subsequently charging
22 him with malicious damage to the sunroof or the windows, I
23 believe.

24 Q Thank you.

25 A Uh-huh.

1 Q And do you recall the name of the victim in that
2 case?

3 A The victim's last name was Turner. I don't recall --
4 I don't recall the first name.

5 Q Would it refresh your recollection if I handed you a
6 copy of your report?

7 A Yes, sir, please.

8 Q And that was a long time ago. I appreciate it.

9 A Yes, sir.

10 Yes, sir. That would be it, Eugene Turner.

11 Q Thank you.

12 Do you recall in your report if there was any sort of
13 instrument or object used during the course of this
14 malicious injury to property?

15 A It was told to us that a machete was used to break
16 these windows out. I don't recall finding a machete. I
17 don't remember if we, actually, saw the machete or not.
18 But that's what was told to us.

19 Q And were you ever made aware of the disposition of
20 this case?

21 A No, sir. I don't believe so, not that I can
22 remember.

23 Q Okay. Sergeant May, I'm going to hand you a
24 certified copy of a conviction. Would you, please, look
25 that over for just a moment?

1 A Okay.

2 Q Does that certified copy of the conviction appear to
3 be the same case that you just testified about?

4 A Yes, sir.

5 Q And what was the disposition of that case?

6 A It was guilty, bench trial.

7 MR. GRUBBS: Thank you, Sergeant May.

8 I have nothing further.

9 THE COURT: Any questions?

10 MR. SMITH: Yes, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. SMITH:

13 Q Sergeant May, were you present on the scene at that
14 time?

15 A Yes, sir.

16 Q All right. When the incident, actually, occurred?

17 A No, sir, not when the incident occurred.

18 Q Okay. And so you talked with who to find out things
19 about this case?

20 A I believe her name was Fletcher, I think.

21 Q And was Mr. Turner on scene?

22 A Mr. Turner, I believe, was on scene, if I can
23 remember correctly. It's been a very long time. The
24 suspect -- or the Defendant in that case was not on scene.

25 Q Okay.

1 A He was in a different location.

2 Q Did either of the people who were on scene have any
3 injuries?

4 A No, sir.

5 Q Were they attacked?

6 A They did get into a mutual combative-type fight
7 situation before we got there. I don't recall seeing any
8 injuries on them. But I know there was an actual
9 altercation between the two when we got there.

10 Q Between which two?

11 A Between Turner and Stokes.

12 Q Okay. And do you know why they got into an
13 altercation?

14 A It was -- it was an -- I think it was an argument
15 where one had a child in common with -- with a female.
16 And I think the other person -- and I don't recall exactly
17 the order, but they were interjecting themselves and
18 trying to give, you know, their own two cents, for lack of
19 a better term, into that situation. I think that was the
20 source of the argument.

21 Q All right. And so, there was -- there was some
22 altercation and then the car was damaged?

23 A That's correct.

24 Q And did you ever find a machete, or anything like that?

25 A No, sir, not that I can remember.

1 Q No machete was put into property and evidence, or
2 anything. I mean, did you review the report?

3 A I did. I reviewed the report. And I didn't see that
4 in the report prior to coming up here.

5 Q Okay. But, anyway, the car was damaged?

6 A Yes, sir. We did see that.

7 Q And nobody was hurt?

8 A No, sir. Nobody was hurt.

9 MR. SMITH: That's all I have, Your Honor.

10 THE COURT: Any redirect?

11 MR. GRUBBS: No, Your Honor.

12 I'd ask that Sergeant May be excused.

13 THE COURT: You may step down.

14 Any objection to him being excused?

15 MR. SMITH: No, Your Honor.

16 THE COURT: You may be excused.

17 MR. GRUBBS: Your Honor, the Defense's next witness
18 is going to be Quincy Green from the sheriff's office.

19 THE CLERK: Mr. Green, if you'll, please, come to the
20 end of the bench right here.

21 Place your left hand on the Bible and raise your
22 right hand.

23 WHEREUPON,

24 QUINCY GREEN,

25 after first having been duly sworn, testified as follows:

1 THE CLERK: Thank you very much.

2 Please be seated.

3 And if you could, please, state your name for the
4 record.

5 THE WITNESS: Deputy Quincy Green.

6 THE CLERK: Thank you so much.

7 DIRECT EXAMINATION

8 BY MR. GRUBBS:

9 Q Good afternoon, Deputy Green. I appreciate you being
10 here.

11 So you're employed at the sheriff's office?

12 A Yes, sir.

13 Q How long have you been with the sheriff's office?

14 A About seven years.

15 Q Seven years. Do you recall having -- or responding
16 to a call for service somewhere around December the 1st of
17 2016?

18 A Yes, sir.

19 Q Okay. Why don't you tell me a little bit about the
20 circumstances that brought you to that incident.

21 A We received a call for service at the incident
22 location in reference to a possible CSC with a minor case.
23 And I met with employees with DSS to provide security
24 while they did their initial investigation.

25 Q Do you recall who -- or did you ever learn who the

1 caller was that alerted DSS to the situation?

2 A As indicated in my report, the complainant was --
3 give me just a second. Destiny Foster.

4 Q Okay. And do you know if she is a DSS caseworker?

5 A Yes, sir, she is.

6 Q So what are some of the details that you learned
7 during the course of this investigation about this alleged
8 incident?

9 A I learned that the victim in this case, which was a
10 minor, was alleging that Mr. Eugene Turner molested her at
11 some point while she was in contact with him.

12 Q And what particularly -- or what were the particular
13 allegations about this that you learned during the course
14 of your investigation?

15 A That she alleged that Eugene Turner touched her
16 inappropriately and that she was afraid. She, also, had
17 some concerns about telling her mother. And she, also,
18 made some sort of accusation about prescription pill
19 usage.

20 Q And who is the alleged victim in this case's mother?

21 A You're asking me what the mother's name is?

22 Q Correct.

23 A Ms. Latoya Fletcher.

24 Q And do you know the nature of the relationship
25 between Eugene Turner and Latoya Fletcher?

1 A They seemed to be in some sort of, like,
2 relationship.

3 Q Was Mr. Turner cohabitating with Ms. Fletcher at the
4 time?

5 A Based on what I gathered, it seemed that way from the
6 way I remember it.

7 Q And to the best of your recollection and upon review
8 of your report, was the alleged victim in this case, also,
9 living at the house there?

10 A Yes, sir.

11 Q Okay. Do you know who the victim's biological father
12 was?

13 A I do not.

14 Q Okay. So what happened next after these allegations
15 were made?

16 A Because allegations were made and DSS was
17 investigating, it was my responsibility to let supervision
18 know about the allegations so that they could notify our
19 special -- specialized investigation unit so that it could
20 be investigated by the crimes against children unit.

21 So my job was to collect the initial information
22 needed for the report, notify supervision so that my
23 report could get forwarded to the proper investigative
24 entity.

25 Q Okay. Did you ever speak to Mr. Eugene Turner about

1 these allegations?

2 A I -- from what I remember, DSS spoke to him. And I
3 was -- I kind of observed from my recollection. I don't
4 think I directly asked Mr. Turner any -- any questions.

5 Q Okay. And what about the alleged use of some sort of
6 a prescription drug?

7 A From my recollection, in terms of the prescription
8 medicine, I remember -- let me look at my notes. I
9 remember the victim saying that she took some Xanax pills.
10 And I remember the mother saying that she didn't have
11 access to those pills because the medication she received
12 was for a different purpose, but they weren't Xanax.

13 Q Okay. So after DSS concluded their investigation, do
14 you know what happened with Eugene Turner? Do you know if
15 he was asked to do anything?

16 A I do remember that he was asked to separate from the
17 victim until the conclusion of the DSS investigation.

18 Q And are you aware if Mr. Turner, actually, did that?

19 A I -- I didn't follow-up on -- on that portion. But I
20 guess it can be assumed that he probably did.

21 Q Okay. After you had -- after you, initially,
22 responded and performed the duties that you just testified
23 to today, did you have any more involvement in the
24 December of 2016 allegations that were made?

25 A No, sir. I had no further involvement.

1 Q Okay. So you started the process of the
2 investigation; is that fair?

3 A Yes, sir.

4 Q And then after making the initial report and referral
5 to CID, that was pretty much the end of your involvement;
6 is that fair?

7 A Yes, sir. That's fair.

8 MR. GRUBBS: Nothing further at this time.

9 THE COURT: Cross-examination.

10 CROSS-EXAMINATION

11 BY MR. SMITH:

12 Q Did you talk to anybody at the school?

13 A No, sir.

14 Q Okay. Did somebody else -- during the investigation,
15 did they talk to somebody at the school?

16 A I'm not aware if they did or not.

17 Q All right. Were you with DSS when they talked with
18 the child?

19 A I was present.

20 Q Okay. Did she, also, say anything about him smacking
21 her on the butt a little too much, or anything like that?

22 A I know she made mention of being touched on the
23 backside.

24 Q You said the child was afraid to tell her mom. Did
25 she explain why?

1 A She did.

2 Q And why was it?

3 A She said that she was afraid that her mother would
4 approach Eugene and that Eugene could possibly assault her
5 for confronting him.

6 Q That Eugene could possibly assault the mother or the
7 girl?

8 A The mother.

9 Q The mother. Okay. Did the girl think that she was,
10 actually, taking Xanax? Is that what I heard?

11 A Yes, sir.

12 Q Okay. But she, actually, ended up taking Zantac;
13 right?

14 A I --

15 Q If you need to look at your report, you can look at
16 your report.

17 A Yeah. It does say Zantac pills.

18 Q Okay. Did it, also, say anything about cough syrup?

19 A I don't see anything about cough syrup in my -- in my
20 report.

21 Q But regardless, no -- as far as you know, no charges
22 were brought against Mr. Turner for this?

23 A That's correct.

24 Q Okay. Now, you were working with DSS. Did they
25 just -- did they do an unfounded report? Is that what

1 happened?

2 A I'm not aware of the findings of the DSS report.

3 MR. SMITH: Okay. Judge, that's all I have.

4 THE COURT: Redirect?

5 MR. GRUBBS: Brief redirect, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. GRUBBS:

8 Q Deputy Green, you observed when DSS was speaking with
9 Mr. Turner; correct?

10 A Yes, sir.

11 Q Okay. Now, when you do reports -- let me back up.
12 When you do reports, it's important to put in a fair bit
13 of information. Is that an accurate statement?

14 A Yes, sir.

15 Q Try to put as much in as you can?

16 A Yes, sir.

17 Q Because, obviously, years later, we might be relying
18 on it, instead of remembering; right?

19 A Yes, sir.

20 Q Okay. You didn't put anywhere in your report that
21 when Mr. Turner was being questioned about these
22 allegations that he reacted violently, did you?

23 A I did not indicate that in my report.

24 Q But if he had reacted violently, I'm sure you would
25 have put it in the report?

1 A Yes, sir.

2 Q And in your report, you, also, said that Eugene
3 stated that the girl's father doesn't like him and put her
4 up to making up these allegations. Do you recall that?

5 MR. SMITH: Judge, I think we're going a little bit
6 outside the scope of what I asked.

7 THE COURT: What was the question again?

8 MR. GRUBBS: We're talking about a particular report,
9 a statement that's made where the father doesn't like him
10 and putting her up to making up these allegations. I
11 think that's fair game considering Mr. Smith was asking
12 about Eugene reacting violently. And I think that
13 redirect is to the nature of that conversation. And the
14 discussion of that conversation is relevant.

15 MR. SMITH: And, Judge, I just asked about why the
16 child would be afraid to tell her mother. And then why
17 did she think -- what did she think would happen.

18 Secondly, he's -- he's going a little bit more
19 towards the Defendant and why the Defendant -- he's
20 already asked did he react violently to them for that.
21 But I mean --

22 THE COURT: I'm going to sustain the objection.

23 MR. SMITH: He's taking it a little bit farther than
24 he probably should have.

25 THE COURT: I'm going to sustain the objection.

1 Let's move on.

2 MR. GRUBBS: Okay.

3 BY MR. GRUBBS:

4 Q And with regards to the DSS investigation, like you
5 just testified to, you're not sure what they may have
6 done?

7 A That's correct. I'm not sure.

8 Q Okay. And do you know -- well, are you aware that
9 another deputy, Deputy DeRosa, followed up on this?

10 A I've been made aware of that.

11 Q Okay. But at this time or since then, did you ever
12 communicate with him about these charges or gain any other
13 information that wasn't put into your report?

14 A I had no further contact with Investigator DeRosa.

15 MR. GRUBBS: Okay. Nothing further, Judge.

16 MR. SMITH: No further questions.

17 THE COURT: You may step down.

18 Call your next witness.

19 MR. GRUBBS: The Defense calls Pascal DeRosa.

20 THE COURT: We have to give this one broad latitude.

21 WHEREUPON,

22 PASCAL DEROSA,

23 after first having been duly sworn, testified as follows:

24 THE CLERK: Thank you.

25 Please have a seat.

1 And if would, please, state your name for the record.

2 THE WITNESS: Pat DeRosa.

3 THE CLERK: Thank you.

4 DIRECT EXAMINATION

5 BY MR. GRUBBS:

6 Q Deputy DeRosa, you're currently employed with the
7 Greenville County Sheriff's Office?

8 A I am.

9 Q Is that how you were employed, also, in 2016 and '17?

10 A It is.

11 Q How long have you been with the sheriff's office?

12 A Since 2006.

13 Q And so I'm going to take you back to some events that
14 happened starting on about December the 1st of 2016,
15 stretching into the early part of January of 2017. Did
16 you come to be involved in a case involving a Eugene
17 Turner?

18 A I did.

19 Q And would you tell me about your involvement in that
20 case?

21 A I was forwarded a report in regards to a criminal
22 sexual conduct case. As I understand, if memory serves,
23 the report -- the incident was alleged to have happened in
24 December. And I got it January -- mid-January, maybe.

25 I spoke with -- the allegation was Mr. Turner was

1 alleged to have inappropriately touched his then
2 girlfriend's daughter. After speaking with the parties
3 involved, we ended up presenting to a judge, Judge Horn.
4 Judge Horn would not grant me a warrant on the case. So
5 it was cleared.

6 Q Okay. So let's go back into a little bit more detail
7 about some of that. Do you recall or would you need to
8 refer to your report if I asked you about the specifics of
9 the allegations that were made in this case?

10 A The daughter -- you have to excuse me on her name,
11 it's Child 1 [phonetic], or something. She stated she was
12 in the car with Mr. Turner and she was driving. And he
13 had put his hand on her leg and slid it up her leg. Once
14 again, I believe it was in December is when she alleged
15 that that had happened.

16 And then it came to -- someone at the school had
17 called because she had told them she had taken some pills,
18 like stomach pills. I believe it was Zantac, if memory
19 serves me. And then she told the -- one of the counselors
20 that -- or one of the teachers that she had been molested
21 by Mr. Turner.

22 Another deputy responded, initially, sat there with
23 DSS while they went to the victim's home. And after
24 speaking with them, he left. And the report got forwarded
25 to me.

1 I went and I spoke with the daughter. I spoke with
2 Mr. Turner. I spoke with the mother. Mr. Turner said
3 that he believed that the whole thing stemmed from the
4 daughter's father -- he believed the daughter's father put
5 the daughter up to making the accusations against him.

6 Q And --

7 A I'm sorry.

8 Q I -- oh, thank you. I appreciate that.

9 Let me just kind of fill in here. Did you -- did you
10 notice any discrepancies in the reports that you were
11 getting?

12 A The one discrepancy I saw was she -- in one report --
13 I can't remember if it was ours or DSS, which one. But
14 one said she had told her mother about the incident. And
15 another report said she did not tell her mother about the
16 incident.

17 Q And did you ever speak with the girl's mother?

18 A Yes.

19 Q Do you recall any details of that conversation and
20 what your investigation found from that conversation?

21 A Well, she said that her daughter never liked
22 Mr. Turner since -- it appeared, like, since the start.
23 That she could be -- one of the reasons she doesn't like
24 him is there was an incident between him and the mother in
25 which they were drinking and somehow police showed up. I

1 don't know the details of that.

2 Another reason that she said that -- I believe she
3 said that she wasn't fond of him is because he would -- he
4 would, I guess, speak firmly, yell. I don't know if he
5 yelled just at the daughter whenever -- because, at times,
6 when the daughter would speak nasty to the mother or make
7 messes, you know, the mother told her to do something.
8 And I guess if she talked back, the way she made it sound,
9 he would yell at her, don't talk to your mother that way.
10 And the daughter really didn't like that, unless he
11 bought -- they didn't get along, unless he bought her
12 something. And then she liked him.

13 Q Okay. Did Eugene tell you anymore details about his
14 version of events of what happened on this --

15 A He said --

16 Q -- particular date?

17 A Yes. He said that he went and picked her up. She
18 wanted to drive, so he let her. He had said that she was
19 driving, you know, on the little -- you know, going too
20 fast. I believe she was almost going over -- off the road
21 almost hitting mail boxes, maybe going into the other lane
22 of traffic, you know. That's how she was driving.

23 Q Okay. And during the course of any of this
24 investigation, was there any sort of other complaints that
25 this had ever happened before or since then?

1 A No, sir.

2 Q And after you spoke with all of the involved parties,
3 you said at that point is when you approached Judge Horn?

4 A Yes, sir.

5 Q And what did you do when you approached Judge Horn?

6 A I went to Judge Horn and said, Judge, this is the
7 case that I have. This is what I'm being told by this
8 person, by this person, by this person. I reviewed the
9 case with him. Judge Horn said he would not grant me a
10 warrant.

11 Q And are you aware of what may or may not have ever
12 happened with the DSS investigation?

13 A No, sir.

14 MR. GRUBBS: Okay. No further questions right now.

15 THE COURT: Cross-examination.

16 CROSS-EXAMINATION

17 BY MR. SMITH:

18 Q So Child 1 [phonetic] -- I hope I'm pronouncing that
19 right.

20 A Yes.

21 Q She told you -- or who told you that she liked
22 Mr. Turner when he bought her things?

23 A Her mother.

24 Q Her mother said that. All right. So did the mother
25 ever let her drive the car?

1 A I believe my report said that the mother never let
2 her -- the mother never let her drive the vehicle.

3 Q So Mr. Turner -- how old is the child?

4 A At that time?

5 Q Wasn't she 13 at the time?

6 A 13 or 14.

7 Q So she's 13 at the time. And Mr. Turner let's her
8 drive the car; right?

9 A (There was no verbal response.)

10 Q I need you to answer out loud. I'm sorry.

11 A I'm sorry. Yes, sir.

12 Q So Mr. Turner lets her drive the car and she, who
13 normally would be happy with something like this, says
14 that he touched her inappropriately while they were in the
15 car?

16 A Yes, sir.

17 Q When you went to Judge Horn, did Judge Horn ask you
18 questions?

19 A I can't recall. How long ago -- I'm not going to say
20 he did or he didn't. I can't remember.

21 Q Did Judge Horn -- so what did you -- I mean, did you
22 just go in and say, hey, here's what I have?

23 A What I assume I would have done -- again, it was five
24 years ago. Hey, Judge, this is the case I have. This is
25 what was, initially, told. This is what is being told.

1 This is what the mother stated.

2 And to go back a little briefly, when speaking with
3 the girl's mother that day, she said she recalled her
4 daughter coming in very happy, that she was excited that
5 she drove the car. She said nothing seemed out of sorts.

6 But as far as going to Judge Horn, it's, Judge, this
7 is my case. This is what I have. This is what I'm being
8 told. Do I have -- do you see any probable cause in this?
9 You know, these are the things I'm laying out. And he
10 said, No.

11 Q So the only discrepancy in the stories and things
12 that I have heard you say was that she either told the --
13 her mother or she didn't tell her mother?

14 A That's correct.

15 Q Okay. So that's the one discrepancy in the whole
16 thing?

17 A Yeah.

18 Q Okay. Did you -- who talked with the school
19 personnel?

20 A DSS and the original deputy that arrived on scene.

21 Q All right. Did you review those reports, and
22 everything?

23 A Sure. I kept in contact with DSS.

24 Q Isn't it true that the -- the school personnel stated
25 that her behavior had changed recently?

1 A I'd have to look at that report to see what --

2 Q Do you have a copy of that report?

3 A Not with me, no.

4 MR. SMITH: Judge, if I can have one moment.

5 (Pause.)

6 BY MR. SMITH:

7 Q So right now, you're not aware without looking at
8 your report that somebody said that her behavior had
9 changed while she was at school?

10 A Yeah. I'd have to --

11 Q I mean, I know we're not here trying that case, but
12 we just don't know at this point.

13 So the bottom line is there was an allegation of some
14 sort of misconduct towards Mr. Turner; right?

15 A Yes, sir.

16 Q And that there were no warrants received, even though
17 you attempted to get warrants?

18 A That's correct.

19 Q I mean, I'm assuming you went there to get warrants?

20 A Yes.

21 Q And not just to talk to the judge?

22 A Yes.

23 Q So you were trying to get warrants for what?

24 A To see if I had enough probable cause --

25 Q Yeah --

1 A -- at this time to obtain warrants for CSC.

2 Q Criminal sexual conduct with a minor?

3 A Yes. Or whatever I could possibly get something for.

4 Q Okay. And the Judge just declined to do it?

5 A Correct.

6 MR. SMITH: That's all I have, Judge.

7 THE COURT: Any redirect?

8 REDIRECT EXAMINATION

9 BY MR. GRUBBS:

10 Q Deputy DeRosa, the Judge didn't sign a warrant
11 because there wasn't probable cause?

12 A He did not feel there was enough probable cause to
13 obtain a warrant.

14 MR. GRUBBS: Thank you.

15 Nothing further, Judge.

16 THE COURT: Thank you.

17 You may step down.

18 All right. Call your next witness.

19 MR. GRUBBS: Your Honor, the Defense calls Amanda
20 Donald to the stand.

21 THE CLERK: Ms. Donald, if you'll put your left hand
22 on the Bible and raise your right hand, please.

23 WHEREUPON,

24 AMANDA DONALD,

25 after first having been duly sworn, testified as follows:

1 MR. SMITH: Judge, as far as Officer DeRosa, can he
2 be excused?

3 THE COURT: Any objection?

4 MR. GRUBBS: No objection, Your Honor.

5 THE CLERK: And if you would, please, state your name
6 for the record.

7 THE WITNESS: It's Amanda Donald.

8 THE CLERK: Thank you.

9 DIRECT EXAMINATION

10 BY MR. GRUBBS:

11 Q Good afternoon, Ms. Donald.

12 Would you, please, tell us where you're currently
13 employed?

14 A I currently work for the Thirteenth Circuit Public
15 Defender's Office.

16 Q When did you start at the public defender's office?

17 A September 20th of this past year.

18 Q All right. Tell us a little bit more about your
19 background.

20 A I retired from the South Carolina Department of
21 Probation and Parole in 2017. And after my retirement, I
22 opened up a private investigating company. And I did
23 contract work with the public defender's office.

24 Q Okay. Were you doing that contact work -- let me
25 back up and ask it this way. Did you ever become involved

1 in Eugene Turner's case?

2 A I did.

3 Q How did you become involved in Eugene Turner's case?

4 A The previous attorney, Teal Johnson, had contacted me
5 about working on the case back in February of 2019.

6 Q So were you retained to start work on the case?

7 A I was.

8 Q Okay. Were you paid for those services?

9 A I was.

10 Q Tell us a little bit about how you went about
11 beginning your investigation of this case.

12 A Usually, in the beginning of any case, I go over all
13 the discovery. I review all the video footage, body cam,
14 anything that's provided so I can kind of get a sense of,
15 you know, what I'm looking for, what I'm looking at, who
16 I'm dealing with.

17 So I was pretty much tasked in the beginning with
18 going out to the incident location.

19 Q Where was the incident location?

20 A It was, I believe, off of Augusta Road at The Dugout.

21 Q Okay. Continue.

22 Thank you.

23 A Then I was asked to review some social media,
24 Facebook profiles and look for anything relating to our
25 client that might have been, you know, towards him. So I

1 researched those extensively, pretty much Facebook, and I
2 did some Instagram.

3 Q So in your investigation into social media, who, in
4 particular, were you looking for, as far as were there
5 particular people you were looking at their social media
6 posts?

7 A At the time -- yes. I was looking at the alleged
8 victims that were involved in the case, as well as our
9 client. Because I was under the understanding that there
10 were some statements made on Facebook. And I had to look
11 for those that were towards our client.

12 Q And the statements that were made on Facebook, do you
13 recall when these statements would have been made?

14 A January of 2017.

15 Q Okay. And when you -- well, in your social media
16 investigation, did you find any posts?

17 A I did.

18 Q Okay. And did you find posts of just one person?

19 A No. There was one person and they had it linked to
20 other pages. And then there were comments from other
21 individuals.

22 Q Do you recall the -- well, let me back up and just go
23 ahead and ask you about these.

24 MR. SMITH: Judge, before we go there, I've seen
25 them. And I'm going to object as to authentication as far

1 as whose Facebook postings they are. If there's anybody
2 from Facebook that can trace them back to whoever they say
3 they're belonging to -- I would object.

4 THE COURT: And I think for your purposes, don't you
5 have to have the Defendant be able to say he saw them?
6 Whether she found them on Facebook or not, I mean...

7 MR. GRUBBS: Well, I will be asking the Defendant if
8 he saw them. But, in particular, she is the one who
9 observed them, who retrieved them, who can testify that
10 they have not been changed or altered in any way. She can
11 lay the proper foundation. With any social media posts, I
12 don't have to go and get the Facebook people to
13 authenticate it.

14 Certainly, he can cross-examine her if he would like
15 to as far as how does she know all of these things. But
16 she can say what it is, what it appears to be, and how she
17 determined that they are what they are.

18 THE COURT: Well, I'm going to let them in for the
19 purposes of this hearing. But that does not mean I'm
20 going to let them in the regular trial if we get to that
21 point.

22 MR. GRUBBS: Understood, Judge.

23 BY MR. GRUBBS:

24 Q Ms. Donald, would you look over what's been
25 previously marked for identification purposes as g5.

1 Defendant's Exhibit Nos. 1 through 7?

2 A All right.

3 Q Are you familiar with those exhibits?

4 A I am.

5 Q How are you familiar with those exhibits?

6 A These are ones that I got my -- I researched myself
7 and pulled them off of Facebook.

8 Q Okay. To the best of your recollection, have any of
9 those exhibits been changed or altered in any way from the
10 form in which you observed them on the social media
11 platform?

12 A No, sir.

13 MR. GRUBBS: Judge, for the purposes of this hearing,
14 I would ask that these be admitted into evidence.

15 THE COURT: All right.

16 MR. SMITH: I object. Lack of foundation.

17 THE COURT: I'm going to let them in subject to your
18 objection for the limited purposes of this hearing.

19 MR. GRUBBS: Thank you, Your Honor.

20 (WHEREUPON, Defendant's Exhibit Nos. 1, 2, 3, 4, 5, 6,
21 and 7 were admitted into evidence.)

22 BY MR. GRUBBS:

23 Q Ms. Donald, let's start with Defendant's Exhibit 1,
24 that social media post. Would you tell me about that
25 social media post?

1 A This was January 13th. And if I recall, this was
2 showing up for 2017. It was under Lethal Cutz.

3 Q And who -- who is Lethal Cutz?

4 A I can't --

5 MR. SMITH: Objection. Judge, I hate to keep
6 objecting. But I don't want to waive any rights that I
7 may have, so I'm going to do that. But she hasn't even
8 stated how she would even know who Lethal Cutz is.

9 THE COURT: Right. I sustain.

10 You need to lay a foundation on that.

11 MR. GRUBBS: Sure.

12 BY MR. GRUBBS:

13 Q So when you found that social media post, what did
14 you do?

15 A I looked at -- I, actually, looked at who his
16 friends -- I say he -- their friends, contacts, any
17 others, so anyone that was associated with them. Then I
18 went to their pages and looked at those. And then, of
19 course, I made a copy of this for our records.

20 Q Okay. And what did you find when you were going
21 through and looking at mutual friends, and all of that?

22 A This was -- they were associated with Cee C Wolfe,
23 let's see, Nikki Rose, Sirgeo Walker, and Angela Anderson.
24 They were all associates.

25 Q And when you say "they were all associates," how were

1 they related to Eugene Turner's case?

2 A They were the alleged victims in the case.

3 Q Did you ever see a Facebook post under that previous
4 name with any sort of identifying traits about it, a
5 picture, or anything of that nature?

6 A Yes.

7 Q Describe that.

8 A Do you want me to pick out the exhibit?

9 Q Sure.

10 A All right. This one, Defendant's Exhibit No. 2.

11 Q And describe what is Defendant's Exhibit No. 2.

12 A It is a post on Cee C Wolfe's Facebook that has a
13 shared post from the Lethal Cutz Facebook page with a
14 picture of -- from my research, it is Daniel Stokes.

15 Q And when you say from your research, how would you
16 know that's Daniel Stokes?

17 A After reviewing the body-cam footage, and seeing
18 their given statements, and saying their names on the
19 body-cam footage, and comparing their photos, everything
20 on Facebook, it looks just like Mr. Stokes.

21 Q Was there anything about the context of those posts
22 that you used to determine, perhaps, who that post was?

23 A Can you --

24 Q Was there anything, in particular, that was said that
25 you used to help identify who it was?

1 A For Mr. Stokes personally?

2 Q Yes, for that one in particular.

3 A He says -- do you want me to read off what he posted?
4 He puts, Still looking for your punk ass on here.

5 Q Okay.

6 A But it was under a post from Cee C Wolfe that had,
7 Georgia Boy Turner, you did the crime. You gotta do the
8 time. Hash tag, Child Molester.

9 Q I believe Defendant's Exhibit No. 2 is the one that
10 you're referring to?

11 A Yes. That's correct.

12 Q And you said there is a picture in that?

13 A Yes.

14 Q Do you recognize that picture?

15 A Yes.

16 Q And who is that a picture of?

17 A That is Daniel Stokes.

18 Q And is that person here in the courtroom today?

19 A Yes.

20 Q Would you point out a piece of clothing that that
21 person is wearing?

22 A He's wearing a red shirt, red button-down shirt, long
23 sleeve.

24 Q Okay. So based on all of that, what was your
25 conclusion about who was the user Lethal Cutz?

1 A I believed it to be Daniel Stokes.

2 Q Okay. Now, Ms. Donald, let's go, in particular, to
3 the wording of this Facebook post. And the date on that
4 was January the 13th of 2017; right?

5 A This particular one was January 17th --

6 Q I'm sorry. Let's back up to Defendant's Exhibit
7 No. 1.

8 A Okay.

9 Q I'm sorry. Defendant's Exhibit No. 1, was that one
10 January the 13th of 2017?

11 A Yes.

12 Q Would you, please, read into the record what that
13 post says? And you can omit any inflammatory language
14 that you would like.

15 A Hi, my name is Eugene Turner, four exclamation marks.
16 If you see this bitch A child molester, call the police
17 before I get to him because on my family and life, he done
18 all my, N word, green light mash on sight. It's face off
19 F boy, not God, not my mama, not police, not your mama can
20 save you on the Shao, you dead B.

21 Q In your experience in law enforcement, have you had
22 the opportunity to learn some street terms, some slang?

23 A I did.

24 Q Have you ever heard the term green light before in
25 your professional experience?

1 A I have.

2 Q And in your professional experience, what is your
3 interpretation of what that means?

4 A It's pretty much -- it's giving anyone a go ahead,
5 permission to either assault someone, inflict bodily harm,
6 or kill that person.

7 Q Okay. Now, let's go on to Defendant's Exhibit No. 2.
8 That was the one that has the face on it; correct?

9 A Correct.

10 Q Looking at Defendant's Exhibit No. 2, was that a
11 still picture or is that a video?

12 A It's a video.

13 Q Okay. Did you ever personally observe that video?

14 A I did.

15 Q What did you do when you observed that video?

16 A I, actually, transcribed it.

17 Q Okay. Do you see in those exhibits I've handed up to
18 you a copy of that transcription?

19 A Yes. That's Defendant's Exhibit No. 3.

20 Q Okay. Would you --

21 MR. SMITH: Your Honor, I will object one more time.
22 Because I have never seen a copy of the video. And that
23 was something that Mr. Grubbs and I have talked about at
24 length before that we didn't -- neither one of us had a
25 copy of the video.

1 And, I mean, we knew -- we had heard that it existed.
2 And we don't know if it was a part of the prior two times
3 that this case has been attempted to be tried. But
4 neither one of us had ever seen it, or had a copy of it,
5 or anything.

6 So I'm going to object as to any testimony regarding
7 it, or anything that was surrounding it.

8 THE COURT: Mr. Grubbs.

9 MR. GRUBBS: Your Honor, I agree that we've never
10 seen the video, but Ms. Donald did back when she was on
11 the case. She's testifying to what she saw, to what she
12 observed. I think that's allowable under the rules here
13 for no other purpose other than to state that this is a
14 video, it had threatening messages in it from a person
15 who's threatened Eugene Turner before. I think it's
16 highly relevant to establishing continuing context of the
17 background of what led up to the events of September the
18 1st, 2017.

19 THE COURT: I'm going to let you do it for this. But
20 I'm -- like I said, I can tell you a lot of this is not
21 coming in in the trial.

22 MR. GRUBBS: Understood, Judge

23 BY MR. GRUBBS:

24 Q Go ahead, Ms. Donald.

25 A It starts off with, Yo, Yo, Yo, Your boy had a great

1 day. Just checking in to let you know that I'm about to
2 clock outta this clock and get on another clock. And it
3 has the N word. I'm still looking for your bitch ass.
4 All right. I think you done F'd up. You know you done
5 F'd up. F'ing around, the N word. I don't give a damn
6 nobody say. Can't nobody save you, N word. You better
7 pray to Allah, Buddha and Shania Twain cause bitch I'm
8 coming.

9 Q And was that post shared by anybody on Facebook?

10 A Yes.

11 Q Who was it shared by?

12 A That was shared by Cee C Wolfe.

13 Q And in the course of your investigation, were you
14 able to determine who Cee C Wolfe is?

15 A Yes.

16 Q And who is Cee C Wolfe?

17 A Cee C Wolfe is Christine Wolfe-Young or Young-Wolfe,
18 I'm not sure, one of the alleged victims.

19 Q And similar to Mr. Stokes, how did you identify that
20 that was really Christine Wolfe-Young.

21 A Again, reviewing the body-cam footage. They're
22 giving their statements. And then I reviewed their
23 pictures, any photos and compared them.

24 Q And is there a photo on the profile photo of those
25 posts?

1 A Yes.

2 Q Were you able to identify who that Facebook account
3 belonged to based on that photo?

4 A Yes.

5 Q Okay. I'm going to direct you towards Defendant's
6 Exhibit No. 4. Tell me what that is.

7 A It is a post, January 14th, 2017, by Cee C Wolfe.

8 Q And would you, please, read that Facebook post?

9 A It says, You can run, but I promise you can't hide
10 for long. The truth will be told. And you blocking me
11 and everyone who knows what you did was expected. I knew
12 he would, but before he did, I retrieved all his family
13 and friends information from Georgia.

14 Q Okay. Would you now turn to Defendant's Exhibit
15 No. 5? All right. Would you, please, read that post?

16 A Again, it was from Cee C Wolfe, January 14th, 2017.
17 Family and friends, please beware. Any man that does this
18 to a child is sick. I'm praying for this little girl, her
19 mother and family as well. To think this man has
20 daughters the same age. So many of my friends, social
21 clubs and his own family and friends, including myself
22 have partied, hung out and had our kids around him never
23 knowing his wicked thoughts and ways. I'm giving it to
24 God because if the law don't get you, the streets will.

25 Q Okay. I'm going to direct your attention now to

1 Defendant's Exhibit No. 6. Would you, please, describe
2 what that is?

3 A These are comments that were made by other Facebook
4 members to Cee C Wolfe's post.

5 Q And did you recognize any of the names that made
6 comments?

7 A I recognized Angela Anderson and Nikki Rose.

8 Q And how do you know who Angela Anderson is?

9 A Angela Anderson was on the body-worn camera. She is
10 one of the alleged victims.

11 Q And who was the other person that you saw?

12 A Nikki Rose.

13 Q And how were you able -- well, who is that person?

14 A Nachrisha Rosemond.

15 Q How were you able to determine that that was
16 Nachrisha Rosemond?

17 A She was, also, on all the body-cam footage.

18 Q Would you read the comments? And, please, make sure
19 you point out who was saying which comment for the record,
20 please.

21 A Angela Anderson posted, Bitch better go. Have
22 several seats. Then there was some emojis. Nikki Rose,
23 being Ms. Rosemond, If they know what's best, they will go
24 get a life and sit down cause we ride in packs and ride
25 for ours. Any time, any day and any hour factz [sic].

1 Then she posted again, Nikki Rose did, And turn all
2 talks into action. Misery loves company I see and someone
3 is miserable.

4 Q Okay. On Defendant's Exhibit No. 7, some of it
5 you've already read before because this is similar to
6 Defendant's Exhibit No. 4, but this contains the entire
7 Facebook post. So would you, please, read everything
8 after family and friends information in Georgia just so
9 that we have a complete picture of what the Facebook post
10 says?

11 A Okay. Again, this was from Cee C Wolfe. Including
12 siblings and kids' mothers, I have made some aware of what
13 happened and I will continue to alert the others of what
14 he did to my niece -- and then in parenthesis, it has
15 Lethal Cutz -- 13-year-old daughter. I advocate for the
16 children and I promise to keep any and everyone informed
17 of what this sick bastard did to this baby and one of her
18 female cousins. Until this dude is convicted and behind
19 bars, awareness will not stop.

20 Q And are there any other posts that are attached to
21 that one?

22 A Attached to it was the video from Lethal Cutz. And
23 there's, also, a post dated January 13th from -- it's
24 under the Lethal Cutz Facebook page. It says, His name is
25 Eugene Turner. If you see this bitch ass child molester,

1 call the police before I get to him because on my family
2 and life, he done all my N green light mash on sight. It
3 is face off. F boy, not God, not my mama, not police, not
4 your mama can save you on the shao. You dead bitch.

5 Q So Christine Wolfe-Young shared Daniel Stokes, a/k/a
6 Lethal Cutz, post that contained that language?

7 A Correct.

8 Q Okay. In addition to any social media investigation,
9 I think you mentioned earlier that you went out to the
10 Dugout?

11 A Correct.

12 Q What did you do when you went to the Dugout?

13 A I went there to see about surveillance, any
14 surveillance cameras, which there were two on the outside.
15 And I attempted to make contact with the owners. And I
16 got no result.

17 Q Okay. I'm going to show you what's been previously
18 marked as Defendant's Exhibit Nos. 8 and 9 for purposes of
19 this hearing. Would you, please, look at those?

20 A Okay.

21 Q Are you familiar with those pictures, Defendant's
22 Exhibit Nos. 8 and 9?

23 A I am.

24 Q What are they?

25 A They are the front of the Dugout itself showing a

1 camera on the right-hand side and then as well as a camera
2 on the left-hand side of the business.

3 Q Who took those pictures?

4 A I did.

5 Q Have those pictures been changed or altered in any
6 way?

7 A No.

8 Q Are those pictures a fair and accurate representation
9 of how the front of the Dugout looked with those cameras
10 when you took those picture?

11 A Yes.

12 MR. GRUBBS: At this time, I would like to move
13 Defendant's Exhibit Nos. 8 and 9 into evidence for the
14 purpose of this hearing.

15 MR. SMITH: Objection. I would stipulate that they
16 would be indicative of the way the Dugout looked in 2019.
17 But I don't think she can testify to what it looked like
18 in 2017 when this incident went down.

19 MR. GRUBBS: And, Your Honor, I didn't ask her if
20 that's how it looked in 2017. I asked if that's how it
21 looked when she went there. It's, certainly, relevant
22 because Mr. Turner was aware that there were cameras
23 there. Mr. Turner told law enforcement at the time to go
24 and get camera footage from there and they never did.
25 Again, this is all for the purpose of this hearing --

1 THE COURT: I'm going to sustain the objection. It
2 still has to be relevant.

3 MR. GRUBBS: Okay.

4 THE COURT: If it's 2019 and she can't say that's the
5 way it looked in 2017.

6 MR. GRUBBS: Sure.

7 BY MR. GRUBBS:

8 Q So, Ms. Donald, is there anything else that you did
9 as far as investigation of this particular case?

10 A I went -- I spoke with Mr. Turner. I, also, went to
11 the V-GO, the gas station that's right there diagonal
12 to the Dugout. I attempted to get video from there as
13 well.

14 Q And remind us how far after the incident were you
15 trying to get these things?

16 A This was in 2019. The incident was in 2017.

17 Q Okay. So you weren't able to get anything --

18 A No.

19 Q -- from the V-GO, or anywhere else?

20 A No.

21 MR. GRUBBS: Your Honor, I have nothing further at
22 this time.

23 THE COURT: All right. Cross-examination.

24 MR. SMITH: Judge, can I have one moment.

25 (Pause.)

CROSS-EXAMINATION

BY MR. SMITH:

Q Ms. Donald, you -- you were hired in 2019, is that what I heard?

A Yes, sir.

Q February of 2019 by Ms. Johnson?

A Yes, sir.

Q And when they hired you, you were to do an investigation as to this case?

A Correct.

Q When you went out to look at the -- the scene, did you talk to anybody out at the Dugout?

A No, sir. There was no one there when I went.

Q Okay. So by not talking to anybody at the Dugout, you don't know whether there were cameras there in 2017; right?

A Correct. I did mention that I had attempted to make contact with the owners. And I never got any response back.

Q Do you recall how many times you attempted to go?

A No, sir. I went the one time.

Q Okay. I mean, you didn't go during working hours, or anything?

A The Dugout working hours?

Q Yeah.

1 A I did not, no, sir.

2 Q So we don't know if the cameras were even working or
3 even if they were there in 2017; right?

4 A Correct.

5 Q I mean, in your investigations, have you ever seen
6 cameras that may be there that just don't work? They're
7 just dummy cameras?

8 A I have.

9 Q And, sometimes, they're doing that, but they don't
10 even record anything; right?

11 A Correct.

12 Q I mean, they may be working, but they don't record?

13 A Correct.

14 Q Just out of curiosity, you've heard of spoofing;
15 right?

16 A Yes. I'm not very familiar with spoofing, but I've
17 heard of it.

18 Q So what you know of spoofing, is that where somebody
19 can kind of act like they're somebody else with an
20 account, a Facebook account or any other kind of social
21 media account and act like they're somebody else?

22 A Sure. Absolutely.

23 Q Okay. And they can go in and do things with certain
24 accounts, and stuff?

25 A Yes, sir.

1 MR. SMITH: Judge, that's all I have.

2 THE COURT: Any redirect?

3 REDIRECT EXAMINATION

4 BY MR. GRUBBS:

5 Q Ms. Donald, when you were going through the social
6 media posts, did you just look at posts from the dates in
7 January of 2017, or did you look around those dates, too?

8 A I looked around those dates, after those dates,
9 before those dates.

10 Q Is there anything that would indicate in your
11 investigation that there would be any reason to believe
12 that wasn't the person posting --

13 A No, sir.

14 Q -- on those dates?

15 Thank you.

16 MR. SMITH: Judge, may I?

17 THE COURT: Yeah. One more.

18 RECROSS-EXAMINATION

19 BY MR. SMITH:

20 Q You have been working on this case -- in December of
21 2019, you had been working on this case for long -- I
22 mean, when you -- excuse me. February of '19 when you
23 were hired?

24 A Correct.

25 Q How long did you work on this case?

1 A I had worked on the case a couple months.

2 Q You worked on it a couple months. Have you worked on
3 it recently?

4 A I have.

5 Q You've been working at the public defender's office
6 for a while now; right?

7 A Correct.

8 Q Did they get you working back on this case?

9 A They asked me about work I did previously.

10 Q Have you looked into anything else since then?

11 A Actually, I have.

12 Q All right. So let me ask you this, from January of
13 2017 -- all right -- January -- so let's say the 17th, I
14 think that was one of the last posts you testified to?

15 A Correct.

16 Q Did you see any posts threatening Mr. Turner or
17 anything like that after January of 2017 up to September 1
18 of 2017? Did you see any other posts out there saying,
19 hey, still coming to get you, or anything like that?

20 A No, sir.

21 Q But you investigated that; right?

22 A Yes, sir.

23 Q And there were no other posts from Ms. -- Ms.
24 Christine Wolfe-Young?

25 A Correct.

1 Q And Daniel Stokes?

2 A Correct.

3 Q Nikki Rose?

4 A (There was no verbal response.)

5 Q I need you to answer out loud.

6 A Oh, yes. Correct.

7 Q So from any of the other victims in this case,
8 anybody, there were no other posts from January of 2017 up
9 until September 1st?

10 A Correct.

11 MR. SMITH: Thank you, Your Honor.

12 MR. GRUBBS: Your Honor, I have nothing else for
13 Ms. Donald. I ask that she be --

14 THE COURT: You may step down.

15 All right. We've been going for about an hour and a
16 half. Let's take a very short break.

17 What's it looking like?

18 MR. GRUBBS: Your Honor, I have, I think, three more
19 witnesses, the last of which would be Mr. Turner, which I
20 would, certainly, anticipate being the longer.

21 THE COURT: Okay. Well, let's take a break until
22 3:00.

23 (WHEREUPON, a break was taken.)

24 (WHEREUPON, Defendant's Exhibit No. 13 was marked for
25 identification only.)

1 MR. GRUBBS: Are we ready to get going, Judge?

2 THE COURT: Ready.

3 MR. GRUBBS: The Defense's next witness will be Cody
4 Mitchell.

5 THE CLERK: If you would, please, put your left hand
6 on the Bible and raise your right hand.

7 WHEREUPON,

8 CODY MITCHELL,
9 after first having been duly sworn, testified as follows:

10 THE CLERK: Thank you.

11 Please be seated.

12 DIRECT EXAMINATION

13 BY MR. GRUBBS:

14 Q Good afternoon, Deputy Mitchell.

15 How are you?

16 A Good.

17 Q Deputy Mitchell, how are you currently employed?

18 A I no longer work at the Greenville County Sheriff's
19 Office.

20 Q How are you currently employed?

21 A I work with Wal-Mart logistics.

22 Q Were you ever employed with the sheriff's office?

23 A I was.

24 Q When were you employed with the sheriff's office?

25 A March of 2016 through August of 2018.

1 Q And in the course of your employment with the
2 sheriff's office, did you ever answer a call for service
3 that occurred on September the 1st of 2017?

4 A Yes.

5 Q Okay. Why don't you tell me a little bit about that.

6 A From what I remember, the initial call came out that
7 some shots were fired into a vehicle at the Dugout. When
8 I arrived on scene, there was a victim in the back of an
9 ambulance and a deputy already back there talking to the
10 victim. Myself and Deputy Woody arrived. It was --
11 people were kind of running in and out of the parking lot,
12 cars leaving.

13 So our first thought was scene security, talk to
14 witnesses, figure out exactly what was going on. When
15 we first arrived there, it appeared to be a little bit
16 more than just what, initially, came out at the location.

17 When we got there, we walked over to the Dugout
18 parking lot. We tried to figure out exactly what
19 happened, see if anybody would talk to us. Nobody was
20 really cooperating, wanting to talk. Vehicles were
21 leaving. People were still leaving. And we were able to
22 locate some shell casings in the roadway in front of the
23 Dugout.

24 So we were, like, immediately trying to secure this,
25 tape it off. So I went back to my car and got some tape

1 to put around the shell casings as we continued to try to
2 figure out exactly what had happened.

3 At that point, I still had not spoke to any of the
4 victims. It was primarily scene security at the time
5 until we were able to get more deputies on scene.

6 Q Okay. Now, did you write a report for --

7 A I did.

8 Q -- this incident?

9 And you're trained to write reports as part of your
10 training as a police officer?

11 A Yes, sir.

12 Q And you are supposed to put important information in
13 those reports?

14 A Yes, sir.

15 Q Details about your investigation; correct?

16 A Yes, sir.

17 Q People you might talk to; right?

18 A Correct.

19 Q Things that you might see?

20 A Correct.

21 Q Because here we are five years later and you're going
22 to have to rely on that report; right?

23 A Correct.

24 Q Were you wearing a body-cam on that day?

25 A I was.

1 Q Was that body-cam active and recording?

2 A Yes.

3 Q And according to your report, it says you got there
4 at about 11:41, 23:41. Does that sound about right?

5 A I remember it being late at night. I can't remember
6 exactly what time.

7 Q Had you ever answered a call for service at the
8 Dugout before?

9 A Yeah. I had been there before for different types of
10 calls, yes.

11 Q Okay. Sort of describe the layout of the Dugout.

12 A So if you come off of Augusta Road, it's kind of like
13 a -- it's a curve kind of fork. And you have, I believe,
14 it's Bruce Road. And then to the left of Bruce Road, the
15 Dugout is beside the Camelot Hotel, I believe is what it's
16 called.

17 When pulling up, there's only one way really off
18 Augusta. It cuts through to, like, some neighborhoods on
19 the other side. But it's a small parking lot. It's not a
20 very big building, one level from what I remember. And
21 there's just --

22 What do you mean the layout? Just --

23 Q All that's good. Let me sort of drill it down for
24 you a little bit. If you're coming in from Woodmede Way,
25 traveling south on Woodmede Way, which side of the road is

1 the Dugout on?

2 A It will be on the right.

3 Q Okay. So you would turn right to go into the parking
4 lot?

5 A Correct.

6 Q Okay. And you just testified there's kind of one way
7 in there?

8 A There -- it's a road that cuts through. But most of
9 the traffic comes in that one way from Augusta and Bruce.

10 Q Describe the parking lot for me.

11 A When you turn right, it's -- I remember there being a
12 road at the edge of the property. And I believe there's
13 two rows of cars where you could park in the middle and
14 then maybe on the far left row.

15 There was a lot of cars parked across the road into
16 the grass. There was a grass area across from the Dugout
17 with additional parking where a lot of cars were parked in
18 that grassy area. But it's not a very big parking lot.
19 I'd say there is room for two rows of cars.

20 Q Okay. Is it fair to describe it as sort of a U-shape
21 where you sort of drive in, curve around, and then come
22 back out? The main parking lot area is what I'm talking
23 about.

24 A From what I remember, it's a normal parking lot the
25 way the cars are parked. It depends on how the cars are

1 parked, I guess, in the parking lot.

2 Q Okay. That parking lot is not very well lit. Would
3 you agree with that?

4 A Correct.

5 Q And on this particular night, September the 1st,
6 2017, you just testified there was a lot of people -- I'm
7 sorry, a lot of cars?

8 A Yes. When we -- I remember when I first arrived on
9 scene, there was a lot of cars leaving. There was still
10 some additional cars in the parking lot. And there was a
11 lot of foot traffic, as well, I guess, running to cars or
12 away from the scene.

13 Q And this foot traffic, was it in the parking lot
14 itself?

15 A It was -- there was people in the parking lot, in the
16 road, in the grassy area where the other cars were parked.
17 I guess they were going to their cars. But there was,
18 also, some foot traffic in the road, too, as well as cars
19 leaving, from what I remember.

20 Q Do you have any knowledge of the 911 call that
21 started your call for service on this?

22 A The only thing I can remember was that it came out as
23 shots fired at a vehicle or into a vehicle at the Dugout.
24 That's all I can remember. I don't remember any specific
25 details as far as what dispatch provided, like, over the

1 radio, or nothing.

2 Q Do you recall -- let me ask it this way. Do you
3 remember if -- when the 911 call came out, do you remember
4 how long it took to get you from where you were to the
5 Dugout?

6 A I do not.

7 Q Do you recall where you were before responding to the
8 call at the Dugout?

9 A I do not.

10 Q But your report does say that you get there somewhere
11 around 23:41?

12 A If that's what's in the report, yeah.

13 Q Okay. And after you sort of secured the scene and
14 roped it off, what did you do?

15 A I remember meeting with the master deputy at the
16 time. We -- especially on calls like this where it's kind
17 of hard to -- there's multiple victims, a lot of stuff
18 going on, we update the master deputy for that area, which
19 was Deputy Owens at the time. I remember updating him a
20 little bit and then focusing on trying to get statements
21 from the victims.

22 Since we had other deputies arriving on scene, which
23 there was four on scene and a victim had already been
24 transported to the hospital. The victim that was in the
25 ambulance when I first arrived had already been

1 transported by the time I got back to where they were at
2 near the hotel to speak with them.

3 Q Okay. So which -- which witnesses, in particular,
4 did you speak with?

5 A I first spoke with Angela. And then other deputies
6 gathered statements from other victims. I obtained those
7 statements from them and then went to the hospital to
8 speak with Christine.

9 Q Okay. So on scene, the only one of the alleged
10 victims you spoke with was Angela?

11 A Correct.

12 Q Did Angela provide you with a written statement?

13 A Yes.

14 Q And at the time that she gave you a written
15 statement, was -- the suspect in this case, Eugene Turner,
16 was he anywhere around?

17 A We were -- we were not aware, no. We didn't know
18 where the suspect was located at this time. From what we
19 were told, he had fled the scene, or ran off, or
20 potentially got in a car. But we were speaking to the
21 victims away from the Dugout. There wasn't anybody else I
22 remember being around, other than the officers and the
23 victims.

24 Q In your investigation and your speaking with
25 Ms. Anderson and anyone else that was on the scene, where

1 did they say this whole thing started?

2 A When they were driving up -- well, they -- when they
3 were driving up to the Dugout. But they were driving to
4 the Dugout -- when I was talking with Angela, she said
5 they were going out to eat, I believe, it was to
6 Applebee's possibly. And they -- Daniel had received a
7 phone call from Christine, who was already at the Dugout,
8 saying that she had seen Eugene there and that she was
9 worried. So that's why they pulled up to the Dugout.

10 And she had said when they pulled up, they had seen
11 Eugene standing next to a vehicle. And he had pulled out
12 a firearm and shot at their vehicle while they were in the
13 vehicle.

14 Q Do you recall what the vehicle was that she says he
15 was standing next to?

16 A I believe it was a white Xterra.

17 Q Deputy Mitchell, I'm going to hand you what's been
18 previously marked for identification purposes as
19 Defendant's Exhibit No. 13 for the purposes of this
20 hearing. Can you look at that document or that item and
21 identify what it is? I understand it's a little dark.

22 A A white Xterra.

23 Q And what else about -- what else is in that picture
24 besides a white Xterra?

25 A It's hard to tell. I can't really tell the other

1 vehicles.

2 Q Do you see the Dugout there?

3 A Yeah. The Dugout is there. There's other vehicles.
4 It looks like the outline of some people and the front
5 side of the Dugout.

6 Q Is that a picture from the body-worn camera?

7 A I believe so, yes.

8 Q And does that -- is that a fair and accurate
9 representation of how the Dugout looked on the night of
10 September the 1st, 2017?

11 A Yes.

12 MR. GRUBBS: Your Honor, at this time, I'd like to
13 move Defendant's Exhibit No. 13 into evidence.

14 THE COURT: Any objection?

15 MR. SMITH: No, Your Honor.

16 THE COURT: It's in without objection.

17 (WHEREUPON, Defendant's Exhibit No. 13 was admitted
18 into evidence.)

19 BY MR. GRUBBS:

20 Q So we're going to look here at Defendant's Exhibit
21 No. 13. I understand it is dark. Like you said, it is
22 not the most well-lit parking lot. Can you tell -- or can
23 you count how many cars away from the Dugout the white
24 Xterra is?

25 A I can't tell if it's one or two empty spaces beside

1 it. But there is a -- like, there's an empty space, a
2 vehicle, and maybe four or five space is all I can tell
3 from here.

4 Q Okay. So maybe one or two spaces away from the
5 Dugout and then we have the Xterra; is that accurate?

6 A Yeah.

7 Q Okay. And according to the statement that
8 Ms. Anderson gave you, Mr. Turner was standing beside a
9 white Xterra when the shooting started?

10 A Correct -- or when they pulled up, that's where they
11 had seen him, at a white Xterra, yes.

12 Q Now, as part of any investigation, I'm sure you want
13 to walk around and you want to try to collect evidence;
14 right?

15 A Right.

16 Q And you found some shell casings in this particular
17 case?

18 A Correct.

19 Q Where were those shell casings found?

20 A In the roadway at the bottom about where -- like,
21 where that space is to pull in -- like, it was in the
22 roadway maybe. I don't know how far away it was from
23 where the Xterra is at. But it was straight in line where
24 the Xterra was, the backside of it. The shell casings
25 were in the roadway.

1 Q When you say "the roadway," that's on Woodmede Way?

2 A Yes.

3 Q The main road in front of the Dugout?

4 A Correct, correct.

5 Q And Ms. Anderson told you that Mr. Turner may have
6 shot around 10 rounds. Does that sound about right?

7 A Yes. That's what she had told me.

8 Q You didn't see any bullet penetration holes on the
9 vehicle, did you?

10 A Not penetration. I do remember seeing what appeared
11 to be damage on the vehicle from possibly projectiles, but
12 not penetration through the vehicle.

13 Q And you had never seen this GMC Yukon before that
14 night?

15 A Not before that night, no.

16 Q So you wouldn't have any idea to know whether or not
17 that damage was there previously?

18 A Correct.

19 Q You didn't see any other bullet holes anywhere else
20 in any other vehicles; right?

21 A When we first arrived, we were trying to get people
22 to cooperate, ask questions and see if there was anything
23 in other vehicles. Deputy Woody, I remember him asking
24 people if they had seen any other cars that had any marks
25 or if anybody's reported to the Dugout of any damage to

1 their vehicles. But, like I said, nobody was really
2 cooperating when we got there.

3 Q And you -- so after you concluded your investigation
4 sort of on the scene, what did you do then?

5 A So after I got the victim statement from Angela, I
6 got with other deputies and collected their statements for
7 the report. Master Deputy Owens called the on-call
8 violent crimes investigator. Usually, with these cases,
9 if it's something of this level of charges or this many
10 victims, we would do the initial report -- the road
11 deputies on scene would do the initial report. And it
12 would get forwarded to an investigator.

13 So I learned we had one more victim to get a
14 statement from. So I went to the hospital and met with
15 her, with Christine. I got her statement and then typed
16 it up in the report from what I gathered from the other
17 victims statements from the paperwork and what I observed
18 on scene.

19 Q While you were there on scene, other witnesses told
20 you about the incident that happened in January regarding
21 Daniel Stoke's daughter, didn't they?

22 A There was -- I can't remember if it was on scene
23 or -- I learned a little bit about that at the hospital
24 from Christine. But I can't recall if Angela had talked
25 about it any. I can't remember.

1 MR. GRUBBS: Just a moment, Your Honor.

2 (Pause.)

3 BY MR. GRUBBS:

4 Q All right. Deputy Mitchell, I just want to circle
5 back around to the 911 call that sort of started this
6 whole ball rolling. You're familiar with what a CAD
7 report is?

8 A A CAD report?

9 Q The computer assisted dispatch?

10 A Yeah. They update the call in the system and send it
11 out, yeah.

12 Q Correct. And that's what goes over the radio?

13 A From what I remember, they would have details over
14 the radio. They would say -- possibly get sometimes more
15 specific in what is said in that report. Not necessarily
16 everything in that report is what's said on the radio,
17 though, no.

18 Q Have you ever had a chance to look at the CAD report
19 for this particular incident?

20 A No, sir.

21 Q Okay. You didn't review that before --

22 A No, sir.

23 Q -- you were coming to testify?

24 A No, sir.

25 MR. GRUBBS: Your Honor, I don't have anything

1 further right now.

2 THE COURT: Cross-examination.

3 CROSS-EXAMINATION

4 BY MR. SMITH:

5 Q Mr. Mitchell, I'm going to show you the first page of
6 your report. Do you see the time that the call, actually,
7 came in on there?

8 A It appears 11:41.

9 Q All right. So what is that number right there that
10 you just said? What is that?

11 A 23:41.

12 Q 23:41, what does that time signify?

13 A The time the call came out.

14 Q The time the call came out?

15 A Yeah.

16 Q Is there a spot on here that shows your arrival time
17 on the scene?

18 A 23:50.

19 Q All right. 23:50. That says time. What does that
20 say right there?

21 A Or, I'm sorry. The time arrived was 04 -- 12:04.

22 Q So the call came in at 23:41. And the arrival time
23 was 12:04?

24 A Correct.

25 Q And then what's next to the arrival time? What does

1 that box say?

2 A Time completed, 5:55.

3 Q 5:55. So you finished with that evening, and doing
4 the report, and everything -- well, not the report, but
5 you finished with whatever you were doing at 5:55 in the
6 morning?

7 A Correct.

8 Q All right. Were you -- at the time out on the scene,
9 were you considered to be the lead on this case?

10 A I was the one responsible for the initial report.
11 Like I told him, usually, something -- a call of this
12 caliber with multiple victims or a serious nature, the
13 road deputies that respond will do the initial report.
14 And then it will get moved up to violent crimes. Like, if
15 it's a high dollar amount, a property crime investigator.
16 It usually will get taken up to an investigator to go into
17 further --

18 Q And you said Master Deputy Owens called somebody from
19 CID, or whatever?

20 A Yes. I remember him calling somebody before I left
21 to go to the hospital to speak with Christine.

22 Q In doing this, did you review the evidence, and
23 everything? I mean, you took everybody's statements, and
24 reviewed it and everything, and put it in your report?

25 A Correct.

1 Q And do you recall Kim Pickens' statement?

2 A Not off the top of my head. I can't remember. But I
3 do remember everyone's was similar.

4 Q All right. Officer, I'm -- you're not an officer
5 anymore, are you? Sorry.

6 I'll just show you a copy of Kim Pickens' statement.
7 Do you remember reviewing that after Deputy McKay gave it
8 to you?

9 A Yes.

10 Q Why don't you take a look at that and familiarize
11 yourself with it again.

12 A (Witness complied.)

13 Q Does that refresh your memory of what you put in your
14 report, and everything?

15 A Yes, sir.

16 Q Well, let me ask you this, because Mr. Grubbs asked
17 you about the Dugout. I want to show you this. It's just
18 a giant map of the area. Is this building right here the
19 Dugout?

20 A Correct.

21 Q All right. So this parking lot right here, that's
22 the Dugout parking lot; right?

23 A Yes.

24 Q All right. And if you're coming down Bruce Road or
25 Frontage Road going towards Augusta, you would take a

1 right to get on Woodmede; right?

2 A Correct.

3 Q And then you would go in front of the Camelot Inn?

4 A Correct.

5 Q And then you would go past the Camelot and then turn
6 right into the parking lot?

7 A Correct.

8 Q So I believe on direct, I think it was determined
9 that Ms. -- that Christine's car, the Xterra, was in the
10 third parking spot coming from the Dugout on the
11 right-hand side; is that right?

12 A Yes.

13 Q All right. Where were the rounds found -- or the
14 shell casings found in the -- in this -- on this map?

15 A If you stay in line with where that Xterra was parked
16 and go straight down to the road, it was in the roadway.

17 Q Why don't you step down here and point it out for the
18 Judge to show him where the rounds were found -- or the
19 shell casings.

20 A Right in this area.

21 Q All right. Is that where y'all roped things off?

22 A Yes. We had a -- I remember we had caution tape
23 right here going. And then I had pulled my car up on this
24 side of the road so we had something to tie it to to rope
25 it off across the road.

1 Q The shell casing that y'all found, they were,
2 actually, in Woodmede right here?

3 A Correct.

4 Q And just for the record, is that at the -- basically,
5 at the end of the green grass median between the Dugout
6 and the Camelot Inn?

7 A Yeah.

8 Q And so kind of between the two entryways of the
9 Dugout and the second entrance into the Camelot Inn?

10 A Correct.

11 Q All right. Did you look for any shell casings in the
12 parking lot of the Dugout?

13 A Yeah. When we had first arrived, I remember I had my
14 flash light with me and Deputy Woody had looked while we
15 were, also, trying to talk with anybody that was willing
16 to talk at the time. The only ones we did locate were in
17 the roadway.

18 Q All right. You can have a seat again.

19 When you arrived on scene, nobody wanted to talk with
20 you?

21 A No, sir. There was several people still in the
22 parking lot. And we were trying to just make sure there
23 wasn't any other victims or property damage to a victim,
24 and nobody was talking. We had one guy telling us it
25 happened at a different parking lot even.

1 Q All right. So somebody -- I mean, there were
2 people -- did anyone ever come up to you and go, hey, it
3 happened over there, out in the road over there?

4 A Yeah. There was a guy when we had first walked up, I
5 believe he had said it to Deputy Woody when I was to the
6 right towards the Xterra. He was saying that it happened
7 over there in the road away from here.

8 Q I mean, he just came up and blurted that out? He
9 just said, It happened over there?

10 A Correct.

11 Q So is that where y'all started focusing your
12 investigation?

13 A At that time, yes. We had -- we spotted the white
14 Xterra just from what we got when we first got on scene.
15 We saw that. And then we had people -- or the guy say it
16 happened in the roadway. So then we had turned down and
17 started walking towards where the roadway was.

18 Q And Ms. Pickens' statement, in her statement, isn't
19 it true that she states that as they were reversing their
20 car down Woodmede towards the Camelot where they turned
21 around that Mr. Turner was in the road firing his gun at
22 them as they were reversing?

23 A Correct.

24 Q I'll tell you what, rather than me put words in your
25 mouth, why don't you read what she said.

1 A He appeared to be on the phone. He then reached into
2 his pocket and pulled out a gun, black in color. He
3 cocked the gun and pointed it at the car. He pulled the
4 trigger as we're reversing the car. I heard one shot hit
5 the car. Eugene fired about six more shots following us
6 into the road while we reversed.

7 Q All right. So he followed them into the road while
8 they were in reverse; is that right?

9 A Correct.

10 Q Is it -- is it possible that there could have been
11 some shell casings in the parking lot that you didn't find
12 or that you didn't see?

13 A Very much so.

14 Q How many -- how many shell casings did you find in
15 the road right here at Woodmede?

16 A I believe it was seven.

17 Q And you said these -- these four victims that were in
18 the car and the one victim, who was Christine from the
19 Dugout, they were all on scene when you got there?

20 A Yes. Christine was in the ambulance. And then the
21 other four victims were -- they weren't at the Dugout when
22 we arrived. They were at the first entrance of the
23 Camelot where the ambulance was.

24 Q When you take statements from the people, the victims
25 or the witnesses there, do you keep them all together and

1 take their statements all at once?

2 A No. Everybody was separated.

3 Q Why do you do that?

4 A So that nobody can corroborate a story or try to get
5 on the same page. We want to get everyone's version,
6 their own version of events.

7 Q And in reviewing this case and everything, were
8 everybody's statement pretty much the same?

9 A Yeah. They were all consistent.

10 Q Now, Christine, obviously, had something totally
11 different than the other victims; right?

12 A Correct, correct.

13 Q Was Eugene Turner on scene?

14 A Not that I know of, no, sir.

15 Q Okay. When a 911 call comes in, where does it go to?

16 A To our dispatch.

17 Q All right. And how do you get notified of a call?

18 A Once dispatch receives a call, they will send it to
19 the deputies working whatever area the call came in at.

20 Q So do you hear the 911 call that comes in?

21 A No. We don't hear the actual 911 call. The only
22 information we have is what is relayed through dispatch.

23 Q So you just respond to whatever you hear dispatch
24 say?

25 A Yes, sir. And a lot of times, they put the call out

1 as they're still receiving information, as well as on the
2 phone with the victim.

3 Q Okay. And that's the southern end that you were
4 patrolling at that time?

5 A Correct, south Greenville.

6 Q And how big an area is that?

7 A From pretty much south Pleasantburg and Mauldin Road
8 all the way down to Belton, all the way down 25. It's a
9 pretty big area. It's out to Simpsonville to just about
10 west Greenville, White Horse.

11 Q So 15 minutes to respond or thereabouts is not
12 uncommon?

13 A 15 minutes was good response time for that area,
14 especially if we have -- a lot of times, we have people
15 down in Belton, it could take 40, 45 minutes sometimes to
16 go to a call in south Greenville.

17 MR. SMITH: All right. Judge, I think that's all I
18 have.

19 THE COURT: Redirect.

20 REDIRECT EXAMINATION

21 BY MR. GRUBBS:

22 Q Mr. Mitchell, you said that some people were talking
23 to you, sort of, spontaneously as you were on the scene?

24 A I recall a guy coming up right when we were walking
25 up the parking lot saying it happened over there, pointing

1 to the roadway where we had found the shell casings, that
2 way.

3 Q You never got that guy's name?

4 A No, sir.

5 Q You never took a statement from him?

6 A No, sir.

7 Q You said on cross-examination that it was possible
8 the shell casings would have been near that Xterra?

9 A Possibly from -- when we got there from where some of
10 the witnesses said he was standing firing the gun into the
11 road, shell casings could have, potentially, been in the
12 parking lot as well.

13 Q But you didn't really go over there and search for
14 shell casings by the Xterra, did you?

15 A When we first walked up, we checked the parking lot
16 as we were, like I said, walking up trying to, also, see
17 if there was any other victims or property damage to the
18 vehicles. Then when that guy had told us that it happened
19 at the roadway, we wanted to go down there to -- to where
20 if we did find something, we could quickly secure it
21 before more cars came or people walked over.

22 Q And on cross-examination, you, also, testified
23 there's about 23 minutes or so between when the initial
24 call came in and when you arrived; is that about right?

25 A Correct.

1 Q During that time, the alleged victims were together;
2 right?

3 A Well, I wasn't the first one on scene. Like I said,
4 when I showed up, the ambulance was already there. There
5 was already a deputy standing back of there. Me and
6 Deputy Woody showed up at the same time. I wasn't the
7 first one on the scene. I'm not sure what time -- I
8 believe it was Deputy Azzara. I'm not sure what time he
9 had first arrived on scene.

10 Q Okay. And then, lastly, about the 911 call, I know
11 that counsel asked you about you wouldn't have heard the
12 911 call. But if there was important details about that
13 911 call, a dispatcher would have called that out to you;
14 right?

15 A Right. Like I said, they will call out information
16 on the radio. Some information isn't called out over the
17 radio. It's just added to those CAD notes. I -- I
18 can't recall what those CAD notes were after that call,
19 though.

20 Q Do you recall that on one of those CAD notes that
21 went out was that a vehicle, a silver SUV -- 1049B from a
22 silver SUV? What's a 1049B?

23 A I'm sorry. It's been a while. I believe it was a
24 shot -- shots fired. I believe shots fired.

25 Q Shots fired from a silver SUV is what the CAD report

1 indicates was called out on dispatch that night?

2 A From or into. I can't remember if it was from or
3 into. I haven't seen the CAD notes since that night.

4 Q Mr. Mitchell, I'm just representing to you that the
5 CAD notes say it was fired --

6 A Okay. If that's what it says, yeah.

7 Q -- from a silver SUV?

8 A I'm sorry. I didn't know you were looking --
9 MR. GRUBBS: No. I understand.

10 I have nothing further.

11 THE COURT: Any redirect? I mean, we got it
12 backwards here. No, you don't have anything.

13 You can step down.

14 MR. SMITH: Yeah.

15 THE WITNESS: I'll just leave this here?

16 THE COURT REPORTER: Yes.

17 MR. SMITH: Judge, we're going to have him excused.

18 THE COURT: All right. Next witness.

19 MR. GRUBBS: Yes, Your Honor. We're going to call
20 Deputy Cameron Woody to the stand.

21 WHEREUPON,

22 CAMERON WOODY,

23 after first having been duly sworn, testified as follows:

24 THE CLERK: Thank you very much.

25 You may be seated.

DIRECT EXAMINATION

BY MR. GRUBBS:

Q Thank you, sir.

How are you currently employed?

A I work for the Greenville County Sheriff's Office.

Q How long have you been over there?

A Since 2013.

Q So you would have had reason to be called to -- or did you have reason to be called to an incident on September 1, 2017?

A Yes, sir, I responded.

Q Were you the first person on scene?

A No, sir, I was not.

Q What happened when you got on the scene?

A There was a few other deputies around a SUV. I was informed that there had been a shooting by the radio traffic earlier. And when I got there, I was tasked with trying to find any witnesses, anybody else that was hit, any other effected areas, and later, to locate any shell casings that could be located, or any other evidence.

Q And we just heard testimony from Mr. Mitchell. I won't go back over a lot of it. But you found some shell casings?

A Yes, sir.

Q And those shell casings were found in the roadway?

1 A Correct.

2 Q After you found those shell casings, what did you
3 guys do with them?

4 A We, eventually, collected them. To begin with, we
5 marked them and waited for forensics to come so they could
6 photograph their location. The first time we marked them
7 with business cards that were kind of folded over to
8 protect them just as a visual indicator. And later, we
9 used some fluorescent painted washers because the wind
10 started blowing them.

11 Q And then forensics came and took pictures?

12 A Correct.

13 Q Were you aware of anything else forensics did or did
14 not do with those shells?

15 A No, sir. I was called away before that was
16 completely done.

17 Q Where were you called away to?

18 A To take statements from some of the witnesses and
19 other people in the vehicle.

20 Q All right. So let's talk about that. Who did you
21 take statements from?

22 A Mr. Stokes and Ms. Sharonda -- maybe, Shaun. I'm
23 sorry. I don't remember her name off the top of my head.

24 Q Okay. So when you collected from Shauna
25 Cumbee [phonetic] -- does that sound familiar?

1 A Yes.

2 Q So you collected written statements from those two
3 people?

4 A Correct.

5 Q What, if anything, did you learn about this incident
6 from talking to Mr. Stokes?

7 A Do you want me to read his statement?

8 Q No. Just what did you learn in your investigation
9 after talking to Mr. Stokes?

10 A I don't have his statement in front of me. I'd be
11 happy to use that as a reference. But to my knowledge --
12 if you've got it, I'm happy to --

13 Q I'm not asking what's in his statement -- I'm just --
14 what --

15 A He had gotten a phone call from his sister that there
16 was a problem with GA, that he had scared her. She was
17 calling him for help. And when he came to the scene, GA
18 had started shooting at him.

19 Q Do you recall that he told you that the person -- oh,
20 by the way, GA, who did you determine that was?

21 A It was later determined that was Mr. Eugene Turner.

22 Q And after learning that Mr. Turner pulls out this gun
23 and starts shooting, do you recall that Mr. Stokes told
24 you that Mr. Turner was advancing on his driver's side
25 door?

1 A I don't recall that off the top of my head.

2 Q Would it refresh your recollection if I handed you
3 your report to look over?

4 A Please.

5 Yes, sir. That's what it says.

6 Q Did you ever get any background information about
7 Mr. Stokes and Mr. Turner?

8 A I knew that there had been some drama between them,
9 kind of the whole family, beforehand. But at the time,
10 no, sir, I didn't know any of that back story that's since
11 come to light.

12 Q When you -- when you, initially, started the
13 investigation, there was a lot of chaos; is that fair?

14 A Yes, sir.

15 Q Did -- did any of the people that were on scene say
16 anything in particular about the past history between
17 Mr. Stokes or any other member of that family and
18 Mr. Turner?

19 A Some of the prior allegations against Mr. Turner from
20 earlier in the year and that there had been an ongoing
21 issue kind of between -- at the time the girlfriend victim
22 and Mr. Turner.

23 Q And do you recall who -- who Ms. Wolfe-Young was
24 there with that night? Do you recall learning that
25 information?

1 A I know it was one of her girlfriends. So I don't
2 remember her name off the top of my head.

3 Q Does Monique Fletcher sound familiar?

4 A Sure.

5 Q Okay. Now, let's go back to -- to the shell casings.
6 What -- do you remember what caliber shell casings those
7 were?

8 A Nine millimeter.

9 Q Did you have the opportunity to look at the GMC Yukon
10 that was fired at?

11 A Yes, sir.

12 Q And when you looked at the Yukon, did -- the people
13 involved, the alleged victims, did they point out what
14 they thought was damaged?

15 A Yes, sir, they did.

16 Q And where was that damage located?

17 A Towards the -- on the passenger side and at the rear
18 of the SUV.

19 Q And is it fair to say that you were a little dubious
20 about whether or not a nine-millimeter would have caused
21 that damage?

22 A Yes, sir.

23 Q In fact, you made a statement on your body cam that
24 said something to the effect of unless he's shooting a BB
25 gun, that's not bullet damage, or something to that

1 effect. Do you recall that?

2 A Yes, sir.

3 Q Do you recall anything coming over dispatch that
4 night about a person in a silver SUV firing a gun?

5 A I know a silver SUV was involved in the shooting. I
6 don't remember the exact words of the radio traffic.

7 Q Okay. And after September 1, 2017, did you have any
8 more involvement in the case whatsoever?

9 A No, sir.

10 MR. GRUBBS: Okay. Nothing further, Judge.

11 THE COURT: Cross-examination.

12 CROSS-EXAMINATION

13 BY MR. SMITH:

14 Q You were with Cody Mitchell that night?

15 A Yes, sir.

16 Q And, I mean, y'all didn't arrive together. Y'all
17 just happen to arrive about the same time?

18 A Yes, sir.

19 Q And when you arrived, did you go all the way to the
20 Dugout or did you stop at the Camelot?

21 A I kind of stopped where Bruce Road, as it comes off
22 of Augusta before it comes into Woodmede Way, right in
23 that kind of corridor. In this picture here, it's right
24 where that dark SUV is kind of in the middle in front of
25 the driveway of the Camelot.

1 Q So coming off Frontage Road, Bruce Road, you --

2 A Yes, sir.

3 Q You, actually, didn't even get to the first entrance
4 of the Camelot right there?

5 A That's correct.

6 Q All right. And so you arrived on scene. And what
7 did you do?

8 A I got out and found the other deputies and asked how
9 I could help.

10 Q And what did you do as a result of that?

11 A We examined the SUV that everybody was kind of
12 standing around. That was the victim's vehicle. And then
13 I got told to go see if there was any witnesses, any other
14 cars that were hit, or anybody else that was hit, and then
15 try and find shell casings.

16 Q Okay. So let's go to the car for a second. Because
17 Mr. Grubbs just asked you a couple of things. I mean,
18 let's face it, I mean, somebody is firing a nine
19 millimeter at the car, I mean, immediately, you think
20 well, dang, where are the bullet holes; right?

21 A Yes, sir.

22 Q And you didn't see bullet holes that penetrated, or
23 anything?

24 A No, sir.

25 Q Did you see markings that looked somewhat like a

1 ricochet?

2 A Yes, sir.

3 Q So, I mean, is that -- is that possible that a bullet
4 could hit a car and ricochet off of it?

5 A Yes, sir.

6 Q And so you said there was one on the passenger side.
7 Was that -- was that where the passenger side -- front
8 passenger right above the door handle between the door
9 handle and the window, is that where that was located?

10 A Yes. I would have called that the B pillar, which --
11 the A pillar is the windshield to the front seat
12 compartment. The B pillar is, typically, right where your
13 seatbelt would go if you were in the front seat. So right
14 there at the door handle, yes, sir.

15 Q So where was the -- where was the rear one located?

16 A On the very back of the vehicle as though it had been
17 driving away.

18 Q All right. So if -- if -- if -- as all the witnesses
19 have supposedly testified to or given y'all statements,
20 they were reversing all the way down Woodmede and
21 turned -- just backed into that entrance into the Camelot
22 next to Frontage Road --

23 A Uh-huh.

24 Q If the story that we're hearing is to be believed,
25 the only way that that bullet could have ricocheted off

1 the back would have been as if Mr. Turner had still been
2 firing the gun while they were turning around down here;
3 is that right?

4 A Yes, sir. That's correct.

5 Q I mean, because the back end wasn't facing them until
6 either it was turned backwards into the Camelot and then
7 turned around and went. So he could have still been
8 firing from here all the way down to where Frontage Road
9 is?

10 A Yes, sir, bullets travel.

11 Q All right. Would that jive if he was still in the
12 Dugout parking lot firing the weapon?

13 A No, sir. That wouldn't jive with where we collected
14 the shell cases from or the orientation of the vehicle if
15 it was still facing him.

16 Q And let me ask you, this parking lot, is it flat?

17 A It's got a small downhill grade from the building to
18 the road. The road is lower than the building itself.

19 Q So it's kind of on a -- I'll say an incline. But, I
20 mean, if you're standing at the Dugout going towards the
21 road, you're, actually, kind of going downhill a little
22 bit?

23 A Yes, sir.

24 Q And let me ask you this, if people are running out of
25 there and leaving, is it possible that one, or two, or

1 however many shell casings could have, actually, come out
2 of the parking lot?

3 A Yes, sir.

4 Q But let me ask you, were all these shell casings that
5 were found in the road, were they all in a bunch or were
6 they kind of spread out?

7 A They were spread out.

8 Q Were they, like, going down the road or were there a
9 couple here and one over here -- I'm sorry. Let's say I'm
10 standing in the middle of the road. Were there a couple
11 in the middle, and then some further on down, and then
12 further on down from that?

13 A Yes, sir. In fact, one was collected on the complete
14 opposite side of the road later. They seemed to cover
15 the entire span, the width of the road and down the
16 road.

17 Q So -- and, look, if what I'm about to describe is not
18 what would fit this evidence, just, obviously, say no,
19 that's not the way it could happen. But if -- is it
20 almost like somebody was walking down the road firing --

21 MR. GRUBBS: Objection. Calls for speculation.

22 THE COURT: Sustained.

23 MR. SMITH: All right. Judge, that's all I have.

24 THE COURT: Any redirect?

25 MR. GRUBBS: Yes, Your Honor.

1 REDIRECT EXAMINATION

2 BY MR. GRUBBS:

3 Q Deputy Woody, Mr. Smith was just describing,
4 according to some witness statements, that the car in
5 question, this Yukon, backed out of the Dugout parking
6 lot; correct?

7 A (There was no response.)

8 Q Right?

9 A It's my understanding they never, actually, made it
10 into the parking lot.

11 Q So it's your understanding they never made it into
12 the parking lot?

13 A I didn't hear Mr. Smith say that they were in the
14 parking lot.

15 Q No. What I'm asking is that we heard testimony that
16 they were backing up --

17 A Yes, sir.

18 Q -- right?

19 But you're saying that you don't know if they were
20 ever in the parking lot?

21 A I'm saying I didn't hear Mr. Smith say they were in
22 the parking lot.

23 Q Right. But I'm asking you if in your conversations
24 with Mr. Stokes, do you remember him saying he backed up
25 out of the parking lot?

1 A Yes, sir.

2 Q Okay.

3 A And down the road and backed into the Camelot, and
4 turned around, and then went up Frontage Road.

5 Q So you're saying that Mr. Stokes backed up, turned,
6 and was driving backwards up this road?

7 A Yes, sir.

8 Q And you made sure he put that in his statement?

9 A That is what everybody told us, sir.

10 Q So if I'm looking at Mr. Stokes' statement that you
11 took, it says, I backed up and turned around to get out of
12 there while he was shooting at my car?

13 A Yes, sir.

14 Q He didn't say anything about driving backwards down
15 the road in the statement, did he?

16 A He said, "backed up."

17 Q But he didn't say he was backing up, driving up
18 Woodmede Way towards the V-GO, did he?

19 A Not in that statement, no, sir.

20 Q No. He said he backed up and turned around; right?

21 A Yes, sir.

22 Q So based on that statement, you don't know if he was
23 driving forwards or backwards?

24 A I don't think I understand what you're asking me. If
25 he says he's backing up, is he backing up? Yes, he's

1 backing up.

2 Q Right. He's backing up and he turned around. That's
3 what he put in his statement that you took; right?

4 A Yes, sir.

5 Q And when he backed up and he turned around, based on
6 what he put in his statement, it doesn't say he was
7 driving forwards or backwards, does it?

8 A It says he backed up and turned around.

9 Q He backed up and turned around. But he does not say
10 that he was driving forwards, does it?

11 A No, sir.

12 Q And it does not say he was driving backwards, does
13 it?

14 A (There was no response.)

15 Q I need an answer.

16 A No, sir. He says he backed up and turned around
17 while referencing the vehicle.

18 Q Right. Because he wanted to get out of there.
19 That's what he put in his statement; right?

20 A Yes, sir.

21 Q Now, you're talking about the positioning of the
22 shells in the roadway. Did you ever take measurements of
23 how far away --

24 A I did not, no, sir.

25 Q And, in fact, I think you, also, talked about how

1 some of them were kicked over to the opposite side of the
2 road?

3 A Yes, sir.

4 Q You, also, observed on scene that it looked like, at
5 least, one of the shell casings had been run over; right?

6 A Yes, sir.

7 Q So where you found them may not have been exactly
8 where they originally landed; is that fair?

9 A Correct.

10 Q So just so that I'm clear, if Mr. Stokes is backing
11 up going up Woodmede towards the V-GO, the rear of his
12 vehicle would have never been exposed to Mr. Turner if
13 that was true?

14 A While he's backing up, that's correct.

15 Q And if he was driving forwards up Woodmede Way, that
16 would expose the rear?

17 A Yes, sir.

18 Q And if a bullet had hit the rear while he was driving
19 away, it would have most likely caused a penetration hole;
20 is that fair to say?

21 A If it's a perpendicular strike, I could see that that
22 would be a reasonable understanding. I'm not a forensics
23 or firearm specialist.

24 Q But you're trained in firearms?

25 A Sure.

1 Q If someone is driving away from you --

2 A Yes, sir.

3 Q -- and you're shooting towards that person driving
4 away, is that --

5 MR. SMITH: I'm going to object as far as speculation
6 is concerned.

7 THE COURT: Let him ask the question.

8 BY MR. GRUBBS:

9 Q If someone is driving away and the back of that
10 vehicle is shown to the person shooting, is that a
11 perpendicular shot or a straight-in shot?

12 A It would be a perpendicular shot.

13 Q Right. Perpendicular this way?

14 A Yes, sir.

15 Q Going in?

16 A The face of the vehicle facing the trajectory of the
17 bullet, yes.

18 Q Not horizontal going along the tailgate from left to
19 right?

20 A Correct.

21 MR. GRUBBS: Nothing further, Judge.

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

23 THE WITNESS: Thank you, Your Honor.

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

25 MR. SMITH: I would ask that he be allowed to be

1 excused. Although he's not my witness, but I --

2 THE COURT: All right. He's excused.

3 MR. GRUBBS: Your Honor, at this time, I'd like to
4 publish a 911 call that has already been entered into
5 evidence by stipulation agreed upon by Mr. Smith and
6 myself. I have a copy of those stipulations. And I would
7 like to have them made as a Court's Exhibit as well.

8 THE COURT: All right. Are you going to do it off
9 your computer?

10 MR. GRUBBS: It is, Judge. And, hopefully, we'll get
11 it set up the right way.

12 And, for the record, Judge, this will be published as
13 Defendant's Exhibit No. 10.

14 (WHEREUPON, Defendant's Exhibit No. 10 was played in
15 open court.)

16 THE COURT: All right. Is that it?

17 MR. GRUBBS: Your Honor, the next thing I would like
18 to publish is, also, agreed and entered into evidence by
19 stipulation, which is Defendant's Exhibit No. 11, a 911
20 call made the following week after the incident on
21 September the 1st, which was made by my client, Eugene
22 Turner.

23 (WHEREUPON, Defendant's Exhibit No. 11 was played in
24 open court.)

25 MR. GRUBBS: Your Honor, the next witness will be

1 Eugene Turner.

2 THE COURT: All right. Mr. Turner, if you'll come
3 around and be sworn.

4 Before we get started, let's take a break. I've got
5 to figure out some issues on the jury for the next case.

6 (WHEREUPON, a break was taken.)

7 (WHEREUPON, Court's Exhibit No. 2 was marked for
8 identification and admitted into evidence.)

9 MR. GRUBBS: The Defense calls Eugene Turner.

10 WHEREUPON,

11 EUGENE TURNER, JR.,

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

13 THE CLERK: Please be seated.

14 DIRECT EXAMINATION

15 BY MR. GRUBBS:

16 Q Please introduce yourself to the Court.

17 A My name is Eugene Turner.

18 Q Mr. Turner, how old are you?

19 A I'm 47.

20 Q Where are you from?

21 A Georgia.

22 Q What part of Georgia?

23 A Macon, Georgia.

24 Q What brought you up here?

25 A My auntie was living over in Mauldin, South Carolina.

1 And she was living by herself. She was having health
2 issues. So I decided to come and live with her.

3 Q And what year was that? Do you remember?

4 A 2008.

5 Q Is your auntie still with us?

6 A Huh?

7 Q Is your auntie still with us?

8 A No. She passed in 2011.

9 Q What other family do you have up here?

10 A No one.

11 Q So what kept you up here?

12 A I was at -- I worked at many different jobs and
13 that's what kept me, the money.

14 Q What kind of jobs were you working?

15 A Mostly jobs that's dealing with BMW products, such as
16 I worked at Faurecia. I worked at Michelin. I worked at
17 Leer. I worked -- the last job I had was -- that
18 consisted of BMW was the Cryian [phonetic] Group where I
19 got hurt at.

20 Q So let's talk about that. You got hurt at work?

21 A Yes.

22 Q Do you remember what year you got hurt at work?

23 A 2015.

24 Q Do you remember about what month, what time of the
25 year that was?

1 A November, November of 2015.

2 Q What kind of injury did you have?

3 A A strain to the back.

4 Q Did you get on worker's comp for that?

5 A Yes.

6 Q Were you able to work after your injury?

7 A No. I've -- before -- I was on workman's comp all
8 the way up to 2019, which I ended up settling it while I
9 was at Greenville County Detention Center.

10 Q Tell me more about your back injury. What did they
11 end up having to do?

12 A At first, they was testing me for muscle strain when
13 I went to St. Francis. And then come to find out, it was
14 something totally ruptured in my lower back.

15 Q What happened after they found out there was a
16 rupture in your lower back?

17 A They kept on -- they was -- came and they was going
18 to give me surgery. Then all of a sudden, they stopped
19 and they started trying to give me epidurals and trying to
20 do everything. And, finally, in 2016, I ended up having
21 surgery.

22 Q Do you remember what kind of surgery you had? I know
23 it was back surgery, but do you remember anything
24 particular?

25 A From my understanding, the lady that came in, she

1 mentioned to me this was one of the new laser surgeries.

2 That's all I know. I didn't know what kind it was.

3 Q Did the surgery help you?

4 A It's helped me. But at the same time, it's messed up
5 the nerve in my right leg.

6 Q Are you continuing to have problems?

7 A Yes.

8 Q Did you continue to have problems after you got that
9 surgery in 2016?

10 A Yes.

11 Q What kind of problems are you still having?

12 A Numbness in my right leg. Muscle spasms here and
13 there, just all kind of situations.

14 Q How well could you get around after your back injury?

15 A Barely.

16 Q Tell me about that.

17 A Basically, I was -- I was living with Monique, her
18 real name is Latoya Fletcher. I'm living with her. And
19 the only thing I did was lay around the house, didn't do
20 too much of nothing.

21 Q Did you not do much by choice?

22 A Yes. Basically, it was by choice because I couldn't
23 do nothing. I'm saying, most times, I couldn't drive. I
24 couldn't drive because of the medication I was on.

25 Q So in 2017, were you still having these problems?

1 A Yes, sir.

2 Q Still having the same kind of problems that you've
3 already described?

4 A Yes.

5 MR. SMITH: Judge, just for this hearing -- I mean, I
6 would normally object to this coming in because, I mean,
7 nothing -- I mean, I just saw it today. It's medical
8 records from him to his attorney. And, I mean, I'll
9 object. But I realize we're just doing this hearing
10 without being in front of the jury, and everything.

11 THE COURT: Right.

12 MR. GRUBBS: And I just received it from my client
13 today, Judge.

14 BY MR. GRUBBS:

15 Q I'm going to show you what's been previously been
16 marked as Defendant's Exhibit No. 12. Would you look at
17 that for me? There's two pages.

18 A (Witness complied.)

19 Q Have you had a chance to review that, Mr. Turner?

20 A Yes.

21 Q What is that document?

22 A That's -- it come from the bone specialist in
23 Clinton, South Carolina.

24 Q And whose name is at the top of them?

25 A Mine.

1 Q That says, Eugene Turner?

2 A Yes.

3 Q Are these your medical records?

4 A Yes.

5 Q Do you recognize them?

6 A Yes, sir.

7 Q Are they a fair and accurate representation of your
8 medical records regarding this injury that you've got?

9 A Yes, sir.

10 MR. GRUBBS: Your Honor, at the time, I'd move to
11 admit Defendant's Exhibit No. 12 into evidence for the
12 purposes of this hearing.

13 THE COURT: For the purposes of this hearing.

14 MR. SMITH: Correct, Your Honor, just for this
15 hearing.

16 THE COURT: You don't waive your objection for trial?

17 MR. SMITH: Correct.

18 (WHEREUPON, Defendant's Exhibit No. 12 was marked for
19 identification and admitted into evidence.)

20 BY MR. GRUBBS:

21 Q Mr. Turner, there's an underlined portion on that
22 first page. Would you, please, read what that says?

23 A He have numbness in the medial toes on the right
24 foot. He does not wear sneakers due to abnormal heavy
25 sensation he has when he puts them on. He is not having

1 any left leg pain. He has had modest relief from epidural
2 steroid injections.

3 Q And what's the date on that report?

4 THE COURT: Are we trying to establish a pre-existing
5 condition of some sort? Let's move it along here.

6 MR. GRUBBS: Yes, Judge. This is my last question on
7 this.

8 BY MR. GRUBBS:

9 Q Would you tell me what the date is on that?

10 A 8/04/2017.

11 Q Okay. Are you familiar with Daniel Stokes?

12 A Yes.

13 Q How do you know Daniel Stokes?

14 A I met him -- I met him through Monique Latoya
15 Fletcher.

16 Q And what sort of relationship did they have?

17 A They have a child together and a stepchild.

18 Q Okay. What about Christine Wolfe-Young?

19 A I met her on an incident where me and Daniel had an
20 altercation.

21 Q Okay. And we'll talk about that in just a minute.

22 What about Angela Anderson, do you know who she is?

23 A I met her farther down the line after that. I met
24 her through Daniel.

25 Q What about Kimberly Pickens?

1 A I met Kimberly through Nikki, Nachrisha.

2 Q And what about Nachrisha Rosemond?

3 A I met Nachrisha through Latoya Fletcher.

4 Q So you were familiar with all the alleged victims in
5 this case?

6 A Yes, sir.

7 Q So you just mentioned an incident with Daniel. Tell
8 me about that.

9 A In 2013, Daniel -- I called Monique and she didn't
10 answer the phone, so I sent a text message. I sent a text
11 message to her and stated -- and had a picture that her
12 daughter took of a roll of 3M tape and wrapped around her
13 leg from -- wrapped from her leg all the way down to her
14 toes. And I took a picture and I sent it. I screen
15 shot it and sent it to Monique. And she wrote back and
16 she said she would handle it when she got off work.

17 And then after that, when she -- when she got home,
18 it was their weekend to go stay with Daniel. Yeah, it was
19 his weekend to keep the children. So she ended up going
20 taking the children over to Christine. At the time, I
21 didn't know who -- I thought it was his house, but it was
22 the sister's apartment in Mauldin.

23 And after that, I went back to my house, which I was
24 staying at 37 East Welcome Road. And when I got over
25 there, Monique had -- she called me and she said she was

1 coming from Mauldin. She said that her and Daniel had
2 exchanged words. And I said, Well, okay --

3 MR. SMITH: Judge, I want to just put an objection on
4 the record. I know where we're going with this as far as,
5 like, for this hearing. But I'm not waiving anything
6 for -- and I don't want to keep objecting.

7 THE COURT: Right.

8 MR. SMITH: I just want to make sure that --

9 THE COURT: All the evidence being put in is for this
10 hearing only and does not mean it's admissible in the
11 trial.

12 MR. SMITH: Yes, Your Honor.

13 BY MR. GRUBBS:

14 Q So, Mr. Turner, what did Daniel do -- well, how did
15 Daniel become aware of what was going on?

16 A So when Latoya came -- she said she was on the way
17 back to the house. I said I was going to get my oil
18 changed. And she said, Well, come by the house and get
19 me. So I ended up taking her -- I just came straight down
20 White Horse Road and picked her up.

21 When I picked her up, she said Daniel said, Mother
22 fucker can't be talking to my child any kind of way, and
23 stuff like that.

24 And I was like, Man, go head on. That man ain't said
25 nothing like that.

1 She was like, Yeah, he did.

2 And I went along and started heading to Mauldin to
3 Michelin --

4 Q Sorry to interrupt you, Mr. Turner. But just to sort
5 of keep us on track here. Did you ever have an occasion
6 around -- in this incident that we're talking about to see
7 Mr. Stokes face-to-face?

8 A Yes. As we were leaving -- as we got closer to
9 Mauldin -- and that's when she was like -- he called
10 Monique phone. And he was like, Well, I need to speak
11 with you. I need to talk with you.

12 And I asked her, I said, What's wrong?

13 So she gave me the phone and he started talking. And
14 I hung up. And I went back to -- Monique said, Well, just
15 take me back home --

16 Q Hang on, Mr. Turner. Sorry. You said he was talking
17 to you and you hung up?

18 A Yeah. It was on her phone.

19 Q Hang on, Mr. Turner. Without talking necessarily
20 about what was said, what was the nature of what he was
21 saying?

22 A I can't even recall. He was saying something. I
23 hung up. I didn't want to hear it. So I hung up the
24 phone and just headed back to her house so she could be at
25 the house. He supposed to be on his way to her house.

1 Q So when you got to the house, what happened?

2 A He pulled up, like, three minutes after I had pulled
3 up.

4 Q And then what did he do?

5 A He jumps up out the car and he told her, Shut the
6 fuck up, bitch. And he went and moved her out of the way
7 and came in front of me. And he was standing in front of
8 me. He was standing up just shaking his hand, just
9 hitting my car like this, just talking. And I'm looking
10 at him like, man, chill out. And he just kept on and just
11 kept on. I got tired. I swung on him. And we went to
12 fighting from there.

13 And then after that point, he got up off the ground.
14 He got off the ground and he ran towards his car. When he
15 ran towards his car, I didn't know what he was going to
16 get. So I ran in the back of Monique's house. As soon as
17 I got in the back, he came around the curve. And I
18 didn't -- you know, I'm thinking he had a gun, so I'm
19 ducking down.

20 And after that, about five or 10 minutes later, he
21 took his car and rammed it into the fence. I didn't know
22 that the car was already messed up. By the time I got
23 back to the front of the car, he was at the front of the
24 house.

25 My car was already -- it was destroyed. He had

1 destroyed my car. I don't know what he did with what.

2 And so I got -- started taking pictures and stuff and seen
3 that there was gashes in it. And it had to be from an ax,
4 or machete, or something similar to that.

5 Q After the incident in 2013, how were things in the
6 next two to three years with Mr. Stokes and Ms. Wolfe-Young
7 and the rest of that side of family?

8 A Oh, I stayed out of their way. I spoke, you know. I
9 hung out with Nikki, Kim, you know. I've been to a few --
10 they had this thing called Virgo party, which me, Nikki,
11 Monique, and Monique mother all Virgos. We had a little
12 thing. They done came -- I mean, him and what's her
13 name -- his wife done came, you know. I got along with
14 them good. I just stayed out of the way, basically.

15 Q So then did something happen in December of 2016 that
16 changed all that?

17 A Yes.

18 Q What happened in December of 2016?

19 A His stepdaughter, daughter that he raised her since
20 she was a young child --

21 Q And when you say who -- whose stepdaughter?

22 A Daniel Stokes.

23 Q Okay. Keep going.

24 A He raised her. And so when I got with Monique, she
25 was, like, nine, maybe 10. I can't recall. She was

1 somewhere in that area. And he -- my mind went blank.

2 Oh, yeah --

3 Q Well, so were there some kind of allegations made
4 against you?

5 A Yes. She -- I supposed to have been -- he said I
6 supposed to have been touching her all kind of ways.

7 Q Did you deny those allegations?

8 A Yes. I denied them.

9 Q What happened after the allegations?

10 A I was pushed to go to -- she told me that the police
11 wanted me to leave the house. So I left the house and I
12 moved to Travelers Rest. I moved in an apartment, or
13 whatever.

14 And then while the investigation was going on, I
15 stayed over there. I kept in contact with Monique. And
16 she was telling me stuff like, well, what really happened
17 that night, and all this and that. And like I told her, I
18 did not -- man, I don't touch no child, you know. My
19 daughter used to play with your daughter. They were
20 friends. They exchanged phone numbers, and texted, and
21 playing on TikTok, and all this other stuff. So I
22 respected her like, you know, a daughter because she like
23 my daughter.

24 Q So how was the -- how was the relationship between
25 you and Monique after these allegations came up?

1 A It was rocky. We spoke. We seen each other every
2 now and then, you know. It wasn't there no more.

3 Q Is it fair to say you broke up shortly thereafter?

4 A Yeah. After about four years, four years plus four
5 years and change, we broke up.

6 Q You were together for four years?

7 A Yes.

8 Q And then you broke up when this incident happened?

9 A Yes.

10 Q And you've been in court to hear testimony of the
11 police officers. But just so it's coming from your mouth,
12 why do you think she would have made up these allegations?

13 A To be honest with you, you know, once you tell a
14 child -- once you tell a child something, like, you don't
15 have to listen to that person. They instill that in their
16 mind. And so they feel like they're going to do it.
17 They're going to do what their dad say. He put in their
18 mind you don't have to listen to him. So --

19 MR. SMITH: Judge, I object. I mean, I don't know
20 how he knows that somebody put something in this child's
21 mind.

22 THE COURT: Yeah. I'm going to sustain that.

23 BY MR. GRUBBS:

24 Q All right. Eugene, after the investigation was over,
25 you were told no charges were being made; right?

1 A Yes.

2 Q So after these things were over, what did -- what
3 started happening on social media?

4 A Threats that I took very serious.

5 Q I'm going to show you what's been previously entered
6 as Defendant's Exhibit No. 1. Would you, please, look at
7 that?

8 Now, are you familiar with Facebook and with the user
9 name Lethal Cutz?

10 A Yes.

11 Q And who is the owner of that Facebook --

12 A Daniel Stokes.

13 Q And as you read that Facebook post that's been
14 entered in as evidence for the purpose of this hearing,
15 did you see that at the time it was made?

16 A Yes.

17 Q And what did you feel at the time that you saw that
18 Facebook post?

19 A I felt like it was a threat to my life.

20 Q Why would you think that?

21 A Because for the simple fact is I got the
22 notification -- because me and his sister were Facebook
23 friends. And I got the notification because she tagged me
24 in the situation. That's how come I ended up getting it.

25 And when I seen it, it was like, whoa, what's going

1 on? You know, I felt like it was a threat. Because, you
2 know, she knew me and I knew her. And me and her Facebook
3 friends. And I get the notifications. I know what the
4 situation was with everything going on.

5 Q I'm going to show you Defendant's Exhibit No. 2. Who
6 is Cee C Wolfe on Facebook?

7 A That's Nachrisha Rosemond -- no, no, Cee C was my
8 friend.

9 Q And who is that?

10 A That's Daniel's sister.

11 Q And that's Christine Wolfe-Young?

12 A Yes, sir.

13 Q Okay. Who does she -- who does she call out in this
14 Facebook exhibit?

15 A Me, Georgia Boy Turner. That's my old Facebook name.
16 I had to delete it. I had to change my name and block
17 her.

18 Q And what does the rest of it say?

19 A Georgia Boy Turner, you did the crime, you got to do
20 the time, child molester.

21 Q I'm going to show you Defendant's Exhibit No. 4. Who
22 is that Facebook post by?

23 A Cee C Wolfe.

24 Q And I want you to read that for me.

25 A You can run, but I promise you can't hide for long.

1 The truth will be told and you blocking me and everyone
2 who knows what you did was expected. I knew he would, but
3 before he did, I retrieved all his family and friends'
4 information from Georgia.

5 Q So you blocked Christine Wolfe-Young?

6 A Yes, sir.

7 Q After these incidents and these threats started
8 coming out?

9 A Yes, sir.

10 Q Now, did you still have mutual friends?

11 A No. I blocked them all. I got -- I got a fake page
12 that somebody -- keeping up all my information. I
13 heard -- that was before this incident happened.

14 Q So were you aware when she's saying these things?

15 A Yes.

16 Q And how did you feel when you saw her post, you can
17 run, but I promise you can't hide for long?

18 A Terrified.

19 Q Why?

20 A Because, you know, I was -- I thought about all the
21 people that, you know, it was -- they had a group together
22 and all of them just used to be on YouTube with guns, and
23 stuff like that. And I was dealing with worker's comp and
24 trying to stay out of the way of everything.

25 Q How did it make you feel when she said that before

1 she blocked you, she got all of your family and friends
2 Facebook information?

3 A Sure enough, I felt threatened. I called all my
4 children and I told my children, I said, If you get a
5 phone call, or you get a text message, or you get a
6 Facebook post -- I even went to the point of I got all
7 their passwords. And I know -- I hear things that was
8 happening. And I knew what was going to go on with my
9 children after I seen that.

10 Q And let me just go back to Defendant's Exhibit No. 1,
11 the first Facebook post that kind of set all this off.
12 And I'm just going to ask you plain and simple, what is
13 your understanding of what a green light is?

14 A Green light means -- it means so many things. But
15 the main thing is whenever a person puts a green light on
16 you, you can die, get hurt, you know. It go to the extent
17 where it's nothing you can do, but pray for the best, you
18 know, make sure you're out of the way of them.

19 Q Now, when you saw this and after you read it, did you
20 think you just had to worry about Daniel?

21 A No. I knew I had to worry about more than him.
22 Because I knew his nephews was on the videos. And, like I
23 said, I seen the type of stuff they posted.

24 Q Okay. What is your understanding of when you read
25 mash on sight? What does that mean to you?

1 A Mash on sight means fight maybe, you know, pistol
2 whipped. It's all kind of meanings to street terms, you
3 know.

4 Q And the last little line here, read that.

5 A Police -- not police, not your momma can save you on
6 the shao. You dead, bitch.

7 Q Did you take that for its plain meaning?

8 A Yes.

9 Q I'm going to show you what's been marked as
10 Defendant's Exhibit No. 5. This is another post by
11 Christine Wolfe-Young. Have you seen that one before?

12 A Yes. I seen them all.

13 Q And as you're reading through that, I want you to
14 read the last sentence for me.

15 A I'm giving it to God. If the law don't get you, the
16 streets will.

17 Q And how did you feel when you read that?

18 A Terrified. Because they added more than one person
19 to look for me to try to harm me.

20 Q And while all this is going on, you're still dealing
21 with your worker's comp injury; right?

22 A Yes.

23 Q You still have all this pain; right?

24 A Yes.

25 Q And you're still unable to really get around?

1 A Yes.

2 Q So after all these things happened in January of
3 2017, and after you blocked them after the threats were
4 made, what did you do?

5 A Really, I didn't really do nothing. I just was --
6 tried to stay home and go back to Georgia. I stayed going
7 to all the workman's comp stuff, like, going to PT,
8 physical therapy, taking epidural shots. I was just
9 keeping myself busy with the medical things and staying
10 out of the way.

11 Q Were you going out to bars, and clubs, and all that
12 during this time?

13 A No, sir. The medicine wouldn't allow me to. I was
14 on too much medicine.

15 Q Okay. So let's fast-forward then to September the
16 1st of 2017, almost nine months after these threats are
17 made -- before we go there, let me ask you this, during
18 the course of that nearly nine-month span, did you just
19 forget about these Facebook posts?

20 A No. I never forget them, but I seen them. I -- I
21 can't -- I went to Greenville County -- I came down to
22 Greenville County Sheriff's Department and -- and I talked
23 to -- I tried to talk to an investigator. I showed it to
24 him.

25 I even went to Harris and Graves -- I was dealing

1 with Harris and Graves before I got another attorney. I
2 even showed the lawyers the situation and told them what I
3 need to do. And she was -- she was trying to tell me some
4 people. And I checked with them. And I was really trying
5 to figure out where to go from there, you know. I was --
6 it was scary. You know what I'm saying?

7 Q Did you think that just because some time had gone by
8 that the threats went away?

9 A No. I never thought that. I always think -- once
10 you say -- once you say certain things and, you know, you
11 put an emphasis on it, nobody can save you, bitch, and all
12 that stupid stuff like all that, some of that stuff is
13 just above it. It just keep going on.

14 Q Okay. So, now, let's go to September the 1st. What
15 did you do the day of September the 1st?

16 A I went to my doctor appointment in Spartanburg. And
17 later on that night, when I left the house -- when I came
18 back after my doctor appointment, I went to -- I talked to
19 a dude named Brandon. And Brandon said they were going to
20 be at Chief's. And I said, Oh, okay.

21 He said, Do you want to come?

22 I said, I might, I might not.

23 And I laid around and ended up getting up at 6:30,
24 7:00 and headed to Chief's. I went over there. And they
25 was over there, the whole BMW crew was over there playing

1 pool, sitting around and watching, and everything.

2 Then after that, I left. I left -- me and a guy
3 named Deacon, real name Devin, he out of Spartanburg. I
4 met him. Me and him left the Dugout -- we left Chief's
5 and we went to -- we went to the Dugout.

6 We got to the Dugout. Brandon -- Brandon -- about
7 the time I got inside the Dugout, I went -- I got inside
8 the Dugout. I walked up and I talked to a dude name
9 Sirgeo Mayes. He mentioned to me that my old lady -- he
10 said, Man, your old lady right there. And I looked up and
11 I seen Latoya, Monique. I seen her over there. And I
12 said, Oh, shit. And I said, Okay.

13 And I walked from there -- I ordered a double shot of
14 some rock beer [inaudible] and two Coronas. I took the
15 two Coronas and change. I believe it was \$12, maybe \$15,
16 \$17. I can't recall how much money it was.

17 I took it and I sat it on the side of Monique, the
18 little cup, and the money on the side of Monique. I
19 didn't speak, didn't nothing. I just sat it on the side
20 of her. And I walked in the back where the pool table
21 was. And --

22 Q How long were you back there where the pool table
23 was?

24 A I wasn't even back there, like, three minutes, three
25 minutes top. I was talking to a guy named DeShawn and

1 Neck Bone. One was named Shawn, Shawn Ferrera [phonetic],
2 and one was named Joe Neck Bone. I met them through the
3 motorcycle club when I was a member.

4 And then my phone rung at the time. And I took my
5 phone -- I looked at my phone and it was Brandon calling
6 me. So I walked -- I got the phone and I ran outside and
7 answered the phone. And I was talking to Brandon. And I
8 was like, Yeah, it's crowded, and all this and that. I
9 said, I ain't going to be here much longer, just like
10 that, you know. Because Monique was here.

11 He said, All right. Man, I'm on my way. I'm on my
12 way.

13 I said, All right.

14 So at that point in time, I was -- I walked back in.
15 When I walked back in, I wasn't really paying attention to
16 the situation that Cecelia walked in in front of me. As
17 soon as I opened up the door, it was her. I really didn't
18 catch her view until the simple fact that -- after the
19 fact, I went back and started talking back to Shawn and
20 Neck Bone.

21 When I go back in and I come back out the second
22 time -- I come out the second time. That's when she
23 was -- Cecelia was standing about from me to the wall.
24 She right here, and all this and that.

25 But while all this was coming about, I had already

1 seen -- I seen this truck with lights coming off Frontage
2 Road. And I seen nothing but the lights just jumping like
3 that. I didn't like -- you know, she was saying, He right
4 here, and all this and that.

5 And I could see Daniel -- I didn't really -- I didn't
6 see Daniel. But I was standing in between my Honda and a
7 white truck. And when I was -- to be honest with you, I
8 was pissing. I was taking a piss.

9 And so by the time I was getting through pissing,
10 Daniel ran up behind me, he said, What's up, pussy nigger,
11 just like that. Which I got a text message saying all
12 this stuff. He said, What's up, pussy nigger.

13 And I can hear him, but I can't -- you know, I really
14 can't see him because, you know. My back is turned. And
15 I come back and it was him. And he was like a good 10
16 steps away, that's how close. He could have -- you know,
17 if he would have never said what he said, he would have
18 just beat me up. You know what I'm saying?

19 So I seen him. When I realized who it was, I reached
20 in -- I jumped in my car, reached in my pocket, and
21 grabbed the pistol. And he was getting closer and closer.
22 And when he got closer to me, I -- I cocked the pistol one
23 time. I let him know I got this pistol, just like that.

24 He -- he seemed like he was fidgeting with something.
25 I don't know what he was doing. So, you know, I shot.

1 You know what I'm saying? I shot. I know I shot, at
2 least, four times. But, you know, it's just like my mind
3 went blank.

4 Q Okay. Let me -- let me back up with you. So we just
5 talked about some of your medical problems. What kind of
6 shoes were you wearing at the time?

7 A Some Nike flip flops.

8 Q In fact, as you're sitting here today, I got you a
9 pair of shoes to wear. But what are you wearing today?

10 A The kind [sic] of shoes.

11 Q And is that because you've got problems with your
12 feet?

13 A I got nerve problems in my whole right leg.

14 Q Okay. So when you walked outside and you're standing
15 by your car, about how far was your car from the Dugout?

16 A I mean, the fourth -- let me see. Yeah. I'm in the
17 fourth spot right before the trash can at the Dugout.

18 Q Let me show you this map and maybe that will kind of
19 help you visualize here. You see here is the Dugout. And
20 if we're looking --

21 A I'm right there.

22 Q Okay.

23 A There's the only car right here. There's a white
24 Xterra right here.

25 Q And just for the record, you're pointing -- if we're

1 starting at the Dugout, which is on the left, and we're
2 counting over to the right, you're saying the white car is
3 on the one, two --

4 A No, no. This right here is the top -- the top car.

5 Q Right.

6 A There's a spot right before mine. And I'm the second
7 car.

8 Q So you were the second car right here?

9 A On top. From right -- from where I'm at, this trash
10 can is sitting right there.

11 Q And then the one right next to you in the third spot
12 is the white truck that you described?

13 A Yeah.

14 Q Okay. And when you saw this car coming down, did you
15 know whose car that was?

16 A No, sir.

17 Q Was it going fast or slow?

18 A It was fast.

19 Q Did you see it pull into the parking lot?

20 A Really, I didn't -- I glanced at it, but then I
21 didn't glance at it. But I just know I seen it coming off
22 of Frontage Road and it was doing -- they were --

23 Q And when it pulled into the parking lot, did it pull
24 up -- how far did it pull up into the parking lot?

25 A Probably to, like, the third parking spot.

1 Q Which is about where that white truck was?

2 A It jerked up -- when -- it jerked up. And I didn't
3 see nothing but doors open.

4 Q Okay. So you said about the third spot. Is that the
5 same third spot that we're talking about that's where the
6 white truck was?

7 A Yes.

8 Q Which is next to where you were parked?

9 A Yes.

10 Q And you said that the truck pulls up and that it
11 jerks. What do you mean?

12 A Like, he threw it in gear and jumped out.

13 Q This was late at night; right?

14 A Yeah. This is late. It's -- I can't remember. It's
15 about 10:30 or 11:00, somewhere -- maybe 12:00 maybe. I
16 don't remember.

17 Q Did this truck have its headlights on?

18 A Yes.

19 Q Were those headlights shining pretty much -- well,
20 which direction were those headlights shining?

21 A Straight toward the Dugout.

22 Q And could you see from where you were who was driving
23 that car?

24 A I didn't -- I didn't -- wasn't paying attention. I
25 was still messing with stuff in my car. Because I had

1 broke my vent out -- Daniel broke my vent out in the car.
2 So I was dealing with that. And by the time dealing with
3 that and, you know, using the restroom, I turned around
4 and that's all I can hear. I hear Christine. I could see
5 Daniel jumping -- you know, it was all this stuff going
6 on.

7 Q Now, you said you saw doors open; right?

8 A Yes.

9 Q How many doors did you see open?

10 A I seen the two passenger side -- I know I seen the
11 two passenger side open up.

12 Q Okay. And in the context of everything that's
13 happened over the last nine months, when you heard
14 Daniel's voice behind you, what was going through your
15 mind?

16 A It's fixing to go down.

17 Q That what's fixing to go down?

18 A He fixing to try to hurt me or I'm going to hurt him,
19 one of the two.

20 Q At that point, did you feel threatened?

21 A Very. That's when I pulled the pistol out.

22 Q At that point, were you afraid?

23 A Very.

24 Q At that point, did you think that you were going to
25 be hurt seriously or killed?

1 A To a certain point, I did. I'm saying I didn't -- I
2 felt like it was going to be me or him, you know. I
3 didn't know what the situation -- was his plan.

4 Q And when the doors opened, did you -- well, did you
5 know who was in that car?

6 A No.

7 Q Did you know how many people were in that car?

8 A No.

9 Q Did that contribute to your fear of what was going
10 on?

11 A Yes, sir.

12 Q So then you fired some shots?

13 A Yes.

14 Q What happened after that?

15 A What happened after that, they -- once I fired the
16 shots, it's just like they -- everybody was just doors
17 closing. And they was backing up out of there. They was
18 just getting up out of there. As far as -- what's the
19 name? When he got to the road, it just -- like, they was
20 just hitting, just driving wild and stuff.

21 And I looked back around. I looked back around I
22 didn't pay attention no more, but I looked back around.
23 Christine was talking. And I was, like, you -- I was,
24 like, You the mother fucker that caused this. And I
25 punched her in the face.

1 Q And we're not going into the allegations of
2 Ms. Wolfe-Young for the purposes of this hearing. But
3 after the events that all happened in the parking lot
4 there, what did you do?

5 A Oh, I tried to leave. I tried to leave the Dugout.
6 But everybody was -- everybody that was out was pulling
7 cars out, and everything. A guy named Shaun, he was like,
8 man, come get in the car. And I had -- I left my car. I
9 left my car at the Dugout.

10 Q Where did you go after you left?

11 A I went to Green Avenue.

12 Q Okay. How long did you stay over at Green Avenue?

13 A Until they brought my car. The guy that used to work
14 at the Dugout, he brought my car to me. He brought my car
15 to me through a mutual friend, through Shaun. And he was
16 still at Dugout, and so.

17 Q After all this happened, did you stay in Greenville?

18 A Yes. I stayed in Greenville for another day. And
19 then I went home. I went to Georgia.

20 Q Why did you go to Georgia?

21 A I just went home, you know, just to think about the
22 whole situation, and everything, and how it played out.

23 Q Do you have family still in Georgia?

24 A Yes.

25 Q Do you have friends still in Georgia?

1 A Yes.

2 Q Did you feel safer in Georgia than in Greenville?

3 A Yes, sir.

4 Q Did you return to Greenville after you went down to
5 Georgia?

6 A Yes, sir.

7 Q About when did you come back to Greenville?

8 A I stayed down there a day and came right on back up.

9 Q And where did you return to?

10 A 2601 Duncan Chapel Road.

11 Q And is that the same location you were at when a few
12 days later you hear banging on the door?

13 A Yes.

14 Q And --

15 A Ever since the allegation of the child molestation,
16 I've been at that same address.

17 Q Okay. So there you are in your apartment where you
18 normally would feel safe. And then what happens?

19 A Nothing didn't happen that day. But a day or two
20 later, that's when the sheriff's department went to
21 banging on the door. I thought it was Daniel retaliating
22 or, you know, somebody done told him where I lived at
23 or -- you know, it was real terrifying.

24 Q Well, let's back up. You just heard your 911 call;
25 right?

1 A Uh-huh.

2 Q And when you called 911, you said there was banging
3 at your door?

4 A Yes.

5 Q And you didn't know who it was?

6 A Yes.

7 Q And that's the whole reason you called 911?

8 A Yes.

9 Q Why did you call 911?

10 A I didn't know who was banging at the door. I'm
11 thinking, you know, it might be Daniel or, you know, the
12 green light already out on my head. I didn't know what's
13 going on. It could be anybody, you know.

14 I'm thinking wasn't but four people know where I
15 lived at. And the only person I could have thought about
16 was Monique must have told where I lived at. And that's
17 her baby daddy. And that's the only thing I could think
18 about. And that's when I called 911.

19 Q So were you in fear when you started hearing these
20 bangs?

21 A Yes.

22 Q Did you feel threatened when you started hearing
23 these bangs?

24 A Yes.

25 Q And did all the events of the past nine months --

1 were you thinking about all that when you were hearing
2 these bangs?

3 A Everything came to -- like, it's coming to an end
4 again, like it was at the Dugout.

5 Q So you called 911?

6 A Yes, sir.

7 Q And then later that day, law enforcement came?

8 A Uh-huh.

9 Q To arrest you?

10 A Yes.

11 Q Do you recall when you were taken into custody by law
12 enforcement that you gave a statement on body camera?

13 A Yes.

14 Q Did you tell them everything you could think of at
15 the time about that --

16 A Yes, sir.

17 Q -- incident?

18 Did you tell them at the time that there were cameras
19 that could have captured this?

20 A Yes, sir.

21 Q What did you tell them?

22 A I said -- I told them -- exact words were, I said,
23 Hey, check the Dugout cameras. You can check the Camelot
24 camera. It will show you all the places that I was or if
25 I was shooting. You know what I'm saying? He was like --

1 he was like, okay, and just, like, brushed it off. That's
2 the way he seemed to me.

3 Q Did you tell him to talk to any people that were
4 there in the Dugout?

5 A I can't recall. I don't think so. Because the
6 people that I know -- I know by street names. And I don't
7 really recall on that one.

8 Q Do you recall telling the officer at that time to
9 talk to Tiffany?

10 A Yes. That's Monique's sister.

11 Q Did you tell them to ever talk to Monique?

12 A The reason why I told them to talk to Tiffany and
13 Monique because they was -- they was there to verify some
14 other stuff that Christine had posted on Facebook. And it
15 was -- and it was concerning me at the same time. And
16 they was -- and she wanted -- was out the door initiating
17 everything by phone. She was close to me talking on the
18 phone. That's what the purpose of Monique and Tiffany
19 was.

20 Q But you told the officers to talk to those people?

21 A Yes.

22 Q Okay. So just to sum it up, Mr. Turner, all these
23 things that happened in December of 2016 where you were
24 accused, later unfounded, do you think that's the reason
25 why all this happened in September of 2017?

1 A Yes.

2 MR. SMITH: Objection, Your Honor. I object as to
3 speculation. However, I know it's for purposes of this
4 hearing.

5 THE COURT: He knows or has been told, but I agree.
6 He can't just speculate, unless he has some knowledge of
7 it.

8 BY MR. GRUBBS:

9 Q In sort of the totality of the circumstances that
10 happened, after these threats happened in January of 2017,
11 were you afraid?

12 A Yes, sir.

13 Q Did you feel threatened?

14 A Yes, sir.

15 Q Did you feel like your -- that your life may be in
16 danger?

17 A Yes, sir.

18 Q Did you feel that you might be at the risk of serious
19 bodily injury?

20 A Yes, sir.

21 Q And who do you think would be the ones to perpetrate
22 all of that on you?

23 A Daniel and his family.

24 MR. GRUBBS: Just one moment, Your Honor.

25 (Pause.)

1 MR. GRUBBS: Nothing further.

2 THE COURT: All right. Cross-examination.

3 Just for planning purposes, do you have the officer
4 lined up for your Jackson v. Denno hearing? Because, like
5 I said, we want to do everything we can today. I'm just
6 making sure.

7 MR. SMITH: I'll have to see if he's even out there,
8 Judge. If he's not, he's not far away.

9 THE COURT: Okay.

10 MR. SMITH: We can call him right now if you want.

11 THE COURT: I was just making sure.

12 CROSS-EXAMINATION

13 BY MR. SMITH:

14 Q All right. Mr. Turner, you -- you've answered all of
15 Mr. Grubbs' questions. Have you told everything that
16 happened that night?

17 A Yes, sir.

18 Q Okay. You didn't leave anything out?

19 A Not that I can recall.

20 Q Okay. I mean, that's the way you remember it
21 happening that night?

22 A Yes, sir.

23 Q All right. And did you review everything before you
24 testified today?

25 A Did I review? No.

1 Q Yeah. I mean, have you looked at your statements, or
2 anything like that?

3 A No.

4 Q Okay. But, I mean, you -- you've testified how you
5 remember everything from that night?

6 A Yes. To my -- yes.

7 Q Because there's one thing that I've -- I haven't
8 heard you say and that's that you ever heard or saw either
9 of these four victims, Angela, Nicole, DJ, anybody in that
10 car having shot a gun at you that night. I've never heard
11 you say anything about that. Is that still your testimony
12 tonight?

13 A Yeah.

14 Q So nobody fired a gun at you?

15 A I didn't see one. I -- the thing was he jumped --
16 when they jumped up out of the car, I don't know what
17 Daniel had. He reached for -- i don't know what it was.
18 I didn't say he shot nothing. I didn't know if he had
19 something to shoot. But the 911 call said he was
20 shooting. You know what I'm saying?

21 Q I know what the 911 call said --

22 A Yeah.

23 Q -- but that was, like, what, a hundred, 200 yards
24 away?

25 A Yeah.

1 Q So I'm asking what you saw?

2 A I didn't see it.

3 Q All right. So you didn't see anybody shooting, or
4 anybody firing a weapon, or anything like that?

5 A No. Because I was stuck in the middle of a crowd. I
6 was in chaos.

7 Q All right. So you being where you were, you said you
8 saw Daniel get out of the car. Where were you when you
9 said you saw that?

10 A I saw it -- when Daniel -- when Daniel jumped up out
11 of the car, I never said I saw him. I -- the correct word
12 was, I said Daniel hollered pussy nigger. He was close to
13 me while I'm standing in between my Honda, the blue Honda
14 and the white car. I never said that he was --

15 Q I think you said he was about 10 steps away; is that
16 right?

17 A That's after the fact. I said that he said, What's
18 up, pussy nigger? He was that close to me. And he
19 started messing with his pocket like he was trying to grab
20 something.

21 Q So you said you didn't see Daniel; right? And then
22 that's because you were standing between the Honda and the
23 white truck?

24 A I didn't see him until he approached me when I heard
25 him say, What's up, pussy nigger? I got a whole text

1 message saying that -- everything that he said when he
2 came closer to me. Other than I did not know if he was in
3 the truck, or nothing. I didn't notice nothing until he
4 was that close to me.

5 Q All right. So you said it was a white truck -- if
6 you can look this way. You said it was a white truck
7 about right here in that first --

8 A No.

9 Q -- parking spot or the second parking spot?

10 A I was -- can you bring it up?

11 Q Yes, sir.

12 A Right here is the way the car parked going down. It
13 was a car -- it was a car close right there. There's the
14 trash can right there. I was right there in the blue
15 Honda. And there's a white truck. The white truck was
16 right there.

17 Q Was it a truck or was it, like, an SUV?

18 A An SUV.

19 Q An SUV?

20 A Yeah. I was right on the side right. I was right in
21 between them using the bathroom.

22 Q So if things are the way we heard earlier today, was
23 that -- was that car that was beside the white truck, that
24 blue car, was that your blue Honda?

25 A That was my blue Honda.

1 Q So had you pulled straight in?

2 A Yes. I was straight in.

3 Q You pulled straight in?

4 A I was -- when I first got to the Dugout, I pulled
5 straight -- no, I didn't pull straight in. I rode around.
6 And then I came back around. And I pulled in as the car
7 was leaving out.

8 Q Okay. So when -- you say you came in, drove around,
9 and then came and you pulled right into the spot?

10 A After the fact that the car was pulling out. The car
11 was pulling out and I pulled right on in.

12 Q You just pulled right in?

13 A Yeah.

14 Q All right. So you just happened to park beside the
15 Xterra where -- that was Christine's?

16 A Yeah.

17 Q All right. But you were between the two cars?

18 A Yes.

19 Q All right. So you're between the driver's side door
20 of the Xterra and the passenger side of your car?

21 A Yes, sir.

22 Q All right. And you said that all of a sudden, you
23 heard Daniel say what he said?

24 A Yeah.

25 Q That he was about 10 steps away?

1 A Uh-huh.

2 Q And that you jumped in your car?

3 A I jumped in my car and grabbed the pistol.

4 Q All right. So you jumped in the car, grabbed the
5 pistol. How did you jump in your car?

6 A What do you mean?

7 Q Well, I mean, how did you jump in your car?

8 A Just from reaction. I'm saying I jumped in the car
9 because I remember -- I didn't just jump and throw my
10 whole body, now. I just like, you know, reached over
11 there and grabbed the pistol.

12 Q Reached over where?

13 A In my car.

14 Q So how did you get in your car?

15 A My door was already open. I was out there, standing
16 out beside the car. I had the door -- the door and the
17 car right there. I'm using the bathroom right there. So
18 I got the door open already.

19 Q So you're --

20 A On the passenger side.

21 Q You're on the passenger side?

22 A Yes, sir.

23 Q You --

24 A Urinating.

25 Q All right. Now, so the door is right here. Let's

1 say this is your car and the door is open. Are you
2 standing -- like, you're facing the inside of your door in
3 between the door and your car, or are you on the other
4 side of the door, like, the outside of the door towards
5 the front of your car?

6 A I'm in the crack of my door like this using the
7 bathroom.

8 Q Okay. So it's the inside of your door?

9 A Yes, the inside.

10 Q And the inside of the car?

11 A The inside of my door right here.

12 Q So the passenger side?

13 A Yes, passenger side. I'm standing right there using
14 the bathroom right there.

15 Q And so where's the gun?

16 A The gun is up under the seat.

17 Q It's up under the seat?

18 A Yes, sir.

19 Q And was it in anything?

20 A No. It was -- at first, it was in -- it was up under
21 my dashboard. It was in my dashboard. Like, there's a
22 compartment I got down there that holds CDs and stuff. It
23 was in that. And I took it out and I put it up under the
24 seat. And when Daniel came, that's when I got it.

25 Q When did you take the gun out of the compartment and

1 put it under the seat?

2 A When I was out there cleaning up my car. I was --
3 listen, I was outside using the bathroom. And after the
4 fact, I start -- when I walked out -- when I first walked
5 out, I started cleaning my car. And I urinated. When I
6 was urinating, that's -- like, I was cleaning it up. I
7 was waiting because the Dugout was crowded. And I was
8 cleaning up my car.

9 And when I cleaned up the car, that's when I noticed
10 the gun right there. When I noticed the gun, I moved the
11 gun from one spot to the other. And I started -- kept on
12 using the bathroom.

13 Q All right. And so whose gun was it?

14 A Devin's.

15 Q How long had it been there?

16 A Two days.

17 Q It had been there two days?

18 A Yeah. It had been there two days. It had been in my
19 car two days. It ain't been in that same spot. It had
20 been in my car for two days for the simple fact that we
21 had been hanging together. We had hung together two days
22 before when I went to Spartanburg. And when I came back
23 from Spartanburg, it was still in my car.

24 Q What did y'all do in Spartanburg?

25 A We just rode around up there, you know. I met him --

1 I used to work with him. We used to work together.

2 Q So did he ride with you over there?

3 A Where? To the Dugout, yes, sir.

4 Q No. Over to Spartanburg?

5 A No. He stay in Spartanburg. I rode over there to
6 his house.

7 Q So you brought him back over here?

8 A No. We was riding around in Spartanburg. He took me
9 places.

10 Q So he just left his gun in your car?

11 A Not intentionally.

12 Q Okay. So, I mean, but his gun had been there for two
13 days?

14 A Yes.

15 Q Had you seen him over the past two days before the
16 Dugout?

17 A No.

18 Q And where was he that night?

19 A He was -- he came down -- he came down to Chief's,
20 him and some more people.

21 Q And did he come to the Dugout with you?

22 A Yes. He rode to the Dugout with me.

23 Q He rode in the car with you?

24 A Yes, sir.

25 Q And where was he when all this went down?

1 A He supposed to be inside the club. I called him and
2 called him and called him and he never answered the phone.

3 Q All right. Were you -- were you ever trying to leave
4 the Dugout?

5 A Yes. I was leaving. I was there for, like, a good
6 10 minutes, probably less than 10 minutes. And when -- I
7 told Brandon he better hurry up. I had my car running,
8 and everything. The car was running the whole time. I'm
9 about to leave. And that's when everything just broke
10 loose, when Daniel pulled up. I wasn't even at the club
11 10 minutes when all this happened.

12 Q So let me ask you -- all right. Let's go back to the
13 board here. So if -- if you're -- if the truck -- I mean,
14 if your car is in this second spot right here --

15 A Yeah.

16 Q -- and the Xterra is right here in the white and
17 you're in between, where did the car stop that Daniel and
18 them were driving?

19 A It stopped about right in there.

20 Q To about the passenger side bumper of where the
21 Xterra would be?

22 A Of the white car, yeah.

23 Q All right. So you're standing at your car?

24 A Yes. I can see them -- I can see -- from here, I can
25 see the car coming. I never knew who -- when they came

1 right here, I'm standing -- I'm standing right here. I'm
2 still urinating. As soon as the car jerked like that, it
3 caught my attention. When it caught my attention, I
4 looked back. And that's when I noticed -- I heard
5 Christine talking saying, Oh, he right over there. He
6 right there, all this and that. That's --

7 Q What do you mean you heard Christine talking? Where
8 was Christine?

9 A Christine was standing right here. She was somewhere
10 in this area. I could hear her talking.

11 Q So she was already outside?

12 A Already outside talking. I wrote a statement saying
13 she did, yeah.

14 Q You wrote a statement?

15 A Not a statement, but to my lawyer, Mr. Grubbs. It
16 ain't been put -- he got it.

17 MR. GRUBBS: Your Honor, I object to any attorney/client
18 information he's talking about.

19 THE COURT: I will sustain it. It sounds like he's
20 publishing it himself.

21 BY MR. SMITH:

22 Q So they pull up right here. And he's facing the
23 Dugout -- the car is facing the Dugout?

24 A Yeah.

25 Q How did he see you, if you know?

1 A That's the thing about it. I asked that same
2 question. How did he see me? He seen me because
3 Christine was standing in the parking lot. She's the one
4 that -- that's the reason why -- let's go back to a
5 witness, Monique and Tiffany. Tiffany can verify that she
6 was in the parking lot because they was in the parking
7 lot, too.

8 Q All right. So he comes up, stops the car, and he
9 jumped out. And you say he then comes over towards you?

10 A He ran -- he was running toward me.

11 Q Did you ever see him reach for a gun?

12 A Yes. I seen him, like, messing with his pocket. I
13 didn't know what he was doing.

14 Q You don't know what he was doing. But -- was he
15 coming at you with fists like he was going to beat you up?

16 A I wasn't giving him the chance. I already knew the
17 situation was already out of control. He was going to try
18 to hurt me. I wasn't going to give him the chance. He
19 was less than 10 feet away from me.

20 Q All right. But you pulled a gun?

21 A Yes.

22 Q And at some point, what did he do? You pulled a gun
23 and what did he do?

24 A He turned back around and ran.

25 Q He turned around and ran?

1 A Yeah, after the fact. I pulled the pistol before he
2 could pull whatever he had.

3 Q So he ran. And where did he run to?

4 A He ran back to his truck.

5 Q And did he get in the truck?

6 A I really -- I really -- yeah. About the time -- I
7 believe he ran around it, or something, I can't remember.
8 But I know the truck ended up leaving.

9 Q Well, he was driving it; right?

10 A Yeah.

11 Q So he had to run around the truck and jump in the
12 driver's seat; right?

13 A Yeah.

14 Q And all that time, what are you doing?

15 A I'm standing right there. I shot. When I shot, I'm
16 standing right there.

17 Q You're standing right where?

18 A In the same spot right by my car.

19 Q You're standing where you were urinating?

20 A Yes.

21 Q So you're still between the two cars?

22 A Yes, sir.

23 Q So he's still between the two cars and you're still
24 between the two cars. And he's run to his car and he's
25 gotten in his car. And then what happens?

1 A He was backing up out of there. He was trying to get
2 up out of there. He was backing up out of there. And I'm
3 standing in the middle of the parking lot. About the time
4 I'm standing in the middle of the parking lot, Christine
5 is standing right there. She was, like, talking, saying
6 some -- saying crazy stuff.

7 Q Wait. Hold on a second. So he -- you're standing
8 there. He's run to his car. He's backing -- when did you
9 fire your weapon?

10 A I fired my weapon when -- when he was standing there.
11 When -- I told you when he was, like, fixing to go in his
12 pocket, I fired the pistol then.

13 Q At what?

14 A At Daniel.

15 Q How many times did you fire?

16 A At least, three or four.

17 Q All right. And you didn't hit Daniel?

18 A No.

19 Q You didn't hit the car?

20 A Didn't hit nothing, from my understanding.

21 Q So you're standing between your car. And you're
22 firing the weapon in between your car?

23 A In between.

24 Q At Daniel?

25 A Yes.

1 Q You never fired at the car?

2 A No. I fired -- I was firing at Daniel.

3 Q And so they pulled off. And then what do you do?

4 A I turned around. When I turned around, I seen
5 Christine. I told you Christine was standing right there
6 just talking, saying stuff. And I ran over and I hit her.
7 I punched her.

8 Q All right. We won't go any further there. But let
9 me -- when you're on the phone with 911, you told the
10 operator there that you shot up a car. All right. So
11 when did you ever shoot up a car?

12 A I reckon that one time. Because I didn't go -- I
13 couldn't run -- I couldn't run behind no car. Because I
14 did nothing but hurt for the last three years before that.

15 So when I shot the car, I shot the car right there in
16 the Dugout parking lot. I never leave the Dugout parking
17 lot.

18 Q All right. You're still on -- when this incident
19 went down, 2017, it was eight months after all these
20 posts?

21 A Uh-huh.

22 Q Did you ever see any other posts between January and
23 the date of this incident?

24 A No.

25 Q All right. And the night while you -- you were at

1 Chief's; right?

2 A Yes, sir.

3 Q And Monique was posting things on Facebook, wasn't
4 she?

5 A I really can't recall -- yeah, yeah. I looked at
6 them the next day. I seen the postings, and videos, and
7 all that stuff.

8 Q Now, you were on Facebook that night?

9 A Live. I was on live.

10 Q You were posting live from Chief's, weren't you?

11 A Yes, sir.

12 Q And you were dancing there at Chief's, weren't you?

13 A Yes, sir.

14 Q And then Monique started posting things back showing
15 herself dancing that night, didn't she?

16 A I can't recall, seriously.

17 Q And, in fact, on August 28th, three days before this
18 happened, Monique posted that it was her birthday and she
19 was going out to the Dugout and don't meet me there, beat
20 me there; isn't that right?

21 A Yes, sir.

22 Q Okay. And that night before all of that happened,
23 Monique posted again, hey, come on down, it's my birthday;
24 right?

25 A I don't remember that one, seriously.

1 Q But you knew she was going to be at the Dugout. And
2 you went there anyway knowing that any of these people
3 could be there that night?

4 A I knew she was going to be there. I knew she was
5 going to be there.

6 Q And you knew that any of these people could have been
7 there that night?

8 A True. But it wasn't no natural thing for me to go
9 there.

10 Q And it's your testimony -- well, let me ask you this,
11 you said the car lurched forward a little bit?

12 A Yes, sir.

13 Q Right there before they pulled out; right?

14 A What do you mean? I said lurched toward when he
15 throwed [sic] it in gear.

16 Q When he throwed it in gear and he backed out?

17 A No. I didn't say that.

18 Q So the car never, actually, came at you?

19 A The car was in the middle part. When it came up, it
20 jerked like that. That's what I'm talking about.

21 Q All right. 2017, September, you put some records in,
22 Defendant's Exhibit No. 12, dated. I think you said it
23 was August 4th, 2017. Is that what you stated?

24 A What is it? That's an eight.

25 Q I'm just asking you. I thought you testified it was

1 August 4th?

2 A Yeah. It looks like August the 4th.

3 Q Now, you were taking medicine, weren't you?

4 A Yes, sir.

5 Q One of those medicines was Narco; right?

6 A Yes.

7 Q And that was a narcotic for pain?

8 A Yes.

9 Q So you were on your medicine like you were supposed
10 to be; is that right?

11 A Yes.

12 Q And I believe you had gone to Chief's. Were you
13 drinking at Chief's?

14 A No.

15 Q But you got to the Dugout and you drank a beer?

16 A Tried to drink a beer.

17 Q Well, didn't you down a beer at the --

18 A No, sir.

19 Q Did you ever tell anybody before that you drank a
20 beer, downed it at the door and left?

21 A I drank most of it. And I handed it to a dude named
22 Daniel.

23 Q Don't you mean Daquan?

24 A Daquan Pyles, last name Pyles. And that was it.

25 Q No. Didn't you come back in and then leave. And

1 then you downed a beer before you left?

2 A I didn't down it.

3 Q You didn't tell anybody before that you ever downed
4 it?

5 A No.

6 Q All right. So you -- I think I heard you say earlier
7 that you ran to your car.

8 A Ran to my car?

9 Q So -- well, let me go back here. Do you remember
10 giving a statement to Emmanuel Davis when you were
11 arrested?

12 A Who's that?

13 Q That's the -- you were in the back of a patrol car?

14 A Yes.

15 Q And they read you your rights. Do you remember
16 giving a statement to him?

17 A Yes.

18 MR. SMITH: Judge, if I can have just one minute.

19 THE COURT: All right.

20 (Pause.)

21 BY MR. SMITH:

22 Q You said you went outside and talked to Brandon on
23 the phone; is that right?

24 A Yes, sir.

25 Q Then you went back into the Dugout and you're looking

1 for Brandon; is that right?

2 A No. I didn't go back in looking for Brandon.

3 Q Excuse me. You tell Brandon what the situation is?

4 A I tell him --

5 Q And then you go back into the club looking for your
6 friends?

7 A I went back in and I talked back with Neck Bone. And
8 I talked back with Deshaun Ferrara. And Neck Bone said he
9 was closer. I walked back out -- I walked back out. On
10 my way back out, I talked with Brandon for the last time.
11 He said he was going to go.

12 Q All right. When did you turn the car on?

13 A When I walked back out there the second time.

14 Q The second time?

15 A Uh-huh.

16 Q You didn't tell Deputy Davis that you had your car
17 running and then you walked back into the club?

18 A That's -- I don't remember walking back in there
19 after that.

20 Q You don't remember?

21 A No.

22 Q All right. So you didn't tell him, Just to keep the
23 confusion down, I had my car running, and everything?

24 A Yeah. That's -- that's the second time. Because the
25 second time, that's when I walked back out.

1 Q That was the second time?

2 A Yes.

3 Q So how did you have the car running the second time?

4 A I was standing out there by the car when I was
5 talking to Brandon. He was saying he was about to pull
6 up. And I said I was about to leave. There never was a
7 third time.

8 Q So there wasn't a third time?

9 A No.

10 Q So you never told the officer you had the car running
11 after you went out the first time and that you went back
12 in, finished your beer, and then came back out and started
13 to -- started --

14 A No.

15 Q All right. Just to be clear, you didn't stop at the
16 door and drink your beer and then walk back out?

17 A No. I drunk some of the beer and walked out. I
18 didn't drink the whole beer. I threw the beer away
19 because I was drunk and I was at the door. I wasn't
20 drinking too much back then.

21 Q Did you ever tell the officer that he was -- stopped
22 on the second car and you're parked in the fourth car?

23 A Say what now?

24 Q Did you ever tell the officer, Deputy Davis, that you
25 were -- that he stopped at the second car and you were

1 parked at the fourth car?

2 A I can't recall.

3 Q All right. Did you tell the officer that you were
4 standing out there on the phone and he damn near scared
5 you?

6 A (There was no response.)

7 Q Is that a "yes" or "no"?

8 A Huh?

9 Q Is that a "yes" or "no"?

10 A I can't recall that. I never talked to him. Say
11 that again.

12 Q Did you ever tell the officer that you were standing
13 out there on the phone and he damn near scared you?

14 A No. I can't recall that one.

15 Q All right. Did you ever tell the officer that you
16 were sitting in your car -- or, actually, did you ever
17 tell the officer that you ran to your car after he scared
18 you? Did you ever tell the officer that you ran to your
19 car?

20 A No.

21 Q Did you ever tell the officer that once you were in
22 your car, you were just staring at the vent talking about
23 how your friend had destroyed the vent because he had some
24 problems with his girlfriend?

25 A I can't recall that.

1 Q Did you ever tell the officer that while you were
2 sitting in your car, you looked over and you saw the
3 pistol sitting there in the car and you grabbed it?

4 A I grabbed it for what?

5 Q I -- I'm just asking if you ever told the officer
6 that.

7 A I can't recall that.

8 MR. SMITH: Judge, at this time, I -- I'm just going
9 to ask to play the statement that he gave Deputy Davis.

10 MR. GRUBBS: Your Honor, I mean, we can -- if
11 Mr. Smith wants to play that, we're just going to have to
12 see it again when Deputy Davis gets here. I don't know
13 about timing, if we wanted to go ahead and wait until he
14 gets here and then we could do the Jackson vs. Denno right
15 after. I just don't want to waste everyone's time by
16 playing it twice unnecessarily.

17 THE COURT: How long is the statement?

18 MR. GRUBBS: It's about 23 minutes, Judge.

19 MR. SMITH: I mean, but he's not here. I mean, I can
20 call him and he might -- I mean, he was on standby. I
21 mean, he was supposed to be here earlier, but he was on
22 standby.

23 THE COURT: I mean, you can -- I can -- I mean --

24 MR. SMITH: I mean, I can go through the statement
25 and do it. But I mean --

1 THE COURT: Then I can review the statement. Do
2 whatever you need to do. And I'm going to be reviewing
3 the statement in the other hearing anyway. I'll
4 reserve --

5 MR. GRUBBS: Sounds good, Judge.

6 BY MR. SMITH:

7 Q So did you ever tell the officer that the gun was
8 sitting in the sleeve over in the car door?

9 A I can't recall that.

10 Q All right. And that you had jumped in the car, you
11 got the inside light on while the car was there? Is
12 that -- while you were sitting in the car?

13 A Say what now?

14 Q Did you ever say you had jumped in the car and you
15 got the inside light on inside the car?

16 A No.

17 Q Did you ever tell the officer that you could see
18 Daniel jump out of the car?

19 A No, sir.

20 Q Did you ever tell the officer that you couldn't get
21 out, talking about moving your car, no way because he
22 got -- I'm, basically, blocked?

23 A I'm, basically, blocked by who?

24 Q By Daniel. By the car that has pulled in.

25 A I probably mentioned the car, but I don't remember

1 saying Daniel's name.

2 Q Did you ever tell the officer that you jumped out of
3 the car at that point?

4 A I can't recall.

5 MR. GRUBBS: Your Honor, if Mr. Turner can't recall
6 these things, Mr. Smith is welcome to refresh his
7 recollection by going directly to portions of his recorded
8 interview so we can maybe move this along.

9 THE COURT: I think that was the issue a while ago
10 was, we've got to get the statement in.

11 MR. GRUBBS: Right. And I'm not saying play the
12 entire thing. But if he's asking specific questions about
13 specific parts of it, then I would ask that he refresh his
14 recollection by going to those particular portions on the
15 video and showing him before asking him questions.

16 MR. SMITH: Well, dang, Judge --

17 THE COURT: He can do it that way or this way.

18 MR. SMITH: That's why I say I might as well just
19 play the whole thing. Because, I mean, maybe 20 percent
20 of what he has testified to here today is what is on the
21 statement. And 80 percent is -- I mean, I don't know
22 where it came from today.

23 THE COURT: Well, when is your officer going to be
24 here?

25 Do you have another witness after this?

1 MR. GRUBBS: No, Your Honor.

2 THE COURT: I mean, are you going to put up any
3 evidence in their -- can't you use that as part of your
4 evidence?

5 MR. SMITH: Well, I think I've got -- Judge, I mean,
6 I -- we've already gotten testimony from the officers
7 about their statements and what they did.

8 THE COURT: I'm talking about for his statement, for
9 Mr. Turner's statement.

10 MR. SMITH: His?

11 THE COURT: Yeah. Can you use -- can we not use that
12 for both purposes, for this hearing and the Jackson vs.
13 Denno?

14 MR. SMITH: I just don't have the officer here.

15 THE COURT: I mean, he's going to be here in a few
16 minutes or something, isn't he?

17 MR. SMITH: Well, I mean, nobody has called him.
18 We've been in court. We haven't had an opportunity to.

19 THE COURT: You have people out there.

20 MR. SMITH: No. I mean, we haven't been able to -- I
21 mean, I haven't left the courtroom to go --

22 THE COURT: Yeah. But other people have -- that work
23 in your office.

24 MR. SMITH: Okay. Well, I've been -- Judge, I'm not
25 being smart. I've just been focused. And I haven't seen

1 whether anybody's gone out or not.

2 THE COURT: Did you call them?

3 MR. SMITH: Judge, if we can have a minute.

4 THE COURT: Well, you have people that can go out
5 there and call.

6 MR. SMITH: Yeah. I just need to get his number, and
7 all that.

8 THE COURT: Okay.

9 MR. SMITH: Judge, can we just stop for a minute and
10 see if he's coming?

11 THE COURT: Yeah. That's fine.

12 I thought that was what our conversation earlier was
13 about. And I saw Jeff Weston. I thought maybe you had
14 directed somebody --

15 MR. SMITH: No. I have not. I'm sorry. I was
16 focused on Mr. Grubbs over there and what the answers
17 were, and stuff.

18 (WHEREUPON, a break was taken.)

19 THE COURT: Mr. Smith.

20 MR. SMITH: Judge, I called and left a voicemail.

21 THE COURT: We've got the jury coming in at 9:30 in
22 the morning. We will not have time to do a Jackson V.
23 Denno hearing. But we'll keep moving on with this now.
24 We'll do whatever you need to do, but we've got to keep
25 moving.

1 Was he aware that he was going to be needed this
2 late?

3 MR. SMITH: I don't know if he was aware that he was
4 needed this late, but he was aware that he was needed today.

5 THE COURT: All right. Well, I'm sure he thought
6 that meant 5:00, unless y'all updated him.

7 Proceed. We need to proceed.

8 MR. SMITH: Well, Judge, I would make a motion to
9 play his video.

10 THE COURT: If that's what you need to do, then do
11 it. I mean, I think, though, for a Jackson vs. Denno
12 hearing, I don't think I need to listen to the whole
13 thing. I don't know that I will need to listen to the
14 whole thing even for a Jackson V. Denno hearing.

15 MS. LIPINSKI: I think you can supplement with the
16 officer's testimony.

17 THE COURT: And that way, if we have to -- because
18 I'm sure if he was on standby, he didn't think he was on
19 standby at 5:45.

20 MR. SMITH: Judge, this is a redacted version.

21 THE COURT: Are y'all in agreement on the redactions?

22 MR. GRUBBS: Yes, Your Honor. We've previously
23 spoken about the redactions.

24 MR. SMITH: What's, basically, redacted is anything
25 about any --

1 THE COURT: I mean, that's fine. As long as y'all
2 have agreed to it, I don't care what it is.

3 MR. SMITH: Okay.

4 THE COURT: Is this the only statement we're going to
5 be dealing with on Jackson vs. Denno?

6 MR. SMITH: Yes, sir.

7 (WHEREUPON, an unmarked video was played in open
8 court.)

9 MR. SMITH: Judge, just for the record, that
10 redaction is for alleged misconduct.

11 (WHEREUPON, an unmarked video continued to be played
12 in open court.)

13 THE COURT: Did we mark this as an exhibit?

14 MR. SMITH: No, Your Honor. I would ask that it be
15 marked as a State's Exhibit, whatever is next in line,
16 with the court reporter for identification purposes only.

17 THE COURT: Okay. What number will that be?

18 THE COURT REPORTER: State's Exhibit No. 20.

19 MR. SMITH: Judge, I ask that this be marked as
20 State's Exhibit No. 20 for identification purposes only.

21 (WHEREUPON, State's Exhibit No. 20 was marked for
22 identification only.)

23 BY MR. SMITH:

24 Q Mr. Turner, does that refresh your memory of what you
25 told the officer that day?

1 A Yes, it do.

2 Q Okay.

3 A I was on medication bad that day.

4 Q Okay. Is it the same medication that you were on
5 that night?

6 A Yes, sir. I've been taking it for four years.

7 Q And -- and the same medication that you -- I mean,
8 you drank a beer and everything, you were on that same
9 medication?

10 A I had drunk -- I took the medicine, like, earlier
11 that day. It was like 12:00 or 1:00 when I was at the
12 doctor's office.

13 Q All right. So you were at the Dugout. Where were
14 you parked? Were you in the second or -- parking spot or
15 were you in the fourth spot?

16 A I was in the fourth spot.

17 Q You were in the fourth spot?

18 A Yeah.

19 Q So what you testified to earlier today was wrong.
20 You were in the fourth spot?

21 A That's where I was. That's still the fourth spot.
22 That's what I testified to.

23 Q All right. So let me ask you this then. Maybe we
24 should have just put some marks on here. We can do that
25 later. So you -- I thought you said you were in this spot

1 and you were between -- you were here and the white truck
2 was here?

3 A Yeah. That's the third spot.

4 Q This is the third spot. So that's the second spot?

5 A No. That ain't the second. The second spot is that
6 way.

7 Q So you're talking about --

8 A That's the beginning. This is right here at the end.

9 Q So when you say the beginning -- hold on. Let me ask
10 you -- when you say the beginning, you're counting spots
11 coming from Woodmede into the parking lot?

12 A Yeah. That's the fourth spot. That's where I was.

13 Q So one, two, three, four. That's, actually, the
14 third spot. So the second spot would be --

15 A The second spot would be right there. This ain't no
16 spot right there.

17 Q Okay.

18 A Do you see it? It's right there.

19 Q So that's not a spot. So you were up?

20 A Yeah.

21 Q And you're still saying that you were using the
22 bathroom in between the two cars; right?

23 A Yeah. That's what I already said. But that's --
24 evidently, when he walked up, I was in that state of mind
25 and I said something different.

1 Q Okay. So -- so, basically, what you're saying here
2 today is that what you have testified here to today is
3 what, actually, happened that night; right?

4 A Say what now?

5 Q What you have testified to here today on
6 cross-examination -- excuse me, on direct examination from
7 Mr. Grubbs is exactly what happened that night? It
8 happened that way?

9 A Which way? The original way I said it?

10 Q Yes. Not originally, not what was on tape, what you
11 just --

12 A You talking about that video?

13 Q Excuse me.

14 A You talking about that video?

15 Q Hold on. Let me ask you this way.

16 A Okay.

17 Q The incident that night --

18 A Yeah.

19 Q -- on September 1st, you testified a little while ago
20 when Mr. Grubbs asked you a number of questions -- do you
21 remember your answers?

22 A Yes. When I first -- when I first did that video.

23 Q No. Forget the video for a second. Forget the video
24 for a second. What I'm asking you is, when you were
25 testifying a little while ago when Mr. Grubbs -- when

1 Mr. Grubbs was asking you questions, did the incident that
2 night happen the way you testified?

3 A That's the way I -- that's the way I testified to it.

4 Q Okay. So the video that we just saw is completely
5 wrong?

6 A I -- I was in a different state of mind when I made
7 that video. I'm saying -- I was -- the 911 call and
8 everything says -- I was on medication. I was on
9 medication. So, you know, I was on it heavy. It's two
10 different statements, I understand. Two different videos.

11 MR. SMITH: Judge, I don't have any further
12 questions.

13 THE COURT: Any redirect?

14 REDIRECT EXAMINATION

15 BY MR. GRUBBS:

16 Q So, Mr. Turner, you mentioned that the parking lot at
17 the Dugout was crowded?

18 A Yes, sir.

19 Q You said that you were next to a white truck?

20 A Yes, sir.

21 Q Did you know who owned that truck?

22 A I never knew who owned it.

23 Q And where you were parked after Mr. Martin [sic] came
24 into the parking lot? Could you back up?

25 A Say what now?

1 Q If you had gotten in your car, and the way that
2 Mr. Martin had pulled in -- I'm sorry, not Mr. Martin,
3 Mr. Stokes -- Mr. Stokes had pulled in, could you have
4 backed up your car and gotten out?

5 A No. I couldn't have got out.

6 Q And did you only start pulling the trigger and
7 shooting that gun when you saw Mr. Stokes reaching into
8 his pocket?

9 A Yes, sir.

10 MR. GRUBBS: Nothing further.

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

12 All right. Anything else from the Defense?

13 MR. GRUBBS: No, Your Honor.

14 THE COURT: All right.

15 MR. SMITH: Judge, the only thing I would do --

16 THE COURT: Are there any other motions that the
17 Defense has?

18 MR. GRUBBS: The -- as far as --

19 THE COURT: Other than the immunity?

20 MR. GRUBBS: Other than the immunity hearing, Judge,
21 we have a motion to exclude testimony about the child
22 molestation and investigation. We have that as a motion,
23 which, obviously, the Court has heard all the information
24 necessary to -- to make that decision. I don't know if I
25 need to argue anymore about it. Obviously, I think that

1 violates Rule 403 and is highly prejudicial and
2 substantially outweighs the probative value of that
3 evidence coming in.

4 THE COURT: Let me do this. Y'all talk about that
5 and see if y'all can come up with some way -- an agreement
6 as to how to reference that. And if you can't, then I'll
7 rule on it in the morning.

8 MR. GRUBBS: Okay.

9 THE COURT: Because I think y'all can kind of
10 possibly work out something. Let's do it that way.

11 All right. So any other motions?

12 MOTIONS

13 MR. GRUBBS: Your Honor, the only other motion I
14 would have is a motion to sequester for any lay witnesses
15 and law enforcement, other than the lead officer.

16 THE COURT: I think that's kind of been shot at this
17 point, hasn't it?

18 MR. GRUBBS: I mean, for the trial itself.

19 THE COURT: I know.

20 MR. SMITH: Judge, if they're victims, I think
21 they're entitled to --

22 THE COURT: Right. The victims would be anyway.

23 MR. GRUBBS: I didn't ask for that.

24 MR. SMITH: Well, they're the only lay witnesses I
25 think that we've got.

1 MS. LIPINSKI: There are EMS people and the nurse.

2 MR. SMITH: Oh, okay.

3 THE COURT: Do you have any response to that?

4 MR. SMITH: I -- no, Your Honor.

5 THE COURT: All right. The victims would be allowed.

6 But any other witnesses will be sequestered, except for
7 the, I guess, primary officer.

8 MR. SMITH: Yes, sir.

9 THE COURT: All right. Anything else from the
10 Defense?

11 MR. GRUBBS: No, Your Honor.

12 THE COURT: Do we want to -- let's hear the
13 argument -- let's hear your motion then for -- to
14 exclude -- I mean for immunity.

15 MR. GRUBBS: Yes, Your Honor. Pursuant to 16-11-410,
16 we've heard several hours now worth of testimony and
17 evidence that has been put in through pictures, through
18 911 calls, and through the body-worn camera video that we
19 just saw. Obviously, we're -- we're dealing with four
20 elements that we're going to be examining as to whether or
21 not the Defendant is entitled to immunity here.

22 Obviously, the Court is aware the standard is not
23 beyond a reasonable doubt. We're talking a preponderance
24 of the evidence, 51 percent of -- if we're tipping the
25 scales of justice, that much.

1 So as we're going through this, Judge, I'm going to
2 go just straight through the -- through the elements. And
3 then I'll talk about the particular testimony and exhibits
4 in evidence that have been brought forward today that I
5 think supports it.

6 The first element is that the Defendant is without
7 fault in bringing on the difficulty. I believe this one
8 is very clear. We have a man who goes to the Dugout, who
9 walks in, who buys his ex-girlfriend a drink. There's
10 no -- there's been no allegation. There's been no
11 testimony. There's been no kind of refuted evidence
12 offered by the State in this that says that there was any
13 kind of a threat or an overt action that would give rise
14 to fear being in Ms. Christine Wolfe-Young's mind at this
15 point.

16 What we do know is that at some point, she texted her
17 brother and told him to come get her. Why? That's a
18 great question. She's there with friends. She drove
19 herself there. So I'm not really sure why there's that
20 fear, especially when you look at several months prior --
21 when nine months prior, she is taking down information of
22 his family. She's making threats. She's saying things
23 like you can run, but you can't hide for long. She's
24 sharing Facebook posts of her brother, which are outright
25 saying you're dead and there's a green light on you. And

1 that it's a mash on sight type of order after these
2 unfounded allegations were, basically, dismissed by law
3 enforcement.

4 So it all stems back to that and that -- but what it
5 ends up setting up is that for nine months, they had not
6 seen Eugene Turner. He had laid low. He had been dealing
7 with his worker's comp injury. And then on this
8 particular night, September 1, 2017, they see him and they
9 see an opportunity. The text message goes out. Daniel
10 Stokes flies in to go, I would certainly argue, execute
11 that green light that he had threatened in January of
12 2017.

13 There's been no kind of testimony or no kind of
14 evidence offered that Mr. Turner did anything to bring
15 this on. He didn't start a fight. This was not a mutual
16 combat-type of situation. This is not something where he
17 was engaged in some unlawful activity that would give rise
18 to, perhaps, having a difficulty that would be his fault.
19 None of that.

20 The testimony that we've -- that we've heard, whether
21 you're going to rely on what the statements of the alleged
22 victims are versus what Mr. Turner said, either way he
23 goes into the club. He has a drink. He leaves. He's in
24 the parking lot.

25 Mr. Stokes drives up. And at that point, we have the

1 divergence of what we say happened. But he's not at fault
2 in bringing on any of that difficulty at that point. He
3 is simply there. And then he's in the parking lot. And
4 we can differ on what's happening after that, although,
5 certainly, I think there's evidence, certainly, by a
6 preponderance of the evidence that would tend to show that
7 what the victim's story is just simply isn't making that
8 much sense.

9 The second element is that Mr. Turner, actually,
10 believed that he was in imminent danger of serious bodily
11 harm or death. Again, Judge, I think that that's very
12 clear. I know that we have these threats that were made
13 in January of 2017 that were unequivocally clear. It's
14 clear as crystal what the intention was there.

15 And I know that Mr. Smith thinks that nine months is
16 a long time to -- to pass and maybe at some point that
17 should go away. But it didn't go away for Mr. Turner. He
18 lived with those threats for that entire time to the point
19 where he didn't go out as much. He didn't go out in
20 public as much. He stayed to himself. As he testified
21 to, he was afraid the entire time. He knew that those
22 threats were still out there and that they could still be
23 carried out at any time.

24 And then I don't think it's much of a coincidence
25 that the one time in all that time that, finally, when

1 Mr. Stokes is right there in front of Mr. Turner that
2 suddenly, there's some kind of a violent act about to go
3 down.

4 We can, also, look back to 2013 when we're looking at
5 whether or not someone, actually, believed that they were
6 in danger of sustaining serious bodily injury or death.
7 Prior violent acts by an actor can be considered. That's
8 what we have in 2013.

9 Although the charge itself was malicious injury to
10 property that Mr. Stokes ended up being convicted of, the
11 circumstance itself is a violent act. It was a mutual
12 type of combat. And he grabbed some kind of instrument,
13 maybe a machete. No one knows because Mr. Stokes fled the
14 scene. He could have easily taken that with him. We'll
15 never know. But what's undisputed because he was found
16 guilty of it is that he broke out the windows of
17 Mr. Turner's vehicle at that point.

18 So Mr. Turner knew that he's got this beef with
19 Daniel Stokes. He knew that -- after all of these
20 allegations arose from December of 2016 that, finally,
21 closed in 2017 in January, he knew that there was danger
22 to him. He knew that there was a threat to his life. He
23 knew it because it was out there for the world to see
24 because it was on Facebook, because it was getting shared
25 on Facebook.

1 Now, at that time, Mr. Turner didn't try to do
2 anything like retaliate, or anything of that nature. He
3 attempted to block them. He tried to get them out of his
4 life. That's not ramping anything up. That's trying to
5 move on and move past it because he's scared. He's
6 threatened. He said that multiple times.

7 And when we -- when we fast-forward past the events
8 of September the 1st, when we go on to his 911 call, that
9 even further shows what his state of mind was. That he
10 calls 911 because he's afraid. He's afraid of someone
11 banging on his door. And he thinks it's them. He thinks
12 it's them coming for the green light again. He thinks
13 they're trying to finish the job they didn't get done on
14 September the 1st.

15 And rather than just hide in there, he calls the
16 police. He does an inexplicable thing, which is pretty
17 much turn himself in at that point by calling the police.
18 Because by calling law enforcement -- and the 911
19 caller [sic] is saying, well, I'm sending deputies on the
20 way, are you going to be there? And he says, Yes. And
21 he's there.

22 And then he commences to give the statement that the
23 Court heard just then.

24 THE COURT: Can I stop you right there?

25 MR. GRUBBS: Yes, Your Honor.

1 THE COURT: I need to take a break because I have a
2 lot of people expecting me at a prior engagement at 6:30.
3 And I need to let them know I'm not going to be there. So
4 I need to take a break.

5 (WHEREUPON, a break was taken.)

6 THE COURT: All right. Sorry to interrupt your
7 argument.

8 MR. GRUBBS: No problem, Judge.

9 THE COURT: All right. Go ahead.

10 MR. GRUBBS: Okay. Picking up where we left off,
11 Judge, we were talking about the second element of the
12 immunity elements that Mr. Turner, actually, believed that
13 he was in imminent danger of losing his life or sustaining
14 bodily injury. I was talking about how he -- his
15 testimony, his actions, all that leads to -- and the
16 threats made to him, obviously, it all stems around the
17 threats that were made. And he's got to take those
18 seriously. Because a person who doesn't take those
19 seriously, obviously, could have gotten hurt. And as
20 Eugene said up there, he was scared. He was afraid.

21 Going -- moving on with the third element. That if
22 the Defense is based on the Defendant's actual belief of
23 imminent danger that a reasonable person of ordinary
24 firmness and courage would have entertained the same
25 belief.

1 And I think that that's true, Judge. I think that
2 anybody who has been threatened by multiple people on
3 social media that you tried to block, but those people
4 have collected family and friend information about you, I
5 think that that's a serious threat. I think that that is
6 something that you're not going to easily forget. I think
7 that's something that you're not just going to discount
8 over a period of months no matter how many months have
9 gone by. That's always going to be in the back of your
10 head. And that's what Mr. Turner said and testified to
11 here today. It didn't go away for him. It didn't cool
12 for him. It was still real for him the entire time. And
13 it became even more real when Mr. Stokes says what he
14 says. And Mr. Turner had to act.

15 Because, really, what makes sense is that Mr. Stokes
16 would have had to get out of the car. Because how else
17 would Mr. Turner have known who was in that car? He
18 testified he doesn't know whose car it is. There's been
19 nothing offered by the State saying if it was Daniel's
20 car, or anything else. But what we know is it was a big
21 car and it was going fast, that it came into the parking
22 lot, that it got slammed -- the brakes were slammed on.

23 And if you're to believe what the victims statements
24 are, at that point, Mr. Turner, just standing there by
25 this white Xterra, just pulls a gun out of his pocket

1 while he's on the phone and just starts opening fire
2 without any regard to who that is. That's not even taking
3 into consideration the fact that that's -- who is that?
4 Like, who is that in the car? If you're believing what
5 the victims are saying, then there's -- there's no
6 consideration for the fact that there's -- there's no
7 identification. There's no way for Mr. Turner to identify
8 who's in the car the way that they're telling the story.
9 That he comes in and, suddenly, he just, like a crazy
10 person starts firing off a gun. And that then they back
11 up and head out. That doesn't make any sense. Because
12 it's a car that he doesn't recognize, that he doesn't know
13 who it is. And it's in a dark and poorly lit parking lot
14 with headlights on.

15 What makes sense is that Mr. Stokes got out of the
16 car. That's how he knew who was in the car. That's the
17 only way he could have known who was in the car. And when
18 Mr. Stokes gets out and makes the comments that he does,
19 everything clicks back into Mr. Turner's head that he's
20 got to defend himself because here's where the green light
21 is happening. And, Judge, I think any reasonable person
22 who would be put into that scenario would have thought the
23 same thing.

24 Then you have to, also, take into consideration that
25 Mr. Turner has all these health issues. He's got back

1 problems. He had back surgery the year before. He can't
2 even wear shoes. He's got numbness. He's got pain down
3 in his legs. He's not taking off running. He's not
4 outrunning a younger man like Mr. Stokes. He's backed
5 into a corner, quite literally and figuratively. He can't
6 back his car out. He's can't get out from where he is.
7 He's left with one option and one option only, and that's
8 to defend himself. And I think any reasonable person
9 would have done the exact same thing.

10 And as to the fourth element, Judge, I would argue
11 that, certainly, doesn't apply because 16-11-440(c) says
12 that if a person is in an area where he has a legal right
13 to be, then he has no duty to retreat.

14 So Mr. --

15 THE COURT: But doesn't it, also, use the word
16 attack?

17 MR. GRUBBS: Judge --

18 THE COURT: Doesn't it use the word attack, if he's
19 attacked at a place he's supposed to be? Isn't that the
20 actual wording of it?

21 MR. GRUBBS: I have -- unless I put it down here
22 wrong in my motion, I said that a person who is not
23 engaged in unlawful activity -- yes, Judge, and who is
24 attacked in another place where he has a right to be,
25 including but not limited to his place of business has no

1 duty to retreat and has the right to stand his ground and
2 meet force with force, including deadly force if he
3 reasonably believes is necessary to prevent death or great
4 bodily injury to himself or another person.

5 And, Judge, what we've heard testimony of is that
6 when Mr. Stokes got out of the vehicle that he used choice
7 language towards Mr. Turner. And he started to approach
8 Mr. Turner. He started to advance on him. We heard
9 testimony that he reached into his pocket or fumbled in
10 his pocket, not knowing what that might have been. And
11 that's when Mr. Turner acted.

12 And, Judge, even if 440(c) doesn't apply, we've,
13 also, heard facts and had evidence presented today that he
14 had no other probable means of escape for the same reasons
15 I just presented to the Court. His car is in a space. He
16 can't back up. Due to his medical issue, he's not going
17 to take off running and get away. He's there by himself
18 at this moment. The doors to the car fly open, according
19 to Mr. Turner. He didn't know how many people or who is
20 in the car, who might be coming to get him. And, again,
21 he knows that he can't run. He knows that he can't
22 escape, so he has to act.

23 Judge, I would argue that Subsection C applies based
24 on the appearance of an attack coming. But even if it
25 doesn't, I believe we still meet the fourth element, which

1 is that there's no other probable means of retreating from
2 the situation. He had to act in that way or -- or, at
3 least, he believed he had to act in that way or he
4 believed he would be seriously injured or, perhaps, even
5 killed.

6 What we can glean, also, from the 911 call that we
7 heard -- which law enforcement never went and talked to
8 this girl who called 911. But she gave the only
9 independent statement that exists in this entire case,
10 which is that someone driving a silver SUV was firing a
11 gun. There's been no evidence to refute that. So without
12 any evidence to refute it, I think that we have to, at
13 least, assume that it's true. We have nobody who has
14 cross-examined this lady to say that those things didn't
15 happen --

16 THE COURT: Is that the standard? I wasn't aware of
17 that standard.

18 MR. GRUBBS: Well --

19 THE COURT: The presumption of truth.

20 MR. GRUBBS: No, Judge. I think that what it shows
21 is that we presented evidence that hasn't been refuted in
22 any way by -- by the State. That's all I'm saying in
23 regards to that.

24 So we have a 911 caller who states and eye witness
25 that says that a person in a silver SUV is shooting out of

1 that SUV. That's what that evidence shows, which I think
2 we can use then to show that maybe Mr. Stokes did have a
3 weapon on him, maybe he was reaching for a gun, if that's
4 to be believed.

5 And we're operating again, Judge, on a preponderance
6 of the evidence standard, is it more likely than not that
7 these things happened and that Mr. Turner, number one, was
8 without fault in bringing on the difficulty. Number two,
9 he, actually, believed he was in imminent danger of losing
10 his life or sustaining great bodily injury or death.
11 Three, that a reasonably prudent person would have acted
12 the same under similar circumstances. And then if -- if
13 the fourth element applies, then he doesn't have another
14 probable means of escape. And if 16-11-440(c) applies
15 then, obviously, there's no need to retreat anyway.

16 So, Judge, I think that based on the evidence, based
17 on what's been presented here by the standard of a
18 preponderance of the evidence that Mr. Turner should be
19 entitled to immunity under 16-11-410.

20 THE COURT: Mr. Smith.

21 MR. SMITH: Under 16-11-410, Your Honor, or 440?

22 MR. GRUBBS: 410, and the following -- and everything
23 that followed, that's the Protection of Persons and
24 Property Act.

25 MR. SMITH: Judge, I would imagine since he was not

1 at his home or other places that we're probably looking at
2 440(c). And, obviously, I have a different view of -- of
3 this. But, quite honestly, at this point, I'm not sure
4 exactly which set of facts that I really, actually, need
5 to respond to because the Defendant was on tape talking
6 about one set of facts, but testified to something
7 completely different here today.

8 So what I am going to do is something similar to what
9 Mr. Grubbs did and just say, I'm going to look at
10 self-defense. And I would say that the Defendant was
11 without fault in bringing on the difficulty. But I
12 would -- I would argue that that is not, actually, the
13 case. Because depending on which set of facts you
14 believe, the Defendant was at his car and he, in one set,
15 said he ran to his car and got in his car and was sitting
16 there. And he had time to check out the vent that was
17 there that had been popped in. And then he saw the gun
18 and he -- and he -- and he grabbed the gun.

19 Now, he's in his car. He could have stayed in his
20 car, but he didn't. He got out of his car with a gun.
21 Now, he had retreated to his car. All right. He had
22 already retreated.

23 Now, he gets out of his car and he's the aggressor.
24 He has the gun. And he says that he held it down and he
25 clicked it. And that's when Mr. Stokes, he says, reached

1 for something. He didn't see what it was, but that's when
2 he jacked it up. And when he jacked it up, Stokes
3 retreats to his car and he starts to drive away.

4 The Defendant starts talking about how he was
5 shooting because the car lurched at him. But we never
6 heard in any way from the Defendant saying that he
7 had left from in between the two cars and he walked out
8 there where the car was going to lurch at him and he felt
9 in danger. So he starts talking about how he fired the
10 weapon.

11 It didn't happen that way, Judge. The physical
12 evidence shows that the rounds were, actually, found in
13 the road. And he's firing at them as they're going down
14 the road. So whether or not he was without fault in
15 bringing on the difficulty, he retreats to his car. He
16 gets out of his car and becomes the aggressor.

17 Now, had this been a different situation where he sat
18 in his car and people started banging on the windows and,
19 all of a sudden, somebody presented a gun and he shot,
20 we've got a different story. But that's not what
21 happened. He gets out of the car. He pulls the gun. And
22 what does the Defendant -- or what does Mr. Stokes do? He
23 runs to his car. He's retreating. And the Defendant
24 continues -- he starts firing at the car.

25 Even if you believe what he said today where he's

1 between the cars -- well, I'll tell you what, let me wait
2 on that for a second. Because in the tape, he says
3 Christine is following him. He's here. He's here. He's
4 here. He's coming. He's coming.

5 Well, what does he do? He stays out in the dad-gum
6 parking lot. You can see them coming all the way down
7 from Frontage Road. You can see them coming. He's coming
8 around the corner. Well, who -- who's coming? I mean, he
9 knows who's coming. He knows it's Daniel. And he's
10 coming around, and he's coming hard, and he's coming into
11 the parking lot.

12 I mean, he knows who's coming and he doesn't do
13 anything. He could have gone into the Dugout. He could
14 have gotten into his car and driven away at any point in
15 time. But what does he do? He goes into the Dugout,
16 tries to find his friend, stops, drinks his beer, and then
17 goes back out into the parking lot.

18 I would submit that he was at fault for bringing on
19 the -- the difficulty. Judge, had no other probable means
20 of avoiding -- well, before we even get there. A
21 reasonably prudent person of ordinary firmness and courage
22 would have entertained the same belief and would have
23 acted the same.

24 Well, look at these -- there were posts back in
25 January. And eight months later, there haven't been any

1 posts. There hasn't been a peep out of anybody. Nobody
2 is -- if they had wanted to find him, they could have gone
3 and found him any time they wanted to and tried to do
4 anything. There's been no evidence of that whatsoever.

5 So, you know, a reasonable prudent person would have
6 entertained the same belief and would have acted the same.
7 I don't think so. A reasonable person, if they're at
8 their car would probably have jumped in their car and
9 said, I'm not getting involved in this unless they make me
10 get involved in this. Or I'm not even going outside
11 because I've already heard Christine saying, Oh, my gosh,
12 he's here. He's here. He's here. I'm going to go inside
13 and I'm going to sit there. And I'm just going to wait.
14 That's what a reasonably prudent person would probably do.

15 Now, if he was truly caught outside, then maybe he
16 doesn't have a -- he doesn't have to retreat. He's in a
17 lawful place where he has a right to be. But in either
18 one of the instances that he's talking about -- Judge,
19 there are a number of things that I could probably go
20 into, I mean, like the physical exam.

21 If you look at their -- their report, the doctor's
22 report that they talked about, it says on physical exam,
23 he is well developed and no acute distress. The gait is
24 within normal limits. There's no discrete atrophy noted
25 in the right lower limb. No edema noted. Positive

1 straight leg raise on the right in the seated position.
2 Motor grossly intact. Does have some give-away weakness
3 on the right foot in knee extension. Sensation is
4 decreased to light touch in all four grossly.

5 I mean, basically, there's nothing wrong.
6 Everything's intact. He's on medication. He testified
7 he's drinking. He even testified that he was at Chief's
8 and said they were dancing. And he put it out on Facebook
9 live.

10 The reason I'm bringing all that up is because
11 there's case law out there. One of them is the State vs.
12 Marshall. Judge, it's 428 S.C. 11, 832 S.E.2d 618. And
13 one of the things that they're talking about is
14 inconsistent testimony. And the Judge has the right --
15 you don't base it -- you don't base your decision just on
16 inconsistent testimony. You have to weigh the credibility
17 or the reliability of the witnesses that you heard today
18 to determine what it is, whether or not immunity should be
19 granted or not.

20 But there's, also, things that you can look at other
21 than just the testimony, but that is something that you
22 can look at. And it says the physical evidence in
23 Douglas, which was another case, was consistent with the
24 accused testimony. But in this case, the physical
25 evidence was not, in State v. Marshall.

1 So you cannot only look at the testimony and the
2 credibility and reliability of it, but you can look at the
3 inconsistencies or the physical evidence to help make your
4 decision. And the physical evidence in this case does not
5 match up with anything the Defendant testified to today.

6 Judge, there's another case, State vs. Duncan.
7 It's 392 S.C. 404, 709 S.E.2d 662. And one of the things
8 that they were talking about in that case was how the
9 victim continued to force his way onto the porch. And he
10 was shot by the Defendant. The victim -- there was an
11 altercation. The -- I think somebody got in between the
12 two of them and they tried to push him away. And he just
13 kept coming and he just kept coming. And they upheld the
14 stand your ground.

15 That's not what happened in this case. Once again,
16 this man sees a gun -- if you believe his testimony,
17 this -- or Daniel Stokes sees a gun and he runs.

18 The testimony that the officers talked about was that
19 Daniel and the other three victims came around the corner
20 on Frontage Road. They drove down. They pulled into the
21 Dugout parking lot. And this Defendant came out from
22 between the two cars, pulled the gun, and started to fire.
23 They backed out and all the way down the road. The
24 Defendant still kept firing at them.

25 Judge, I -- I'll just end there. Maybe we just -- it

1 is the State's position that the Defendant has not met the
2 burden, even by a preponderance of the evidence that is
3 required for you to rule in his favor on the stand your
4 ground castle doctrine.

5 MR. GRUBBS: Brief response, Your Honor.

6 THE COURT: Very brief.

7 MR. GRUBBS: Thank you, Your Honor.

8 THE COURT: Times up. Sorry.

9 MR. GRUBBS: First, the State's contention that he
10 could have just stayed in the car, well, that just means
11 he would have pigeon holed himself in even more. So I
12 don't think that's a valid point to make at all,
13 especially when he couldn't have backed out anyway, even
14 going on what the statements of the victims said, that
15 they pulled up right behind there. He wouldn't have been
16 able to escape at all.

17 Regarding the -- the fact that Mr. Turner testified
18 he didn't begin shooting until Mr. Stokes reached in his
19 pocket. That was his testimony that we heard here today,
20 you know. It's interesting that Mr. Smith wants to talk
21 about all the medical stuff and what all that means.
22 Well, he, certainly, could have, you know, brought a
23 nurse, or an EMT, or someone to talk about some of that.
24 But I don't think we can take any of that into
25 consideration because we're not medical professionals. So

1 I'd ask the Court to disregard that.

2 And we're talking about inconsistencies in evidence.
3 We have inconsistencies in evidence even in what the
4 victims are saying. We have where Mr. Stokes is saying he
5 came up on the driver's side door. Well, that's the
6 complete opposite side of what other people were saying.

7 It's pretty much agreed upon that they are in the
8 parking lot of the Dugout, close to it, within that -- I'm
9 going to say the third to fourth spot back from the Dugout
10 itself. I think we're all in agreement that that's where
11 he pulls up to.

12 And that's where Mr. Turner was behind the white
13 Xterra and beside his car. And that's where -- regardless
14 of which version of events you're looking at, that's where
15 he was. And that's where this thing starts. Considering
16 that there's never any shell casings found there, but the
17 shell casings found on the road are, actually, consistent
18 with what that 911 caller said, that's, actually,
19 consistent with someone, perhaps, hanging out there.

20 THE COURT: I said briefly.

21 MR. GRUBBS: Yes, Your Honor. So we have -- we have
22 that. So there are inconsistencies even in that -- even
23 in that set of facts.

24 And, lastly, Judge, just regarding the place that he
25 has a legal right to be, a public place is a place where

1 everyone has a legal right to be. A parking lot that's a
2 public parking lot outside of a public establishment is a
3 place he would have a legal right to be. It doesn't just
4 apply to homes, businesses, and vehicles.

5 So I would argue that still applies. And that we've
6 met our burden by a preponderance of the evidence for
7 immunity for the warrants made in the motion.

8 THE COURT: I'm going to look at the case law and my
9 notes. And I'll let y'all know first thing in the
10 morning.

11 MR. GRUBBS: Thank you, Your Honor.

12 THE COURT: The State, your Jackson vs. Denno.

13 MR. SMITH: Yes, Your Honor. I call Emmanuel Davis
14 to the witness stand.

15 THE COURT: You thought you were off for the day,
16 didn't you?

17 MR. EMMANUEL DAVIS: I surely did.

18 WHEREUPON,

19 EMMANUEL DAVIS,
20 after first having been duly sworn, testified as follows:

21 THE CLERK: Thank you.

22 THE WITNESS: I appreciate it.

23 DIRECT EXAMINATION

24 BY MR. SMITH:

25 Q You're Emmanuel Davis?

1 A I am.

2 Q What do you do for a living, Mr. Davis?

3 A I am a deputy sheriff with the Greenville County
4 Sheriff's Office.

5 Q And were you employed with them in 2017?

6 A Yes, sir.

7 Q And did you have an occasion to at that time arrest
8 the Defendant, Eugene Turner?

9 A Yes, sir.

10 Q All right. When you arrested Mr. Turner, what did
11 you do with him?

12 A I placed him in handcuffs and walked him to a patrol
13 car.

14 Q And when you walked him to a patrol car, did you put
15 him into the patrol car?

16 A Yes, sir, I did.

17 Q And at some point, did you engage in conversation
18 with him?

19 A Yes, sir, I did.

20 Q What did you ask him?

21 A I advised Mr. Turner of his Miranda warning, which he
22 agreed to speak to me about the incident that occurred at
23 the Dugout.

24 Q All right. And did he talk with you?

25 A Yes, he did.

1 Q And, I mean, knowing he could stop or start [sic] any
2 time that he wanted to?

3 A Yes. He, actually, made that remark.

4 Q And did he give you a statement?

5 A He did.

6 Q All right. Did you do anything to him to force him
7 to give you a statement?

8 A No, sir.

9 Q All right. And did -- how did he appear to you that
10 day?

11 A In my opinion, perfectly fine.

12 Q All right. Did he -- was he slurring his speech?

13 A No, sir.

14 Q Was he stumbling around, or anything?

15 A No, sir.

16 Q Did he appear clear-headed?

17 A Yes, sir.

18 Q And was he able to understand your questions?

19 A Yes, sir.

20 Q So when you asked him a question, did he answer the
21 question?

22 A Yes, sir.

23 Q And at -- I think from the very beginning, did he
24 just kind of stop you and say, Hey, let me tell you what
25 happened?

1 A Yes, sir, he did.

2 Q I mean, were there a number of times where you had to
3 kind of redirect him back to --

4 A I did.

5 Q Okay. Were you in the courtroom a few minutes ago
6 when we were playing the -- the video for Mr. Turner?

7 A Yes, sir, I did.

8 Q All right. Did you see the whole video or did you
9 come in about halfway through?

10 A I think it was towards the end.

11 Q Towards the end?

12 THE COURT: It had nine minutes left when he came in.

13 MR. SMITH: Judge, at this point, I would ask to show
14 the video to Mr. Davis.

15 THE COURT: You're not going to play the whole thing,
16 are you?

17 MR. SMITH: Well, I wasn't going to. That's why I
18 was asking how long -- I was just going to play the
19 beginning and ask him if he --

20 BY MR. SMITH:

21 Q You stated you read him his rights; right?

22 A Yes, sir, I did.

23 MR. SMITH: All right. Before you start that --

24 BY MR. SMITH:

25 Q You, obviously, had body cam on?

1 A I did, sir.

2 Q And you had it turned on?

3 A Yes, sir.

4 Q And it was working properly?

5 A Absolutely.

6 Q This was your -- is this your body cam that we're
7 looking at here?

8 A Yes, it is.

9 (WHEREUPON, State's Exhibit No. 20 was played in
10 open court.)

11 BY MR. SMITH:

12 Q Deputy Davis, when you were talking to him, there
13 weren't these breaks in there -- in this, were there?

14 A No, sir.

15 Q And -- and we've met about this case prior and we've
16 been over your testimony before?

17 A Yes, sir.

18 Q All right. And when we did that, did you have an
19 opportunity to review this video?

20 A Yes, sir.

21 Q All right. And when you reviewed it, did you know
22 that we had made some redactions in it?

23 A Yes.

24 Q That we took some things out?

25 A Yes.

1 Q Do you remember what we took out?

2 A Not off the top of my head, but just small pieces
3 that wasn't important to the case.

4 Q Well, things that if they came in might -- we did it
5 in anticipation of -- maybe like the child molestation
6 allegations, and things like that. Do you remember that?

7 A Yes, sir.

8 Q When this originally came out, those things were in
9 the video. This is a redacted version?

10 A Yes, sir.

11 (WHEREUPON, State's Exhibit No. 20 continued to be
12 played in open court.)

13 THE COURT: I mean, I heard the rest of it. I don't
14 know if you need any more from him.

15 MR. SMITH: I don't.

16 BY MR. SMITH:

17 Q Like I said, you've reviewed the video; right?

18 A Yes, sir.

19 Q I mean, is it a complete and accurate copy of what
20 happened there that day?

21 A Yes, sir.

22 Q So it adequately reflects the situation and the scene
23 as it was happening there?

24 A Yes, sir.

25 Q All right. Was anything missing other than our

1 redactions?

2 A No, sir.

3 MR. SMITH: Judge, I --

4 THE COURT: Well, do you have the actual -- where is
5 the actual one that is marked as an exhibit?

6 MR. SMITH: Judge, what we're referring to is what's
7 previously been marked as State's Exhibit No. 20 for
8 identification purposes only.

9 THE COURT: Does he need to identify this?

10 MR. SMITH: Well, I'm going to get him to sign the
11 disk or put his initials on it. The original was
12 downloaded to the system and has been uploaded.

13 THE COURT: All right. Officer Davis, I wanted to
14 make sure you understand, I directed that he call you up
15 here. And the reason is -- I'm sorry it's so very late.
16 But we have a three-day trial. And we're starting in the
17 morning, and that's Wednesday. So that's why we had to
18 get all this done today.

19 THE WITNESS: Yes, sir.

20 THE COURT: So it was my call that we had to get it
21 done.

22 MR. SMITH: Judge, let the record reflect that Deputy
23 Davis has initialed the disk that was marked State's
24 Exhibit No. 20 for identification purposes only.

25 THE COURT: All right.

1 MR. SMITH: I'm going to leave that with the court
2 reporter.

3 Judge, that's all.

4 CROSS-EXAMINATION

5 BY MR. GRUBBS:

6 Q Deputy Davis, did Mr. Turner have any hesitation in
7 telling you his story?

8 A No, sir.

9 Q You didn't do a written report in this case, did you?

10 A I don't remember.

11 Q Okay. At the end of Mr. Turner giving his statement,
12 you thanked him for his honesty. Do you remember that?

13 A Say it again.

14 Q At the end of Mr. Turner's statement that he gave to
15 you, you thanked him for his honesty. Do you remember
16 that?

17 A I don't.

18 Q Okay. You just said you had reviewed that body
19 cam --

20 A Uh-huh.

21 Q -- that Mr. Smith was just talking to you about?

22 A I did. But I don't remember saying that.

23 Q Okay. Would it help if I played that part for you to
24 remember that?

25 A Sure.

1 (WHEREUPON, a portion of State's Exhibit No. 20
2 was played in open court.

3 BY MR. GRUBBS:

4 Q After seeing that, do you remember saying thank you
5 for being honest?

6 A Yes, sir.

7 MR. GRUBBS: Okay. Nothing further.

8 THE COURT: Any redirect?

9 MR. SMITH: No, Your Honor.

10 THE COURT: All right. Thank you, Mr. Davis.
11 Anything else?

12 MR. SMITH: No, Your Honor.

13 THE COURT: Any argument? Do you have any argument
14 against it, I guess?

15 MR. GRUBBS: No, Your Honor.

16 THE COURT: I think based on the totality of the
17 circumstances that it meets the requirements of Jackson
18 vs. Denno for its admissibility. And the jury will
19 determine it's voluntariness.

20 All right. Anything else?

21 MR. GRUBBS: Your Honor, as far as the ruling on the
22 child molestation stuff, Mr. Smith and I will get together
23 on that. How would you like us -- do you want us to tell
24 you in the morning?

25 THE COURT: Yeah. Just tell me in the morning.

1 Let's the attorneys meet -- make sure y'all are here by
2 9:15. We'll go over and put everything on the record.
3 And then if we need to start with the trial, we'll be
4 ready to go.

5 MR. GRUBBS: Thank you, Judge.

6 THE COURT: All right.

7 MR. SMITH: Thank you, Judge.

8 THE COURT: Thank your pit crew and officers for
9 having to stay late.

10 (WHEREUPON, the proceedings were concluded at
11 approximately 6:59 p.m., to be reconvened on
12 Wednesday, September 7, 2022.)
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1 WEDNESDAY, SEPTEMBER 7, 2022

2 THE COURT: We will now go on record.

3 A couple of housekeeping matters. First of all, as
4 we left yesterday, I took the State's motion -- stand your
5 ground motion under the immunity under advisement, under
6 self-defense and 16-11-440(c).

7 I have considered the evidence, reviewed the case law
8 and I just find that the Defense has not met its burden by
9 a preponderance of the evidence. I think that there was
10 definitely some inconsistencies in the statements made or
11 presented on behalf of the Defendant when you compared the
12 video and his statement on the stand.

13 And I'm not sure either one, really, by itself even
14 raises to the level of -- of the self-defense. And part
15 of my job is to determine the credibility. And I think
16 that there's some -- definitely holes in the story as far
17 as being able to establish self-defense, at least, from my
18 review of it.

19 I think that even -- I, also, considered the 911 call
20 that he made. And in that one when asked why did you
21 shoot up the car, he said because there's been a bunch of
22 drama -- or the word drama was used. But he didn't even
23 say at that point I was scared for my life. I had to
24 defend my life. And that was one of the comments.

25 Like I said, I think the case -- in looking at all

1 the cases, State vs. Marshall even indicates that the --
2 in that case, the Supreme Court upheld the circuit court
3 finding that defendant was not entitled to immunity
4 because he failed to prove elements of self-defense by a
5 preponderance of the evidence due to the inconsistencies
6 of the record.

7 And so I find that the -- the elements that a
8 reasonable person would have determined that he was in
9 danger of his life. I think there's, also, a little bit
10 of issue of whether he's without fault in bringing about
11 the difficulty in the fact that there was testimony that
12 he knew that some of those -- that person would be there.

13 Also, there's evidence that the gun was being fired
14 at the truck -- at the vehicle as it was leaving, which,
15 obviously, would not be in the form of self-defense at
16 that point.

17 So when you look at Section 16-11-440(c), it
18 actually -- you know, as I asked you yesterday to address,
19 it has the word attack in there. I don't feel like the
20 evidence presented showed that it -- that an attack had
21 occurred sufficient enough to trigger that statute.

22 So I believe that the Defense has failed to meet its
23 burden by a preponderance of the evidence. And I deny the
24 Defense's motion for immunity.

25 Other housekeeping matters, the motion to sequester,

1 that was made yesterday. And I indicated that all lay
2 witnesses would be sequestered. That does not include
3 victims and the primary officer. And even with victims --
4 and I know -- I think most of the victims are here in the
5 courtroom.

6 Part of that is even though y'all are allowed in the
7 courtroom, you're not in any way to discuss the case with
8 any other witnesses. That's part of my order. And if --
9 if it comes to light that discussions have been made with
10 other witnesses outside the courtroom, then we will have
11 to deal with that.

12 So make sure -- both parties indicate that to their
13 witnesses that they're not to discuss the case after or
14 before their testimony.

15 The statement made by -- on the video at the time of
16 Mr. Turner's arrest, we had a Jackson vs. Denno hearing.
17 And I did find yesterday that that met all the
18 requirements necessary for its admissibility and it's
19 voluntary. So that will be -- you know, we'll charge the
20 jury that they must determine if it was voluntary. But I
21 don't believe there was any objection from the Defense on
22 that.

23 The Defense, also, made a motion to exclude any
24 reference to the actual charge of molestation, or abuse,
25 or however that was put. And I believe y'all kind of came

1 up with an agreement on how that was -- you want to state
2 that for the record?

3 MR. GRUBBS: Yes, Your Honor. After discussing it
4 with Mr. Smith, the language that we have agreed on is
5 something due to the fact of that this involved a serious
6 family incident involving a family member.

7 Marc, is that correct?

8 MR. SMITH: That's correct, Your Honor.

9 THE COURT: And I would -- and I'm sure that the
10 State has -- the prosecuting attorney has indicated to the
11 victims, it's very important that y'all comply with that
12 stipulation and other matters that I'm sure the
13 prosecuting attorney has told you. Because this case has
14 already had several attempts to go forward. And we want
15 to make sure for the benefit of the State and the Defense
16 that we can get through this case today -- or this time.

17 MR. SMITH: Judge, I'd like to just state for the
18 record that we discussed this back in chambers with Your
19 Honor and that was done with your guidance on this.

20 THE COURT: Yes.

21 MR. SMITH: We're just afraid that just the mention
22 of molestation, or sex abuse, or inappropriate touching
23 might be something that is just so prejudicial that the
24 jury wouldn't be able to overcome that, more so than the
25 probative value that would be on our side.

1 So the -- even though there were no charges brought
2 or DSS unfounded the case, it was just decided that the
3 prejudicial effect was just too great.

4 THE COURT: Right.

5 MR. SMITH: So we're just doing that to try to avoid
6 any kind of appeals, or anything else later on.

7 THE COURT: Like I said, I think it's out of fairness
8 to both the State and the Defendant. So that's an
9 appropriate stipulation.

10 Anything else from the State before we bring the jury
11 in?

12 MR. SMITH: Yes, Your Honor. We talked about the
13 list -- about the witnesses and prior convictions.

14 THE COURT: Okay.

15 MR. SMITH: Rather than doing this every single time,
16 let the record reflect that I'm handing the Judge up an
17 e-mail that we sent Mr. Grubbs that had a list of our lay
18 witnesses, and prior records, and the dates.

19 THE COURT: It looks like most of this is -- it looks
20 like all of it, except one is over 10 years old.

21 MR. SMITH: That would be correct, Your Honor.

22 THE COURT: All right. Do we need to address this
23 now on the record?

24 MR. GRUBBS: Your Honor, I don't think there's a need
25 to. That was not my plan to get into anything that would

1 fall outside the scope of the rules.

2 THE COURT: Okay.

3 MR. GRUBBS: The only exception being what we talked
4 about in chambers, which will be to, perhaps, refer to
5 prior incidents between Mr. Stokes and Mr. Turner, but not
6 refer to any arrests, or convictions, or anything of that
7 nature.

8 THE COURT: All right. Anything else from the State
9 before I bring the jury in?

10 MR. SMITH: No, Your Honor.

11 Do I need to get that back from you?

12 THE COURT: That's fine.

13 Anything else from the Defense before we bring the
14 jury in?

15 MR. GRUBBS: No, Your Honor.

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

17 (WHEREUPON, the jury came into open court at
18 approximately 10:03 a.m.)

19 THE COURT: All right. Ladies and gentlemen, I hope
20 everybody had a good evening. I'm sorry about the delay.
21 We had some matters to go over, had a little bit of a
22 hiccup. So I apologize for that. We tried to get started
23 as soon as possible.

24 I'm going to give you some information about what
25 this matter is going to be about. Before that, I'll have

1 the clerk administer the oath.

2 THE CLERK: If you would, please, stand and raise
3 your right hand. The correct response to the oath is, "I
4 will."

5 (WHEREUPON, the jury was sworn at approximately
6 10:04 a.m.)

7 THE CLERK: Thank you.
8 Please be seated.

9 INTRODUCTORY REMARKS

10 THE COURT: All right. I always like to start off
11 with my comments to the jury to kind of let you know some
12 of the staff people so you don't have to wonder what are
13 those people doing. Because you've already met the
14 attorneys, and some of the witnesses, and the Defendant in
15 this matter.

16 But seated right in front of me is the court
17 reporter. She takes down all the testimony that is
18 presented. The lady that just administered the oath is
19 the clerk. She's in charge of administering the oath and
20 any of the records -- maintaining the records. And then
21 she -- this is her assistant in training, I believe --

22 Is that officially what you are?

23 CLERK'S OFFICE REPRESENTATIVE: Yes.

24 THE COURT: And then seated to my right is my law
25 clerk. He's, actually, a law school graduate and sits

1 with me and helps with any research or anything that we
2 need during the process of the trial.

3 But as I always say, the most important people for
4 you are the gentlemen in the red coats. You are very
5 fortunate to be in Greenville because we have some of the
6 best in the state, the bailiffs. If you have any
7 questions or comments, direct that to the bailiffs. They
8 will let me know if it's something I need to get involved
9 with. But that's the main people you need to communicate
10 with.

11 Now, your role and my role are totally different in
12 this matter. Your role is to determine what the facts in
13 this case are. And how you're to do that is based on the
14 evidence that's presented. And evidence will be by way of
15 testimony from the witness stand. You may have video
16 statements that are presented. You may have exhibits.
17 You may have stipulations from the attorneys.

18 And then, ultimately, at the end of the case, I will
19 charge you on the law. And that is what you will make
20 your decision on. And you're not to make it on anything
21 else except the facts -- or the evidence that is presented
22 in this room under our rules of evidence, which are very
23 specific, and the law that I charge you on.

24 Now, my -- and another thing you can determine is the
25 credibility or the believability of the witnesses. Every

1 piece of evidence, you're to give it the weight and the
2 value which you feel is appropriate.

3 Now, my role in this trial is totally different. My
4 role is to preside over the trial, rule on the
5 admissibility of evidence, and charge you on the law. And
6 if there's anything I do or say that makes you think I
7 have an opinion on the facts, you're to disregard that.
8 Because that's not my job, that's your job.

9 I'm going to ask that you not take notes in this
10 case. It's my understanding the case should last about --
11 we should be able to present it to you sometime on Friday.
12 But it's always hard to predict. Sometimes cases move
13 more quickly than others, but sometimes they move a little
14 slower. But we will -- we should conclude it on Friday,
15 so you only have a few days.

16 And anything that you will need to consider as far as
17 exhibits and stuff, you'll have in your jury room. So
18 that's why I always ask that you not take notes and that
19 you pay close attention to witnesses as they are
20 testifying.

21 Now, a very important part of any criminal trial is
22 the presumption of innocence that a defendant has. The
23 Defendant in this matter has pled not guilty. That puts
24 the burden of all the elements of the charges on the
25 State. Okay. The State has the burden of proving them

1 beyond a reasonable doubt. And that's a much higher
2 standard than you may be aware of in a civil matter, if
3 you've sat on a jury or maybe been involved in a civil
4 matter, which is much lower, preponderance of the
5 evidence. In this case, you're looking at beyond a
6 reasonable doubt for all the elements of the charges
7 presented.

8 Now, I referenced to you before when we were
9 qualifying the jury and you may hear a reference to the
10 various indictments. And the indictments are for
11 attempted murder with five victims and possession of a
12 weapon during the commission of a violent crime.

13 Now, those indictments are not to be -- that's not
14 evidence. Those are merely the formal papers that brings
15 this matter to court and puts the burden on the State.
16 They're not to be considered of -- the fact that somebody
17 is arrested, charged, and indicted. That's not to be
18 considered by you. What you're going to consider is the
19 evidence that is presented here in the courtroom.

20 And it's very important that a -- that's kind of the
21 foundation of our criminal system is that burden of proof
22 and the presumption of innocence that the Defendant has in
23 pleading not guilty. And part of that is the Defendant
24 has no burden whatsoever in this case. So the -- it's all
25 on the State.

1 Now, the procedure for the trial will go -- first,
2 we'll have opening statements by the attorneys. That's
3 not evidence. That's kind of their summary of what the
4 case is going to be about. Then we'll have the
5 evidentiary stage, which, as I indicated, the various
6 evidence will be presented. Then at the conclusion of the
7 trial, we'll have closing statements by the attorneys.
8 And then we'll have -- I'll charge you on the law. At
9 that point, you will, finally, be able to go back to your
10 room -- your jury room and deliberate.

11 What that means is you'll determine what the facts --
12 you're going to be answering the question, basically, as
13 to the charges, is the Defendant guilty? And that is if
14 the State has met its burden beyond a reasonable doubt on
15 each of those. Or not guilty, if you find the State has
16 not met its burden.

17 All right. The kind of procedures for trial is we
18 try to start at about 9:30. We try to end as close to
19 5:00 as possible. If we have to go a little bit past 5:00
20 because of a witness that may be on the stand, we'll go a
21 little bit longer. And I'll let y'all know so everybody
22 can make any arrangements. But our goal is to finish as
23 close to 5:00 as possible, preferably before that.

24 We try to take breaks every hour, maybe hour and a
25 half. That will -- again, a lot of it depends on how long

1 a witness is going. But we'll try to break in that --
2 because we realize this is an inconvenience to you. We
3 try to make it as convenient as possible. If anybody
4 needs to take a break prior to that, then, please, let us
5 know and we'll break as soon as possible in there.

6 Lunchtime. We try to -- again, a lot of that depends
7 on where we are, how long a witness will be. But we try
8 to shoot somewhere between -- stopping for lunch somewhere
9 between 12:00 and 1:00. And we give you sufficient time
10 as far as your lunch break so that y'all can have
11 sufficient time so you don't have to woof down a sandwich,
12 or something like that.

13 Now, there's one thing that you have to very
14 carefully consider. And that is -- and every time you
15 break, I will give you these four rules -- three rules.
16 One is you're not to discuss the case. And that means not
17 among yourselves or with family members or friends.
18 Because once you start discussing a case, then you start
19 to make up your mind. If you're discussing it with people
20 outside of the jury, then you're getting outside
21 influences. And that's not proper at all. So, therefore,
22 you're not to discuss the case until I give you the signal
23 when you're in your jury room at the end of the case and
24 you can begin your deliberations.

25 Also, it's very important -- and I strongly stress

1 this. And that is you're not to do any type of research.
2 I know that's tough in the day of Google when you can just
3 Google everything under the sun. You're not to Google the
4 attorneys, the parties, the Defendant in this matter, the
5 law, this incident, anything like that. Because, again,
6 you're getting information that is not presented in the
7 courtroom, not under our rules of evidence. And it's just
8 not proper for your consideration. So make sure you do
9 not do anything like that.

10 Also, I'm not aware of any media coverage involved in
11 this as far as traditional media. If there is, please,
12 disregard that. You're not to pay any attention to that.
13 Because, again, that's information that's not presented in
14 this courtroom. Social media is, also, included in that.
15 So any social media or anything like that, then you're to
16 disregard that.

17 And the other rule that I will tell you when you
18 break -- since I did say four -- is that if anyone should
19 contact you while you're on break, other than somebody
20 from the clerk's office, just let the bailiffs know about
21 that.

22 So those are kind of my preliminary remarks as we
23 start the trial, and what I call my road map.

24 And at this point, I'm going to turn it over to the
25 attorneys for their opening statements.

1 Mr. Smith.

2 OPENING STATEMENTS

3 MR. SMITH: May it please the Court.

4 Mr. Grubbs.

5 Ms. Lipinski.

6 Members of the jury, we're here today because this
7 man, Eugene Turner, has been charged with attempted
8 murder, five counts. Five counts against Daniel Stokes,
9 Nachrisha Rosemond, Kim Pickens, Angela Anderson, and
10 Christine Wolfe-Young.

11 Now, attempted murder is a person who, with the
12 intent to kill attempts to kill another person with malice
13 aforethought either expressed or implied, commits the
14 offense of attempted murder. So they attempt to kill
15 another person with malice aforethought either expressed
16 or implied.

17 Now, the Judge is going to -- the Judge is going to
18 explain to you, at some point at the end of this case,
19 what most of those terms mean, expressed or implied,
20 malice, when he gives you his charge. These are just
21 opening statements. It's a statement where we just kind
22 of tell you what we expect the evidence to prove.

23 Mr. Grubbs or Ms. Lipinski is going to tell you the
24 same thing in a few minutes when I sit down. Then you're
25 going to hear evidence about this case. And the evidence

1 is going to come from this witness stand. And that's the
2 only thing that you're going to be able to consider is
3 what you hear from this witness stand. So I ask that you
4 listen carefully to what everybody says, because that's
5 where it's all coming from.

6 What we expect the evidence to show is -- well,
7 before I do that, there's, also, one other charge that's
8 out there. It's possession of a weapon during the
9 commission of a violent crime. And what that means is
10 that Mr. Turner had to have possession of a weapon during
11 the commission of a violent crime.

12 Well, the Judge is going to instruct you as to the
13 law. But under 16-1-60, South Carolina Code of Laws,
14 violent crimes is defined. And I believe that the Judge
15 will instruct you that attempted murder is a violent crime
16 under that section. All right.

17 So we believe the evidence is going to show that on
18 September the 1st, 2017 -- yes, 2017, five years ago --
19 that the individuals that we're talking about,
20 Ms. Christine Wolfe-Young had gone to a party for one of
21 her friends at a place called the Dugout, which is off of
22 Augusta Road. And she was there with her friend and some
23 other friends for a birthday party.

24 The Defendant that night walked into the Dugout. And
25 it was later. And she became scared. Why would she

1 become scared? Because we believe the evidence will show
2 that there was a serious family incident that had happened
3 probably nine months before, back in December of 2016.
4 And that she was involved in calling law enforcement
5 against Mr. Turner. And that when he walked in, she just
6 became scared.

7 Now, I'm going to tell you upfront, there were no
8 charges that were brought against Mr. Turner as a result
9 of the investigation by law enforcement. But that didn't
10 lessen the effect that it had on her.

11 So she ended up calling her brother, Daniel Stokes.
12 We believe the evidence is going to show that Daniel
13 Stokes was on his way to Applebee's that evening. That he
14 had three individuals with him, the three people that have
15 been the victims in this case subject to the indictments.
16 That they all four turned around because she,
17 Ms. Wolfe-Young, had called and said she was scared and
18 wanted him to come pick her up.

19 So we believe the evidence is going to show that he,
20 actually, did that. And all four of them came down the
21 road and turned into the Dugout parking lot where
22 Mr. Turner came out from between two cars, pulled a gun,
23 and started to shoot at the car that Mr. Stokes was
24 driving. Luckily, the gun didn't go off.

25 We believe the evidence will show that he then racked

1 the pistol trying to either chamber a round or clear a jam
2 and that he started to fire. But we believe the evidence
3 will show that Mr. Stokes had put the car in reverse and
4 started reversing out to where he reversed all the way
5 down the road to the Camelot parking lot. And then he
6 drove down to another hotel where they then called 911.

7 We expect the evidence to show that there were shell
8 casings that were found in the road, not the Dugout
9 parking lot, but in the road right here on Woodmede Road.

10 After that incident, we believe the evidence will
11 show that Ms. Christine Wolfe-Young had come out into the
12 parking lot from the Dugout. And the evidence will show
13 that Mr. Turner was still in the parking lot and he saw
14 her. And he approached her. And that he hit her. And
15 that he put her on the ground with a gun in her mouth.
16 And that he pulled the trigger, but nothing happened.

17 We believe the evidence will show that when the gun
18 didn't go off that he began kicking her. And the evidence
19 will show that somebody yelled that the police were coming
20 and he fled the scene.

21 Now, you're going to hear a lot of evidence here
22 today. We believe the Defense is going to be a
23 self-defense claim. You're going to hear evidence about
24 that. We're just asking that you listen carefully to the
25 witness stand, the evidence that comes from the witness

1 stand, the people who testify from the witness stand. You
2 sit in a great position today. You know, it -- it's tough
3 to be a juror. But the good news is that y'all bring your
4 collective bodies together. You've had different
5 experiences. You -- you come from different places. Our
6 burden of proof is -- is that it's a reasonable doubt.

7 The Judge has already talked to you about the
8 difference between, like, civil cases. You've seen the
9 lady justice with her scales. It's not just a tipping. I
10 have to prove to you beyond a reasonable doubt that what I
11 have just stated to you happened. I mean, that's a good
12 burden. But it's not beyond any doubt. It's not beyond
13 all doubt. It's just a doubt that a reasonable person
14 would have.

15 Well, because we don't have just one person who
16 everybody would say, well, she's a reasonable person or
17 he's a reasonable person. That's why we bring all 12 of
18 you together with all those differences that I just talked
19 about. Y'all bring yourselves together and you decide
20 unanimously what happens in this case. It's a -- it's a
21 great civic duty.

22 We appreciate y'all being here. I know it's not
23 going to be easy. It takes time out of your day, and your
24 work, and your family, but we need you. And we're glad
25 you're here. I just ask that you listen carefully to the

1 evidence. I just want you to know we're going to be
2 asking for a guilty verdict at the end of this case.

3 Thank you.

4 MS. LIPINSKI: May it please the Court, Your Honor.

5 THE COURT: Yes.

6 MS. LIPINSKI: Good morning, ladies and gentlemen of
7 the jury.

8 As we introduced ourselves, my name is Mindy
9 Lipinski. And I, along with Mr. Grubbs, have the
10 privilege of representing Eugene Turner here today. And
11 it is exactly that, it's a privilege to do that kind of
12 thing and represent folks who are accused of a crime.
13 Because it's so crucial to how our system operates.

14 It's a right guaranteed in the Constitution, you
15 know. You have a right to an attorney. And because what
16 happened is when they were writing the Constitution way
17 back in the day, back then, it was often enough where
18 somebody would make an allegation, a local wealthy person
19 would sit in judgement and then issue a ruling. And there
20 wasn't anybody there to say, wait. Wait a minute. Let's
21 not jump to conclusions. Let's not have the same person
22 sit there as judge and jury and let's separate those roles
23 to make sure that what is happening in the criminal
24 justice system matches the evidence so we don't have this
25 kind of rush to judgment.

1 And that's really our role as defense attorneys is to
2 sit there and say don't just kind of take it, but to
3 examine that evidence, to test that evidence, to point out
4 when there are inconsistencies in the evidence, when there
5 might be a lack of evidence, and those type of things. So
6 that is the role that we kind of have is to hold those
7 witnesses accountable, to hold law enforcement
8 accountable, to hold the State accountable.

9 You've already heard this case involves some very
10 serious charges, you know. There's murder and attempted
11 murder, kind of the second most serious charge in South
12 Carolina. That, obviously, comes with just the nature of
13 those allegations has a lot of weight and in and of itself
14 seems kind of shocking.

15 But if the State and law enforcement are going to
16 bring these charges, then it is on them to make sure they
17 have done their due diligence, that they have done a
18 thorough investigation, that they have not only taken
19 witness statements, but they have seen, are the State
20 witnesses being truthful? Are they telling me the same
21 thing? Do their stories match up? Do their stories match
22 up with physical evidence? Did you collect the physical
23 evidence? Before they come in here and ask you to convict
24 someone of these very serious charges. So that is our
25 role.

1 As you do that, you will need to understand, as
2 Mr. Smith says, he does have the burden of proving these
3 charges to you beyond a reasonable doubt. But before that
4 even becomes a thing, as Judge Gravely told you, the
5 Defendant is presumed innocent. As he sits here right
6 now, he is innocent of these crimes. And he will remain
7 innocent until you all -- or only if you all were to go
8 into deliberations.

9 So why is that? That kind of sounds -- he's already
10 been indicted. Why is the presumption of innocence so
11 important? It's because Mr. Smith and I don't operate and
12 don't practice on TV. What y'all have seen on TV, I don't
13 know how they do that, but we don't have those special
14 skills. And by that, I mean there's no dramatic
15 reenactment with Hollywood actors. Instead of it coming
16 together and you getting these vignettes here and there
17 and these kind of flashbacks that witnesses might have on
18 TV, a lot of it comes out very piece meal, sometimes out
19 of order.

20 And Mr. Smith will present evidence. He's got to
21 pick an order. And so what happens, you see one witness,
22 you may think, all right, now I kind of think this. But
23 then you see the next witness and you go, wait, that
24 doesn't match up with what she said, or that doesn't match
25 up with what they said, or that doesn't match the evidence

1 that I see, or the photos that I see, or those kind of
2 things.

3 So that presumption of innocence is to tell you,
4 wait, wait until you have all of that. And even more
5 importantly, even when once you have all the evidence,
6 hold them accountable to their burden. Because if they
7 are going to ask you to come in and convict someone of
8 these charges, then they better have done their due
9 diligence. They better have done a thorough
10 investigation. And if they want you to do it, it should
11 be based on witnesses that are consistent, coherent, and
12 cogent, and, most importantly, credible.

13 Mr. Smith has told you that this all happened because
14 Ms. Christine Wolfe was scared. Really, what this case
15 will, ultimately, boil down to is kind of a tale of two
16 stories. Now that you sit here, you may realize how
17 important the role of a juror is. I mean, you watch it on
18 TV. You don't really kind of understand. Some of you may
19 even be sitting going I don't think I'm qualified or
20 prepared to do this. But the reality is you do this on a
21 daily basis.

22 I happen to be a twin. And my sister, because I was
23 a child of the 70's, has cute rhyming names. So we're
24 Mindy and Cindy. So my mother was constantly refereeing
25 fights between the two of us because we weren't one of

1 those twins that got along all the time. We were one of
2 those twins that kind of had a love-hate relationship.

3 So my mother would hear one of us, you know, she did
4 this to me, or she did that to me, and that kind of thing.
5 And you kind of use those skills of -- of is somebody
6 telling you -- are they overselling it? Are they telling
7 you everything? What are they not telling you? That kind
8 of thing to try to figure out what's going on.

9 Use Labor Day. You may have gone in and bought a new
10 refrigerator. We kind of use these skills when we do
11 that. Is the salesman overselling this particular
12 refrigerator? Why is it on such a good discount? Does he
13 get just a higher commission for that, or is this somebody
14 that I trust? Have I done my research to make sure that
15 I'm making that informed decision?

16 So that is why we have selected you, because you
17 don't know any of the victims or any of the other parties.
18 You weren't at the Dugout on that particular night. And
19 we did that because then it becomes a popularity contest.
20 People have biases. They have their own agenda in doing
21 things one way or the other. And what we want is somebody
22 who is truly objective and who gives us a first glance of
23 what truly happened that night.

24 Because, really, what you're going to be given is a
25 tale of two stories. What you're going to see is that law

1 enforcement took the easiest story and didn't do anything
2 to truly investigate it or evaluate what they were being
3 told. You're being told that this all happened, that
4 Ms. Wolfe was scared and that she called these other four
5 people here, and all of that kind of thing. But as you
6 listen to her testimony, you ask yourself is that how a
7 scared woman would really act?

8 And Mr. Smith referenced this family incident
9 earlier. You're not here to decide that. That's not
10 before you. You're not to contemplate that. But that's
11 going to be used as is this really a setup because they're
12 not happy how that all shook out.

13 And you're going to have to evaluate what's really
14 going on that night. The conduct of Mr. Turner, does he
15 behave like this, you know, attempted murderer just
16 shooting at will for no reason? Is it something less than
17 malice?

18 Because what they, also, haven't told you is that
19 particular night despite all this gun waving and shooting
20 and all of that kind of thing, what you'll hear is that
21 none of the occupants of the car were injured. None of
22 the bullets, we submit, even hit the car, let alone
23 penetrated it.

24 There's no evidence that any -- you'll hear it's a
25 crowded club and a crowded parking lot. And then you hear

1 this story about where the fight happened and where they
2 found the shell casings, and even that didn't match. And
3 you'll see how law enforcement is somewhat delayed getting
4 there. And they've all been talking in the meantime.

5 There's this kind of artificial stretch of trying to
6 make everything seem so that it's all kind of told one
7 way. So that's why we ask you to use that kind of pause.
8 And that the presumption of innocence is so important.
9 Because until you get all of the pieces of the puzzle, you
10 don't really know what kind of picture it's going to show.

11 So we ask you to pay attention. We ask you to use
12 that common sense that you get. And we ask you to hold
13 the State and law enforcement accountable because they do
14 have a very high burden.

15 Mr. Turner has no burden to come forward and present
16 any evidence whatsoever. The law does not require that.
17 And, specifically, that is not his obligation. And that
18 his failure to do so cannot be considered by you,
19 mentioned by you, or held against him in any way. Because
20 he's not asking you to do anything, they are. And that's
21 why they have the burden.

22 And Mr. Smith is right, it is a high burden. And
23 while it doesn't have to remove any doubt, it is a very
24 high burden that must leave you firmly convinced where you
25 don't even hesitate to act, that you don't have any

1 reasonable doubt. And I think what you'll hear is even
2 the officers had some doubts that night about what they
3 were being told.

4 So we ask you to do those kind of things. We ask you
5 to pay attention. We appreciate your service. You know,
6 thanks to the pandemic, a lot of these trials have
7 been delayed. This is a long day coming for everyone
8 involved.

9 And I just want to thank you for being here. I know
10 it's an inconvenience. I know, obviously, you probably
11 have better places you'd rather be. But I think now you
12 understand that the system truly doesn't operate unless we
13 have people who are willing to come in here and serve this
14 very vital role.

15 So on behalf of Mr. Turner, I want to thank you for
16 being here.

17 THE COURT: All right. The State, you may call your
18 first witness.

19 MR. SMITH: Yes, Your Honor.

20 MS. LIPINSKI: Your Honor, I'm going to step out real
21 quick. He's okay.

22 (WHEREUPON, State's Exhibit No. 21 was marked for
23 identification and admitted into evidence.)

24 MR. SMITH: Judge, I wanted to publish the first
25 three of those 911 calls to the jury at this time.

1 (WHEREUPON, a portion of State's Exhibit No. 21 was
2 played in open court.)

3 MR. SMITH: Judge, we would call Daniel Stokes to the
4 witness stand.

5 THE COURT: All right. Mr. Stokes, if you'd come
6 forward and be sworn.

7 THE CLERK: Mr. Stokes, if you'd, please, put your
8 left hand on the Bible and raise your right hand.

9 WHEREUPON,

10 DANIEL STOKES,
11 after first having been duly sworn, testified as follows:

12 THE CLERK: Could you, please, state your name for
13 the record?

14 THE WITNESS: My name is Daniel Stokes.

15 THE CLERK: Thank you, sir, very much.

16 DIRECT EXAMINATION

17 BY MR. SMITH:

18 Q You're Daniel Stokes?

19 A Yes, sir.

20 Q All right. Did you just listen to that 911 call?

21 A (There was no verbal response.)

22 Q I'm going to need you to answer out loud so she can
23 take everything down that you say.

24 A Yes, sir.

25 Q Was that you on the 911 call?

1 A It was.

2 Q All right. Mr. Stokes, how old are you?

3 A I am 36.

4 Q 36 --

5 A I'm sorry. I'm 37.

6 Q All right. That happens to me all the time. All
7 right. So where are you from?

8 A I'm from Greenville, South Carolina.

9 Q Have you lived here all your life?

10 A No, sir. I moved to Albuquerque, New Mexico, in 2012
11 and stayed there for a few years where I had a daughter.

12 Q And then where did you move to?

13 A In 2008 or 2009, I moved back here to Greenville.

14 Q All right. And then are you still living here now?

15 A No, sir, I'm not.

16 Q All right. You live elsewhere?

17 A Yes, sir, I do.

18 Q When did you move?

19 A I moved this past November.

20 Q All right. So let me ask you this, do you have any
21 kids?

22 A Yes, I do.

23 Q I think you just said a second ago you did. How many
24 kids do you have?

25 A One biological and three stepchildren, but I claim

1 them as my own.

2 Q Who's your wife?

3 A My wife is Angela Anderson.

4 Q Okay. Is that the same Angela Anderson that is in
5 this case as well?

6 A Yes, it is.

7 Q Were y'all married back when this case happened?

8 A No, sir. We were engaged.

9 Q How long had you been dating her at the time?

10 A We started dating -- I have it tattooed right here on
11 my hand, April 6, 2014.

12 Q When did y'all get married?

13 A We got married -- she's going to kill me.

14 Q I was about to say you need to get that one tattooed
15 on your hand, too.

16 A We got married in 2019, April 6th.

17 Q All right.

18 A When COVID hit, so 2020.

19 Q When this incident happened -- well, let's go back
20 prior to this incident.

21 A Okay.

22 Q Who is Monique Fletcher?

23 A That is -- my daughter [Child 2] [phonetic] [Child 2],
24 that's her mother.

25 Q So you have your daughter with Monique?

1 A Yes.

2 Q And did Monique have any children?

3 A Yes, she did.

4 Q How many children did she have?

5 A She had two besides **Child 2**, so a total of three
6 children.

7 Q Before you married Angela and dated Angela, was she a
8 girlfriend of yours?

9 A No, no, sir. Angela?

10 Q No, no. Monique.

11 A Oh, yes, Monique was, yes.

12 Q And how long did y'all date?

13 A We dated for about six, seven years.

14 Q And she had children while y'all were living
15 together?

16 A Yes, sir, she did. She had a son and a daughter when
17 we first met.

18 Q And y'all had a child together?

19 A Yes, sir, we did.

20 Q When you lived together -- I mean, y'all -- I mean,
21 y'all just did things that normal couples did; right?

22 A Yes, sir. We sure did.

23 Q When did you breakup? Do you remember?

24 A I would say around 2012 or 2011, if I'm not mistaken.

25 Q All right. After you broke up with Monique, were you

1 still involved with the children?

2 A Yes, sir.

3 Q Not just your daughter, but you were involved with
4 all the children?

5 A Yes, sir, very strongly.

6 Q You had been together for how many years?

7 A Six or seven years.

8 Q And, I mean, they were young kids?

9 A Yeah. They were young. When we met, her son was
10 three and her daughter was about one, not even walking,
11 almost one. And then **Child 2** was not in the picture, which
12 is the daughter we have together.

13 Q Were you a father figure to those kids?

14 A Yes, sir, definitely.

15 Q When you broke up, I think I asked, I mean, but you
16 were still involved with the children in that
17 relationship?

18 A Yes, sir. Initially, I moved to Myrtle Beach for a
19 few months because of the breakup. But I still would get
20 the kids. She would bring them down and my family members
21 would bring the kids down for the weekend during
22 summertime.

23 And then I, eventually, moved back to Greenville
24 where I got them every weekend or during the week time, if
25 she needed. We would just team up raising the kids.

1 Q Did Ms. Fletcher ever start dating anybody else?

2 A Yes, she did. Prior -- I mean, after we broke up,
3 she was in a relationship -- like, we had an agreement
4 sort of. When she moved here, we were not in a
5 relationship. We were just coparents. And I was much
6 younger than she was. So I felt like I wanted to live my
7 life a little bit more. So we were friends and great
8 parents. So she had a relationship or two before
9 Mr. Turner.

10 Q But, eventually, she ended updating Mr. Turner?

11 A Yes. Correct.

12 Q When did that relationship start?

13 A That started, I would say, 2012, 2013, somewhere in
14 there.

15 Q But it was after y'all's breakup?

16 A Yes, sir.

17 Q And during that time period between when he started
18 dating Ms. Fletcher and when this incident occurred --

19 A Yes, sir.

20 Q -- how -- how did your relationship with Ms. Fletcher
21 change?

22 A It didn't at first. I was there at birthday parties.
23 We'd go to birthday parties together, family functions.
24 We just kept it cordial. I would either have whoever I
25 was dating at the time or she was dating, we came together

1 as a team.

2 Q Okay. And did y'all have, like you said, family
3 functions?

4 A Yes. We're very family oriented. I'm the last out
5 of 12, 37 nieces and nephews, one grandchild.

6 Q So did you get together for holidays, and things?

7 A Holidays -- mostly birthdays for the kids.
8 Holidays -- we might do Thanksgiving and Christmas, not
9 too often after the breakup. Like, I might stop by her
10 family house or, you know, plate here, plate there. But
11 nothing, you know, strong where all our families were
12 together. But birthdays were different. We were all
13 together eating hot dogs together.

14 Q Did you -- I mean, I know you said that nothing
15 really changed and you were coparenting. So I would
16 assume that that continued on while she was dating
17 Mr. Turner?

18 A Yes, it definitely did. I would come over and help
19 the kids with homework, or different stuff. Mr. Turner
20 would be there. We, actually, had a little relationship
21 as far as I would cut his hair. I am a master barber. So
22 he asked me to cut his hair. And I cut his hair on
23 multiple occasions there at the house where the kids, and
24 him, and Monique stayed.

25 Q Were there ever any difficulties in dealing with the

1 kids and Ms. Fletcher and Mr. Turner?

2 A One time did come up where he -- I guess where he was
3 trying to discipline them. And I felt like it was more of
4 me and her situation because I was active in the kids
5 lives. So I would prefer her to just call me. And we
6 could talk it out and work it out. But I knew he was
7 there in the household.

8 Q All right. At some point prior to the incident that
9 we're talking about, was there a -- an incident -- a
10 serious family incident involving a family member that you
11 became aware of?

12 A Yes, it was.

13 Q And did you -- what did you do as a result of that
14 incident?

15 A With my anger, and passion, and love I have for my
16 family, I acted crazy. And I went on Facebook and -- in a
17 rage and made a Facebook post.

18 Q So let me ask you this, before you did that, did law
19 enforcement get involved?

20 A They were involved. But it was a -- like, kind of
21 shifty. They [sic] were like no evidence yet. Mom hasn't
22 taken any action or --

23 MR. GRUBBS: Objection, Your Honor.

24 THE COURT: Sustained.

25 MR. GRUBBS: Your Honor, I hate to do it, but I think

1 I need to make a motion outside the presence of the jury.

2 THE COURT: Ladies and gentlemen, I'm going to ask
3 that you go step outside to your jury room. Do not
4 discuss the case.

5 Also, I'm going to give you an assignment. And that
6 is you are to select a foreperson among the first 12 of
7 you. The alternates are not eligible for that. And
8 that's just a person that will lead discussions when you
9 get to the -- when you get to the deliberation stage and
10 any communication with the Court.

11 So once you've selected your foreperson -- as I
12 always say, they don't get paid any more than the rest of
13 you -- write it on a note and provide it to the bailiff.

14 (WHEREUPON, the jury was excused from open court at
15 approximately 10:59 a.m.)

16 THE COURT: All right.

17 MR. GRUBBS: Your Honor, not an hour ago, we sat here
18 and we talked about putting this on the record. That it
19 is not to be discussed, that it is not going to involve a
20 child, that there's not going to be any sort of reference
21 to that. Mr. Stokes just testified that the mother hasn't
22 talked to them yet. That is an explicit violation of what
23 we agreed to.

24 We agreed there would be a serious family incident,
25 and that's it. No discussion about kids, no discussion

1 about anything else. Now, the implication is out there
2 because he said mother that it's going to involve a kid.
3 That's a bell that can't be unrung now, Judge.

4 I have to make a motion for a mistrial based on the
5 ruling that we put on the record that this is not to be
6 gone into, that a child is not to be discussed. And here
7 we are blatantly violating that here, Judge. I have no
8 other recourse at this point.

9 I don't think a curative instruction is going to fix
10 this at this point. It's in clear violation of the
11 Court's ruling and our agreement. I'm going to ask for a
12 mistrial based on that.

13 THE COURT: Well, first, I don't think it rises to
14 that level. I think there was just a reference that the
15 mother reported it. But it was getting very close. And,
16 I mean, y'all have got to stay away from that. But I
17 don't think that statement itself is -- warrants a
18 mistrial. And I will give a curative instruction that
19 anything not in evidence is to be stricken and they're not
20 to consider it.

21 But you've got to stay away from anything dealing
22 with the mother, you know. Serious incident and then --
23 you know, you've got to be careful. You asked the
24 question. And I was like, well, since you asked the
25 question about the -- you know, the officer and what had

1 happened, I knew it was going to -- you're getting close.
2 You've got to be careful of that. You just need to go
3 into what he did at this point.

4 MR. SMITH: Yes, sir. And -- and, you know, if I can
5 have a minute to talk to the other witnesses. I know
6 you've cautioned him. I know I can't talk to him and make
7 sure he knows --

8 THE COURT: We've just got to stay away --

9 THE WITNESS: Yes, sir.

10 THE COURT: -- from anything referencing that this
11 was a matter --

12 THE WITNESS: Yes.

13 THE COURT: -- related to a kid -- or a child.

14 MR. SMITH: Judge, we've talked about it.

15 And in open court on the record, you can't talk about
16 mom, or mention kid, or any reference to something like
17 that. It's just a serious family incident involving a
18 family member. And we can't talk about what family member
19 it is. We can't insinuate that it's a child that we're
20 talking about by saying mom, or whatever. And even though
21 that may be how you refer to her, we just can't even get
22 to that.

23 THE WITNESS: No individual. I got you.

24 THE COURT: At this point, do you want me to give a
25 curative instruction or not? I mean, I think you

1 protected yourself as far as that goes.

2 MR. GRUBBS: Yeah.

3 THE COURT: I may just do the general, hey, under our
4 rules of evidence, that's not admissible, anything I've
5 stricken. And, therefore, you're not to consider anything
6 that's stricken.

7 MR. GRUBBS: Your Honor, I think a curative
8 instruction at this point during the trial is just going
9 to highlight the issue more. I think the Court addressed
10 it in the beginning that, you know, other things
11 outside -- not presented inside this courtroom are to be
12 disregarded. And I would ask that the Court give a
13 similar curative instruction at the end of the trial.

14 THE COURT: Right. And that's what I usually do.

15 MR. GRUBBS: Thank you, Your Honor.

16 THE COURT: I guess when they pick their
17 foreperson -- all right. David Ridenour, #173, is the
18 foreperson.

19 Anything else before we bring the jury in from the
20 State?

21 MR. SMITH: No, Your Honor.

22 MR. GRUBBS: No, Your Honor.

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

24 (WHEREUPON, Court's Exhibit No. 3 was marked for
25 identification and admitted into evidence.)

1 (WHEREUPON, the jury came into open court at
2 approximately 11:06 a.m.)

3 THE COURT: Mr. -- is it Ridenour?

4 JUROR #173, DAVID RIDENOUR: Ridenour.

5 THE COURT: All right. Mr. Ridenour, I understand
6 you've been selected as the foreperson. You do get
7 special seating.

8 But thank you for that service.

9 All right. You may proceed.

10 CONTINUED DIRECT EXAMINATION

11 BY MR. SMITH:

12 Q Mr. Stokes, I think we were talking about the serious
13 family incident involving a family member. Did -- and we
14 had gotten to where law enforcement had been called; is
15 that right?

16 A Correct.

17 Q Did you or your sister, Christine Wolfe-Young, call
18 law enforcement?

19 A Christine.

20 Q All right. And did you cooperate with the
21 investigation into that?

22 A Yes, sir.

23 Q And did the allegation -- or the incident, was it
24 involving Mr. Turner? Is that correct?

25 A Yes, sir.

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

2 A No, sir. No.

3 Q So after their investigation, no charges were brought
4 against Mr. Turner?

5 A Correct.

6 Q And you did not like that, did you?

7 A No. That's the law. There's nothing I can do about
8 it.

9 Q So you put some Facebook postings out there?

10 A Before the judgment.

11 Q Okay. Before that?

12 A Yeah, the initial date when Facebook posts went out.

13 Q And then a few days later, there was some more
14 Facebook postings?

15 A Probably. I'm not a hundred percent, but I'm sure
16 there probably were.

17 Q What were those Facebook postings? What's your
18 Facebook?

19 A Lethal Cutz.

20 Q Lethal Cutz?

21 A Yes, sir.

22 Q Why?

23 A Master barber. Remember, I mentioned that earlier.
24 I cut hair. Yes, sir.

25 Q In those posts, did you make any kind of threats

1 towards Mr. Turner?

2 A Yes.

3 Q Since January -- were those posts in January of 2017?

4 A Yes, sir.

5 Q Since January of 2017 until September 1, 2017, did
6 you make any more posts?

7 A No, sir. After it was closed, it was closed.

8 Q And when -- did you ever see Mr. Turner again?

9 A No, sir.

10 Q Did y'all -- I mean, were there any more family
11 gatherings, or anything like that?

12 A No, sir.

13 Q Did -- so were you going out?

14 A No. I don't really go out to clubs, or anything. We
15 just go out to dinner mostly. But I wasn't going out,
16 just working, hard working.

17 Q Did you go out looking for Mr. Turner?

18 A No, sir.

19 Q When the -- on the night of this incident that it
20 occurred, that was September 1st, 2017?

21 A Correct. Yes, sir.

22 Q What were you doing?

23 A We were -- I don't know if that was Friday or
24 Saturday. We were probably going to dinner, going to
25 dinner at Applebee's.

1 Q Why Applebee's?

2 A Around 9:00, they have a special where you get drinks
3 half off and a little meal deal, dollar drinks, or
4 whatever monthly special they have. Appetizers half off,
5 that's what it was. So we were going because of the
6 appetizers. It was 9:00 there. And we go there a lot.
7 It's right there, not too far from the house.

8 Q Which Applebee's is it?

9 A It's the one on White Horse Road right beside the
10 Wal-Mart.

11 Q Now, if this incident occurred, you know, 11:30ish,
12 about what time would you have left your house to go to
13 Applebee's?

14 A I would say probably around 10:00 something, 10:30.

15 Q So you go to Applebee's. Who's with you?

16 A My fiance, my cousin, and her girlfriend.

17 Q What are their names?

18 A Angela Anderson, Nachrisha Rosemond, and Kim Pickens.

19 Q Now, had y'all been at your house before this?

20 A Yes. Nachrisha and Kim came over to the house and
21 they rode with us.

22 Q And y'all had just been there for a while?

23 A Yeah, a few minutes, 10 minutes maybe. I'm
24 downstairs talking with them. Angela is still getting
25 ready.

1 Q And you started to Applebee's?

2 A Yes, sir.

3 Q And when you got to Applebee's -- I mean, you made it
4 to Applebee's; right?

5 A We made it to the parking lot at Applebee's.

6 Q What happened when you got to the parking lot?

7 A I got a call from my sister, Christine Wolfe, saying
8 that she was scared and nervous. She just seen Eugene
9 Turner and could I, please, come and walk her to her car.
10 She didn't feel safe.

11 Q What did you tell her?

12 A I was, like, What are you doing there? You know,
13 you're not -- why are you even down there anyway? You
14 know what I mean? I was a little upset with her. Like,
15 why you even doing that? I said, Okay. Well, I'll come
16 down and get you.

17 Q Did you know what was going on down there at the
18 Dugout?

19 A I think it was Latoya's birthday.

20 Q Whose birthday?

21 A Latoya Fletcher, which is my daughter's mother.

22 Q And -- and so Latoya, is she, also, known as Monique?

23 A Yes. Correct.

24 Q So that's the person that you used to live with?

25 A Yes.

1 Q So it was her birthday?

2 A Yes.

3 Q And she was down at the Dugout having a birthday
4 party?

5 A Yes, sir. We all had got an invitation to that
6 birthday party that night. But my fiancée advised us, you
7 know, after this family thing, we should not be around
8 anybody. So we just decided to go out to dinner.

9 Q And your sister was there, though?

10 A Yes.

11 Q She called you. So what did you do when you got the
12 call?

13 A We were still in the vehicle at Applebee's. I just
14 kept driving around the parking lot, proceeded back to
15 White Horse Road to head down towards the Dugout.

16 Q So what route did you take to get to the Dugout?

17 A I took White Horse Road all the way down past where
18 you cross over 85 highway.

19 Q And did you jump on 85 or is there a Frontage Road
20 there? How did you go from there?

21 A I passed 85 highway and I took a left to get on
22 Frontage Road.

23 Q Did you go down Frontage Road?

24 A Yes, sir.

25 Q So when the Frontage Road ends, where did you go?

1 A When the Frontage Road ends, it usually ends at the
2 stop sign and you pass the Dugout. But I kept going on
3 Frontage Road right into the entrance of the Dugout.

4 Q Does the Frontage Road turn into Woodmede Road?

5 A Yes, sir. Correct.

6 Q So Woodmede Road takes you into the Dugout?

7 A Yes, sir.

8 Q So when you -- you took Woodmede and did you turn
9 into the Dugout?

10 A Well, I, initially, started to turn in. My vehicle
11 was a Yukon XL, so it's kind of long. The whole vehicle
12 did not make it into the entrance of the parking lot.

13 Q So where did you stop?

14 A I stopped maybe two cars into the entrance -- no, one
15 or two cars right at the front of the entrance where I
16 would say the passenger door -- where it closed and the
17 rear of the car would be hanging into the street.

18 Q Where did you -- why did you stop right there?

19 A When I stopped right there, Eugene Turner popped up.
20 Like, he was beside the white Xterra, which is Christine
21 Wolfe's vehicle, and another black car. I just saw him
22 standing right up, like, right there.

23 Q So what white Xterra are you talking about?

24 A The white Xterra my sister, Christine Wolfe, was
25 driving that night.

1 Q Where are -- do you remember where that car was
2 parked?

3 A It was right at the entrance, but there was a car
4 before it. So it was maybe second or third spot. I'd say
5 second spot on the entrance when you first turn in.

6 Q So if you -- if you go into the Dugout parking lot --
7 did you go up to Christine's car?

8 A I would say my vehicle was close to her car and her
9 car was more at the front of my hood of the vehicle.

10 Q Okay. So, like, your bumper might have been at her
11 rear passenger side bumper?

12 A Yes. I would say the middle of her car, where the
13 tailgate -- where the tag is. So my car would have
14 been -- if this is the tag, it would have been right here
15 in front of the bumper.

16 Q So you say -- so you've come to a stop there?

17 A Well, I had to because I saw a black shadow stand up.

18 Q When you say "a black shadow," did you realize who it
19 was?

20 A I saw a black shirt, black hat. And, initially, we
21 locked eyes. And I seen Eugene Turner, yes.

22 Q Is Eugene Turner in this courtroom?

23 A Yes, sir, he is.

24 Q Can you point him out for us, please?

25 A He's right here in the blue shirt, right there.

1 Q And you've known him for a long time?

2 A Yes, I have.

3 Q Well, did he come out from between two cars?

4 A Yeah. He came out from between two cars, which would
5 be the driver's side of the Xterra. The Xterra was parked
6 in the front. He came out from the driver's side close to
7 the back door. He popped up right there. He was on a
8 cell phone. He drops the cell phone, reaches in his
9 pocket, pulls out a black handgun.

10 Q And what happens?

11 A And I am looking at him in shock. He starts walking
12 to my vehicle --

13 Q Had you put your car in park, or anything?

14 A No. It was still in drive.

15 Q All right.

16 A The car is still in drive. He's walking around to my
17 driver's side with the gun pointed at me, directly at my
18 face.

19 Q At the windshield, not like --

20 MR. GRUBBS: Objection, Your Honor. Leading.

21 BY MR. SMITH:

22 Q Well, I mean, you said directly at your face --

23 THE COURT: Sustained.

24 BY MR. SMITH:

25 Q Were you looking outside the windshield --

1 THE COURT: Re-ask the question. He objected. Let
2 me --

3 MR. SMITH: Oh, I'm sorry. I thought you -- I'm
4 sorry, Your Honor.

5 THE COURT: No. I sustained his objection. And I
6 said re-ask the question.

7 BY MR. SMITH:

8 Q So your testimony is he pointed it at your face;
9 right?

10 A Yes, sir.

11 Q Were you looking out your side window or the
12 windshield?

13 A We were looking eye-to-eye. He was diagonal across
14 my hood where the vehicle was, the white Xterra. We
15 caught eye contact. He dropped his cell phone, pocket,
16 arm reaches, and gun pointed right at me. As he's walking
17 across the front of the vehicle, he's coming over to my
18 driver's window -- driver's side of my car, the driver's
19 window.

20 Q So he has the gun pointed at you?

21 A Yes, sir.

22 Q What do you do?

23 A I put the car in reverse -- well, actually, Kimberly
24 yells, Back up, Eugene. She tells me reverse -- or she
25 tells me to back up, Kim Pickens that was in the backseat

1 of the car.

2 Q Did anybody else say anything in the car?

3 A They probably did. I can't remember exact words.
4 Probably, oh, my God, or he got a gun, or something like
5 that. It was all startling and shocking.

6 Q So you weren't the only one that saw it?

7 A Yeah. I was not the only one that saw it.

8 Q So what did you do?

9 A I put the car in reverse. As he's walking up to my
10 driver windshield, he's pulling the trigger. And the gun
11 is not going off. So I see him re-cocking the gun.

12 Q What do you mean re-cocking?

13 A Like, if -- it was jammed or not working properly or
14 he didn't know how to use it. The safety could have been
15 on, anything. But as he's going down, it's like he's
16 trying to re-cock the gun, or whatever, the mechanism to
17 move the top of the gun.

18 Q So is it a revolver or is it a --

19 A Black handle --

20 Q -- semiautomatic?

21 A It looks like a nine millimeter.

22 Q So is that a semiautomatic that has a --

23 A I'm not sure.

24 Q All right. But it's not a revolver?

25 A No, sir.

1 Q Okay. So when he's doing that, what have you done?

2 A We are in reverse, going in the motion of reverse,
3 backwards.

4 Q So what happens?

5 A So I put my right hand on the passenger seat, left
6 hand on the steering wheel. And I am maneuvering
7 backwards like this. Looking at him, backwards, looking
8 at him at the same time.

9 Q So you're backing out of the parking spot -- excuse
10 me, not the parking spot, the parking lot?

11 A The entrance, not the parking lot. The entrance of
12 the parking lot.

13 Q And then where do you go?

14 A The first entrance to the Camelot. So it's the
15 entrance right where I drive by, which would be the second
16 entrance if you're coming up Frontage Road. I reversed
17 into the first entrance.

18 Q So you go all the way back to the first entrance.
19 Then what do you do?

20 A Then my car is exposed to him sideways. We hear
21 bullets ricochetting off the car. You could see the
22 sparks flying. You could hear ping, ping, ping, ping
23 hitting the vehicle. Reverse. And then I drive to the
24 left going back up Frontage Road.

25 Q You go back up Frontage Road. Where do you go from

1 there?

2 A I go to the Motel 6, which is the next hotel beside
3 the Camelot.

4 Q And what hotel is that?

5 A Motel 6.

6 Q And where do you go there?

7 A We go straight to the back of the hotel. There's a
8 swimming pool in the back. We just went to the back to
9 check everybody out to see if we were okay and if anybody
10 was shot, or anything like that.

11 Q Now, I know you just testified -- I want to go back
12 for a second. Because you just testified you heard a lot
13 of shots and ping, ping, ping, ping?

14 A Yes, sir.

15 Q But how many shots did you, actually, hear hit the
16 vehicle?

17 A I would say a total of three or four.

18 Q Okay. When you -- all right. I'm going to have you
19 step down in just a second.

20 A Okay.

21 Q But do you see the exhibit that's sitting here before
22 you?

23 A Yes, sir, I do.

24 Q Is that -- what does that appear to be?

25 A That looks like an above picture of the Camelot and

1 the Dugout.

2 Q All right. And does that show the area surrounding
3 those places?

4 A Yes, it does.

5 Q All right. I'm going to flip it over. Take a look
6 at that. What does that appear to be?

7 A That's the picture, but it is blown up a little
8 bigger.

9 Q Okay. Does this picture show the area as it existed
10 that night?

11 A Yes, sir. Correct, yes.

12 Q All right. So what I want you to do is step down.
13 I'm going to hand you this red marker.

14 A Yes, sir.

15 Q And --

16 MR. GRUBBS: Your Honor, is this an exhibit that's
17 marked at this point or is it --

18 MR. SMITH: It has not been marked yet, but I can.

19 MR. GRUBBS: Judge, he's showing the jury. He's
20 using it to demonstrate --

21 MR. SMITH: Well, I'll mark it for demonstration
22 purposes only.

23 THE COURT: Okay.

24 MR. SMITH: Judge, I'm going to ask that the larger
25 view be marked as State's 22 for identification purposes

1 only. And then State's Exhibit No. 23 is the smaller
2 picture, or the one that's not as large.

3 (WHEREUPON, State's Exhibit Nos. 22 and 23 were marked
4 for identification only.)

5 BY MR. SMITH:

6 Q Now, there's a couple of places that are already
7 identified here. What is this place right here?

8 A That's the Camelot hotel.

9 Q All right. And where's the Dugout?

10 A The Dugout would be right here.

11 Q All right. And do you see the V-GO or the Mike and
12 Jack's?

13 A Yes, sir. That's the Mike and Jack's and that's the
14 V-GO.

15 Q All right. Now, you said you came in on Frontage
16 Road?

17 A Yes, sir.

18 Q Can you just put an X on the Frontage Road that
19 you're talking about?

20 A Yes, sir. So it would be this road here.

21 Q Can you make that a little bigger X?

22 A (Witness complied.)

23 Q And how about between where it says Mike and Jack's
24 and V-GO, can you put another X right there? On the road.

25 A On the road?

1 Q Yeah.

2 A (Witness complied.)

3 Q All right. Do you see on this map the Motel 6 that
4 you went to?

5 A Yes, sir, I do.

6 Q Where is that?

7 A It's right here.

8 Q Is that right where it says, Bruce Road?

9 A Yes, sir.

10 Q Where did you go inside the Motel 6?

11 A To the back of the building, all the way to the back
12 parking lot.

13 Q Just put -- I'm sorry. Where you went, put a -- put
14 a -- just put an A there.

15 A (Witness complied.)

16 Q So when you came in on Bruce Road, you came in Bruce
17 Road and you took a right where, or followed on through
18 onto Woodmede?

19 A Yes. This would be the Frontage Road. And I
20 followed that down right there.

21 Q Can you just put an arrow where the turn is?

22 A Oh, until the --

23 Q No. Onto Woodmede. That's Bruce Road and Frontage
24 Road and it turns into Woodmede.

25 A So it would be right here.

1 Q That's an arrow; right?

2 A I'm sorry. I was going the wrong way.

3 Q So you've got an arrow pointed towards Augusta Road?

4 A Yes, sir.

5 Q But that's where you're talking about?

6 A Do you want me to do a new arrow?

7 Q No. That's fine.

8 And then you went into the Dugout parking lot?

9 A Yes, sir. Well, initially, at the beginning.

10 Q Yeah, yeah.

11 A Not all the way into the parking lot.

12 Q All right. So I'm going to flip it back over. And,
13 now, it's -- I hate getting old -- State's Exhibit No. 23
14 for identification purposes only.

15 All right. Now, can you show the jury where you came
16 to rest in the Dugout parking lot?

17 A Yes, sir.

18 Q And before you do, can you just -- and this is on
19 State's Exhibit No. 23. So just put a little box like
20 your car was in there?

21 A Okay. So it would be right here.

22 Q All right. Now, where do you say Christine's car
23 was? Don't put any marks on there --

24 A I would say it would be the second or third spot.

25 Q Okay. Second or third spot as you're going in or

1 coming back?

2 A I would count this as a spot. So one, two, three.
3 This would be the third spot. I would count that as a
4 parking spot and two, three.

5 Q Okay. Just put a little dot right there --

6 A Okay.

7 Q -- where you say her car was.

8 All right. Just have a seat, if you would.

9 A (Witness complied.)

10 Q Now, as you're backing up, I mean, are you -- I think
11 you testified you were kind of looking and going back, and
12 looking and going back, and backing up; right?

13 A Yes, sir.

14 Q I -- I may want to ask you one other thing. You said
15 you backed up to an entrance at the Camelot?

16 A Yes, sir.

17 Q Would you just put a B in the entrance that you
18 backed up to?

19 A Yes, sir.

20 Q All right. So that's the entrance that you backed up
21 to? That's what you're calling the first entrance?

22 A Yes, sir.

23 Q And is it the first entrance that you're thinking --
24 because you came in off of the Frontage Road?

25 A Yeah. So if you come off of Augusta Road or Frontage

1 Road, that would be the first entrance.

2 Q All right. So you backed up all the way down
3 Woodmede to the Frontage Road?

4 A Yes, sir.

5 Q I mean, to the first entrance. And then what did you
6 do?

7 A I turned my wheels to the left, put my car in drive
8 and proceeded up Frontage Road.

9 Q When you proceeded down Frontage Road, it's the same
10 way that you came in?

11 A Yes, sir.

12 Q You got to the back of the motel, Motel 6. What did
13 y'all do?

14 A We called 911.

15 Q Okay.

16 A I had my family member call -- my cousin, Nachrisha,
17 I had her call 911. And I proceeded to call Christine
18 because she was still at the Dugout.

19 Q When you called Christine, did you get in touch with
20 her?

21 A At the first -- I talked to her twice. Initially,
22 yes, I did. At that moment, she was fine. She said, What
23 happened? I just saw him shoot on the side of the Dugout.
24 Are y'all okay? She was screaming to see if we were okay
25 at that point.

1 Q All right. So y'all called 911?

2 A Yes.

3 Q Did you ever call Christine again?

4 A Yes, after I got off the phone with 911.

5 Q What did you find out when you called her the next
6 time?

7 A She was crying hysterically. She was stuttering.
8 She couldn't really get her words out. I was like, Slow
9 down. What happened? And she had just been attacked,
10 from my understanding.

11 Q What did you do as a result of the phone call that
12 you had with her?

13 A I waited a few more minutes just to think what should
14 I do. And after we talked to the police operator, 911
15 operator, I let her know my sister had just been attacked
16 just so they would know we needed an ambulance ASAP. But
17 I couldn't wait any longer. I told my fiance, and my
18 cousin, and Kimberly, I'm going back over to Christine
19 because I think she's in super danger. And I have to go
20 back no matter what.

21 Q All right. Did you go back?

22 A Yes, sir.

23 Q Where did you go?

24 A I went to the first entrance of the Camelot parking
25 lot.

1 Q Why did you stop there?

2 A Because not knowing if he would be hiding in the
3 woods or hiding around any of those cars, I wanted to be
4 in an open space so I could see any angle he was coming
5 from.

6 Q Well, did you go to the Dugout to get her?

7 A No, sir. I sent Kim Pickens, who was in the
8 backseat, to go retrieve Christine Wolfe.

9 Q So did Kim go down there?

10 A Yeah. She ran from the parking lot of the Camelot,
11 the first entrance, across -- I think it's a grassy field
12 right there. She ran across that to go get Christine.

13 Christine was trying to run towards our vehicle
14 because I was yelling, Come on, come on, Chris, come on.
15 And she couldn't even run or walk. She was falling. She
16 was laying in the grass. Kimberly had to run over there
17 and pick her up and help her. But Kimberly couldn't get
18 her fast enough. Because Christine was delirious. She
19 couldn't see. She was screaming.

20 So we had to get her to the car as quickly as
21 possible just so she could be out of harm's way and we had
22 more control over the situation.

23 Q Okay. So did you, eventually, get Christine to the
24 car?

25 A Yes.

1 Q And what happened after that?

2 A After that, I would say a few minutes later, the
3 ambulance pulled up, not even two minutes or a minute or
4 so. Because multiple people outside of the club were
5 calling the police. So I think they had a lot of calls
6 coming in.

7 Q So let me ask you this, the police officers ended up
8 coming up?

9 A Yes, sir.

10 Q And did an ambulance end up coming up?

11 A Yes, sir.

12 Q And did they attend to Christine?

13 A Yes, they did.

14 Q And did anybody give statements to the police?

15 A Yes, sir. We all did.

16 Q Did you ever see Mr. Turner at the scene after that?

17 A No, sir.

18 Q Did -- when you were at -- go back to when the
19 incident, actually, occurred. Did you ever get out of the
20 car?

21 A No, sir.

22 Q Did anybody in your vehicle get out of the car?

23 A No, sir. We didn't have time to make it into the
24 parking lot. It was more like an ambush. We were
25 attacked.

1 Q What kind of car were you driving again?

2 A A 2007 Yukon XL.

3 Q Is there -- how long -- was that your car or was that
4 Angela's car?

5 A That was Angela's car.

6 Q How long had y'all had that car?

7 A I would say a year or two, maybe.

8 Q So had you ever driven that car around Mr. Turner?

9 A Yes. To pick up my kids every weekend, we have that
10 car. It's a family car.

11 Q So, in your opinion, would Mr. Turner have known what
12 your car looked like?

13 MR. GRUBBS: Objection, Your Honor. Calls for
14 speculation.

15 THE COURT: Re-ask the question.

16 BY MR. SMITH:

17 Q Approximately how many times had you had that car
18 around Mr. Turner?

19 A Within a two-year span, maybe 20-plus times.

20 Q All right. Let me -- let me ask you a question, what
21 did you do with your guns?

22 A I never had guns.

23 Q You didn't have any guns that night?

24 A No, sir.

25 Q All right. You didn't pull any guns on anybody?

1 A No, sir. I didn't have no gun. I don't have a
2 license for no guns. And I'm scared of guns.

3 Q You didn't hang out the window and shoot guns at
4 Mr. Turner?

5 A No, sir.

6 Q Did you hang out the window or fire from the car and
7 shoot at the Dugout?

8 A No, sir.

9 Q Have you ever been to the Dugout?

10 A Yes, sir.

11 Q How far is the Dugout from V-GO, in your opinion?

12 A I would say --

13 MR. GRUBBS: Objection, Your Honor. Calls for
14 speculation.

15 THE COURT: If he knows.

16 BY MR. SMITH:

17 Q I mean, you can answer, if you know. If you don't
18 know, that's fine.

19 A About 300 yards.

20 Q So -- okay. It's a far -- I mean, three football
21 fields --

22 A Yes.

23 Q -- from there?

24 A Close.

25 Q In your estimation?

1 A Two and a half maybe -- no, maybe a football field,
2 so a hundred yards, hundred and a half. Because I haven't
3 been there to look -- you know, looking from -- you know
4 what I mean? I just know it was right there. It's in
5 close proximity, but it is far. I don't think you can
6 see -- if you're standing at the Dugout, you can't see
7 who's standing --

8 MR. GRUBBS: Objection, Your Honor. Calls for
9 speculation.

10 THE COURT: All right. Just stick to what he knows.
11 BY MR. SMITH:

12 Q Well, I mean, you said you've been to the Dugout
13 before; right?

14 A Uh-huh.

15 Q So you've looked at the V-GO from the Dugout before?

16 A No.

17 Q Okay. Well, let me just ask you, what's the V-GO?

18 A A gas station.

19 Q And so the V-GO, and then you have Mike and Jack's
20 right behind it. And that's a gas station as well;
21 right --

22 A Yeah.

23 Q -- or a convenience store?

24 So you didn't have any weapons with you?

25 A No, sir.

1 Q And you never got out of the car?

2 A No, sir.

3 MR. SMITH: Judge, if I may have one moment.

4 (Pause.)

5 MR. SMITH: Judge, that's all I have at this time.

6 THE COURT: All right. Cross-examination.

7 MR. SMITH: Judge, could I ask Mr. Grubbs to move
8 just a little bit, so I can, at least, observe the
9 witness?

10 CROSS-EXAMINATION

11 BY MR. GRUBBS:

12 Q Mr. Stokes, you talked a little bit about your
13 history with Mr. Turner; right?

14 A Yes, sir.

15 Q That you had problems in the past?

16 A Yes, sir.

17 Q Some of them related to your biological child with
18 Ms. Fletcher?

19 A Yes.

20 Q Including the one time that you mentioned where there
21 was some discipline problems, I think is how you were --
22 some disagreements about discipline. Is that a fair way
23 to phrase it?

24 A Correct.

25 Q And sometimes those problems got physical, didn't

1 they?

2 A No, not sometimes, just the one time.

3 Q Only the one time?

4 A Yes.

5 Q And that's the time we were talking about just now as
6 far as the disciplining problems?

7 A Yes, sir.

8 Q And that was in 2013?

9 A Correct.

10 Q And in that -- in that situation, you, actually,
11 broke Mr. Turner's windows, didn't you?

12 A As an act of self-defense. I was attacked first.

13 Q Okay. And how long did you say that he was dating
14 Ms. Fletcher?

15 A They probably -- I'm not sure. I didn't keep count,
16 but a few years.

17 Q After you guys broke up, then Mr. Turner started
18 dating her after a couple other people, I think you said?

19 A Yes.

20 Q Okay. Now, let's talk about these threats. Your
21 testimony was that these were threats that you made in
22 2017; right?

23 A Correct.

24 Q Okay. And the State didn't ask you, in particular,
25 what the threats were, the statements were, but I'm going

1 to read them to you and ask you to confirm that this is,
2 in fact, the threats that you made on Facebook. And the
3 only thing I'm going to omit is some inflammatory
4 language.

5 But you posted on Facebook -- under your Facebook
6 profile, Lethal Cutz, His name is Eugene Turner. If you
7 see this bitch ass, call the police before I get to him
8 because on my family and life, he done all my, N word,
9 green light mash on sight. It's face off fuck boy. Not
10 God, not my mama, not police, not your mama can save you
11 on the shao. You dead bitch.

12 That's what you said?

13 A Correct.

14 Q And then a couple days later, you posted -- you went
15 on Facebook live and you had a video. And you entitled
16 that video, Still looking for your punk ass. That was
17 about Mr. Turner, too, wasn't it?

18 A I believe so, yes. That's correct.

19 Q So you made these threats in January of 2017?

20 A Yes, January. Yes.

21 Q January of 2017. And then after you make these
22 threats, Mr. Turner blocked you, didn't he?

23 A We never were Facebook friends.

24 Q Okay. So you weren't Facebook friends with him. But
25 you know your sister shared some of those posts that you

1 made, too; right?

2 A Yes.

3 Q And you know he blocked her?

4 A I found that out, yes.

5 Q Okay. Now, let's fast-forward a little bit to the
6 night in question here, September 1st, 2017. You're on
7 your way to Applebee's?

8 A Correct.

9 Q And after you're on the way to Applebee's, you get a
10 text from your sister?

11 A I think it was a phone call.

12 Q You get a phone call from your sister. And she says
13 that she saw Mr. Turner at the Dugout?

14 A Correct.

15 Q And that she was in fear --

16 A Correct.

17 Q -- right?

18 She wasn't there by herself; right?

19 A She was. No family.

20 Q No family. But she wasn't there by herself, was she?

21 A Oh, no. She was at a birthday party.

22 Q Right. And Ms. Fletcher was there?

23 A Correct.

24 Q I think Ms. Fletcher's sister, Tiffany, was there?

25 A I think so.

1 Q Ms. Fletcher's brother, Larry, was there?

2 A Correct.

3 Q How many other people were there, to your knowledge?

4 A I wasn't there, so I'm not sure.

5 Q Okay. But you're aware that she was not alone --

6 A Yeah.

7 Q -- while she was there; right?

8 A After the fact. No, at the moment, she was there by
9 herself. It was my sister. No other family was there.

10 She was alone.

11 Why would she call? If she was there with somebody
12 else, then she wouldn't have called me.

13 Q But you just testified you knew it was Monique's
14 birthday party?

15 A Yes. Correct.

16 Q So you knew she was there for Monique's birthday
17 party?

18 A Yes. Correct.

19 Q So you knew she wasn't there alone?

20 A Correct.

21 Q You mentioned -- or you testified on direct that you
22 gave a statement; correct?

23 A Correct.

24 Q You gave that statement in the presence of law
25 enforcement?

1 A Correct.

2 Q And that was Deputy Woody, I think. Do you recall
3 that at all?

4 A The name sounds familiar, so I would say, yes.

5 Q And at the time you gave that statement, you were
6 safe; right?

7 A Yes, sir.

8 Q No one else was around besides you and the deputy?

9 A Correct.

10 Q You had all the time in the world you needed to add
11 things to it?

12 A I just told the truth.

13 Q Okay. But since then, you've had all the time you
14 needed to add things to it?

15 A If you say so.

16 Q Five years -- I'm not saying so. I'm asking you.

17 A Oh, I haven't added anything.

18 Q But you haven't added anything in the last five
19 years?

20 A No, sir.

21 Q You've had time to add things if you thought of new
22 things; right?

23 A Yes, sir.

24 Q And you reviewed that statement?

25 A Last week, I did, yes, sir.

1 Q At the time, you, also, reviewed that statement?

2 A Yes, sir.

3 Q And then you signed the statement?

4 A Correct.

5 Q Saying that this is your statement and it's true, to
6 the best of your knowledge?

7 A Correct.

8 Q You testified earlier that when your sister called
9 you, she asked you to walk her to her car. Do you recall
10 testifying to that?

11 A Yes, sir. Correct.

12 Q Did you review your statement before coming in here?

13 A No, sir.

14 Q You did not review your statement?

15 A Not today, no, sir.

16 Q Before coming in here for this trial, at any time --

17 A Last week, I did.

18 Q Last week, you reviewed your statement. So it's
19 fresh in your mind?

20 A Yes.

21 Q Nowhere in your statement did you say that she told
22 you that she wanted you to walk her to her car, did you?

23 A I'm not sure. I don't remember.

24 Q Would it help refresh your recollection if I handed
25 you a copy?

1 A Sure. That would be fine.

2 Q Just let me know when you've read it, and I'll take
3 it back from you.

4 A She said to come and get her. I do apologize.

5 Q Your statement says that she told you to come and get
6 her?

7 A Yes, sir.

8 Q Not come and walk her to her car?

9 A Yes, sir.

10 Q So that's different -- what you testified to today is
11 different than what's in your statement; right?

12 A Correct.

13 Q You mentioned that when you pulled up into the
14 parking lot -- or close to the parking lot that you saw
15 Mr. Turner on the phone?

16 A Correct.

17 Q You just looked in your statement, didn't you?

18 A I read to that certain point you told me.

19 Q Okay. Nowhere in your statement do you mention he's
20 on the phone then; isn't that right?

21 A Let me see it again.

22 Q Sure.

23 A No, sir, I did not.

24 Q Also, in your statement, it says that when you did
25 talk to your sister that Eugene did something to her;

1 isn't that right?

2 A Correct.

3 Q And your statement says that she -- that GA -- and
4 "GA," you know that is Eugene Turner?

5 A Correct.

6 Q That GA threw a drink or spit in her face?

7 A Or something. It should say, or something.

8 Q Yeah. It says threw a drink or spit in her face and
9 she didn't feel safe.

10 A Okay.

11 Q That's what your statement says. Do you need to look
12 at it again?

13 A Correct. No.

14 Q Okay. So there's some allegation that Eugene did
15 something?

16 A Correct.

17 Q Okay.

18 A Something with a drink, but I wasn't too sure. So I
19 just gave to best of my knowledge in my statement.

20 Q But your statement says, "threw a drink"; right?

21 A Correct.

22 Q Or spit in her face?

23 A So I wasn't sure or -- so it was either one.

24 Q One of those two things possibly?

25 A Yeah.

1 Q That made you mad?

2 A No. It made me concerned.

3 Q It didn't make you mad that there's allegations that
4 drinks are getting thrown in your sister's face?

5 A I was thinking safety. I said I got to get to her so
6 we can get her out of there.

7 Q Did it make you mad that someone spit in your
8 sister's face?

9 A I didn't know what exactly happened. So I wasn't
10 sure -- I wasn't a hundred percent sure if he had spit or
11 threw a drink at her. I did not know.

12 Q But she asked you to come get her?

13 A She didn't feel safe, correct.

14 Q And then when she is on the way -- did you ever text
15 with her?

16 A I'm not sure.

17 Q But you never offered your call log or text messages.
18 You never attempted to show those to law enforcement, did
19 you?

20 A No one asked for them.

21 Q But you didn't offer either, did you?

22 A No. No one asked for them, so I didn't offer.

23 Q And you said you were going to the Applebee's on
24 White Horse Road?

25 A Correct.

1 Q And that's about eight miles away or so,
2 approximately?

3 A Somewhere around 15 minutes.

4 Q That's what I was about to say, about a 15-minute
5 drive, or something like that?

6 A Depending on traffic, yeah.

7 Q Okay. So you arrive at the Dugout?

8 A Correct.

9 Q As Mr. Smith sort of walked you through, I'm going to
10 go over here and I'm going to refer to this poster. I'll
11 do the best I can so I'm not blocking the way.

12 So you -- you were instructed to draw a red rectangle
13 on this exhibit, which has been marked for identification
14 purposes as State's Exhibit No. 23; right?

15 A Correct.

16 Q Have you been to the Dugout before?

17 A Yes, many years ago.

18 Q Okay. You were there that night, though, for a
19 little while?

20 A Yeah. That was five years ago in the parking lot,
21 yeah.

22 Q That night, you were in the parking lot for a while?

23 A Yeah. But that's not the Dugout, that's the parking
24 lot.

25 Q The parking lot of the Dugout?

1 A Okay.

2 Q Right here?

3 A All right.

4 Q Okay. And you -- but based on where you've drawn,
5 your car never made it into the --

6 A Correct.

7 Q -- parking lot?

8 Based on what you've drawn here, it looks like your
9 car is about halfway out into the road?

10 A Correct.

11 Q Is that right?

12 A Yes.

13 Q And there's a telephone pole right there?

14 A Yes. Correct.

15 Q Right there on that corner. And the place where you
16 marked from -- or the place you marked with an X in the
17 parking lot that would signify where the white Xterra was
18 is, if we're counting from the road in, one, two, three
19 spots; is that correct?

20 A Correct.

21 Q Then you testified that a black shadow popped up?

22 A Correct.

23 Q Now, when you pulled in the parking lot, there were
24 other people there; right?

25 A I'm not sure -- yeah, cars. There was other cars.

1 Q Other cars there?

2 A Yeah.

3 Q In fact, it was pretty busy?

4 A Yes, sir.

5 Q You probably were going to start looking for a
6 parking spot so that --

7 A No, sir.

8 Q -- you could go in there and get your sister; right?

9 A No parking spot.

10 Q There were no parking spots open?

11 A No. You said I was going to start looking for a
12 parking spot. I said, no, sir, I was not starting to look
13 for a parking spot.

14 Q So you were not going to go look for a parking spot?

15 A No, sir.

16 Q Okay.

17 A I was going to pull up to the front door.

18 Q So you were going to pull up to the front door. Were
19 you on the phone with your sister --

20 A No, sir.

21 Q -- when the -- or when you pulled into the Dugout?

22 A No, sir.

23 Q And then you said that you see Mr. Turner pull a
24 small black handgun out of his pants pocket?

25 A Correct.

1 Q Which hand did he have the phone in?

2 A He dropped the phone. He had it in his right hand.
3 He was on the phone. He drops the phone. He had it in
4 his right hand.

5 Q So he pulled it out of the right pocket, according to
6 your testimony here today?

7 A Correct.

8 Q You've reviewed your statement a couple times since
9 I've been up here talking to you. You don't say in your
10 statement that he's by a white Xterra, do you?

11 A I don't remember.

12 Q Let me hand it to you so you can look over it again.

13 A Okay. No. So this is not detailed. This is just
14 round about.

15 Q But that's not in your statement, is it?

16 A No, sir.

17 Q You said that Mr. Turner locked eyes on you?

18 A Yes.

19 Q That's what you testified to. You didn't testify
20 that he looked around, saw anyone else in the car, but
21 that his eyes were locked on you; right?

22 A That's correct, a hundred percent.

23 Q A hundred percent. Now, did you say -- who all in
24 your car called 911?

25 A I think --

1 Q Besides yourself?

2 A Nachrisha Rosemond is the only person I can think of.

3 Q So two of you called 911?

4 A Yes, sir.

5 Q How far apart were those 911 calls? Do you remember?

6 A I'm not sure. There was so much chaos, so I'm not
7 sure. We were just trying to make sure we get the police
8 there as soon as possible.

9 Q There's a lot of chaos there. So you told the
10 operator when you called 911 -- well, we heard the 911
11 call earlier --

12 A Yes, sir.

13 Q -- just before you started your testimony here today.
14 So you called 911 and you told the operator that you were
15 right here beside the Dugout at a little hotel, the Motel
16 6; correct?

17 A Correct.

18 Q Now, the hotel right beside the Dugout, which is
19 right here, that's the Camelot; correct?

20 A Correct.

21 Q So that's not the Motel 6?

22 A No, it's not.

23 Q So when you said you were at the hotel right beside
24 the Dugout, that's not exactly accurate?

25 A Yes, it is. Because if you turn over to the other

1 picture, you'll see that the parking lots are close
2 together. You can, actually, almost see the Dugout -- or
3 you can see that hotel through the other parking lot. So
4 it's right there. To me, it's right by the Dugout.
5 That's what I felt that night.

6 Q So you're referencing --

7 A Yeah, this thing --

8 Q -- where you drew the letter A on --

9 A In my mind, I thought it was closer. Like, I thought
10 this parking lot was, like, right here, up here closer,
11 but it's not. This is far. So I'm thinking the Dugout
12 was still in this area. You know what I mean? Closer.

13 I thought this hotel, like, the back of this parking
14 lot was right here. You know what I mean? I didn't take
15 account of all them trees. So I'm thinking that we were
16 right beside the Dugout still. It was only not even 10
17 minutes, a few minutes past. So with all the emotions and
18 adrenaline rushing, I just called and was trying to get...

19 Q Okay. And, for the record, we were referencing
20 what's been marked for identification purposes as State's
21 Exhibit No. 22. So you weren't right beside the Dugout?

22 A No, sir.

23 Q Now, you called 911; right?

24 A Correct.

25 Q On that 911 call that we just listened to, you -- you

1 said that you had already talked to your sister?

2 A Yes, the first time.

3 Q The first time?

4 A Correct.

5 Q And then you testified that you hung up with 911 and
6 you called her back?

7 A The second time. Correct.

8 Q The second time. So there's been two phone calls to
9 your sister at this point?

10 A Yes, after the shooting.

11 Q And your second phone call, you testified, is where
12 she told you about the alleged incident holding the gun to
13 her head, and all of that; right?

14 A Holding the gun in her mouth, yeah, to her head, one
15 of the two and her being assaulted, yes. That's correct.

16 Q So it's your testimony that when you called 911, you
17 didn't know that she had been assaulted?

18 A The initial phone call, I did not know. I didn't
19 find that out until afterwards.

20 Q Okay.

21 A So when I told the dispatcher my sister was safe, I
22 did not know anything else was going on at that moment. I
23 thought she was safe and she was okay.

24 Q Now, regarding the allegations of what Mr. Turner did
25 to her, you weren't there; right?

1 A No, sir, I was not.

2 Q You didn't see them for yourself?

3 A No, sir, I did not.

4 Q You're only going by what she's telling you?

5 A Correct.

6 Q And she's your sister, so you trust what she's
7 saying?

8 A Correct.

9 Q And there were no other witnesses that we know of
10 that have come forward that witnessed that assault; right?

11 A None with the proper qualifications for the Court.

12 Q Okay.

13 A There's witnesses on body cam and all that. But we
14 didn't get any information, so we don't have those
15 witnesses. So we don't have any witnesses to help us out
16 today.

17 Q And your 911 call that we just listened to said that
18 as soon as you pulled up, he started opening fire; right?

19 A Yes.

20 Q So when he started opening fire, according to you, it
21 was as he was in the parking lot after he sprung up and
22 then ambushed you. I think that sums up --

23 A Exactly.

24 Q -- your testimony. Okay.

25 A Yeah. But the gun jammed, so I did mistake that.

1 The gun jammed and gave me time to get out of there. If
2 the gun didn't jam, we probably wouldn't be here today.

3 Q So --

4 A Or if you know how to use the gun properly, we
5 wouldn't be here. He had enough time. I looked at him
6 right in his eyes with the gun in my face. And I saw him
7 squeezing the trigger and it was not going off.

8 Q So let's talk about this for a moment.

9 A Okay.

10 Q You mentioned that this was Angela's car, it wasn't
11 your car; correct?

12 A Yes.

13 Q And you, also, testified that you didn't know where
14 Eugene lived?

15 A Correct.

16 Q Is that correct?

17 A Yes. Because the last time I knew where he was
18 living, he was staying with my kids mother. So after
19 that, I wouldn't have no way to know where he lived at,
20 nothing.

21 Q And, also, you hadn't spoken with him since before
22 these Facebook posts and the incident that's been referred
23 to in January of 2017?

24 A Yeah, way before that.

25 Q So that's almost nine months that has gone by where

1 you haven't seen him?

2 A Correct.

3 Q And as you found out, he blocked your sister and
4 others?

5 A Correct.

6 Q From Facebook?

7 A Yes.

8 Q Now, let's talk about the bullets that you claim hit
9 your car.

10 A Okay.

11 Q You said that there was sparks flying?

12 A Yes, sir.

13 Q You reviewed your statement several times. You never
14 said that in your statement; right?

15 A Probably no.

16 Q Okay.

17 A Yes. But as the evidence shows on the car, the
18 ricochets, sparks were flying.

19 Q Well, we'll get into that a little bit later in this
20 trial.

21 A Okay.

22 Q But you said three or four hit the vehicle?

23 A Three or four noises. I remember ricochets, ping,
24 ping, ping, ping. Yes, sir.

25 Q Okay. You said that when you went up and made the

1 phone call to 911 that you asked for an ambulance?

2 A Yes, sir.

3 Q You heard the 911 call. You never asked for an
4 ambulance, did you?

5 A No.

6 Q Okay.

7 A Well, I remember I didn't -- the call I heard today,
8 I didn't ask for an ambulance.

9 Q Well, the jury is going to be able to hear your 911
10 call. But to the best of your recollection, when you
11 heard it earlier today, do you recall hearing yourself
12 asking for an ambulance?

13 A No, sir.

14 Q So that testimony is different than what's on your
15 911 call?

16 A Correct.

17 Q So just so I'm clear, you said that you backed up out
18 of where you were barely into the parking lot of the
19 Dugout; right?

20 A Correct.

21 Q And while you were still in reverse, you sort of
22 pulled around into that first entrance, as you called it,
23 of the Camelot?

24 A Correct.

25 Q Did you put it in forward after that?

1 A Correct.

2 Q And then you pulled out?

3 A To the left back up to Frontage Road.

4 Q To the left towards that V-GO?

5 A Yes.

6 Q So you were driving forwards to the V-GO, towards the
7 V-GO?

8 A Up to Frontage Road.

9 Q And that's when you veered off to the left on Bruce
10 Road?

11 A No, you don't veer off. I was already on Bruce Road.

12 Q Okay. But you went from Woodmede to Bruce Road;
13 right?

14 A Yes.

15 Q And that's when you went around to where you
16 designated is the Motel 6 where you wrote the letter A on
17 State's Exhibit No. 22; correct?

18 A Correct.

19 Q And you said you waited there by the pool for law
20 enforcement?

21 A I was supposed to be waiting there for law
22 enforcement. She told me to wait there until law
23 enforcement came. After I felt my sister was in danger, I
24 went back over to the Dugout.

25 Q But in your 911 call, you said, We're by the pool.

1 We're waiting on law enforcement?

2 A Correct.

3 Q No law enforcement ever went down there and met you
4 by the pool; right?

5 A Correct.

6 Q They met you when you had come back and when you were
7 in the Camelot?

8 A Correct.

9 Q So, Mr. Stokes, you've had prior issues with
10 Mr. Turner. We've talked about the 2013 incident; right?

11 A Correct.

12 Q And then things got really serious with this family
13 incident in 2000 -- late 2016, early 2017?

14 A Via Facebook, it did.

15 Q It got serious enough for you to post on Facebook and
16 make threats?

17 A Correct.

18 Q Threats that you confirmed you did, in fact, make
19 here in court today?

20 A Yes, sir.

21 Q And then you made another post a few days later that
22 you're still looking for him?

23 A Correct.

24 Q And the first time that you saw him was on September
25 1st, 2017?

1 A Yes.

2 MR. GRUBBS: Nothing further at this time, Judge.

3 THE COURT: Redirect.

4 REDIRECT EXAMINATION

5 BY MR. SMITH:

6 Q You never went looking for Mr. Turner, did you?

7 A No, sir.

8 Q Did you ever try to act on any of those threats?

9 A After the family situation was over, it was all dead
10 to me.

11 Q And you never hung around them again?

12 A No, sir. I knew he hung at -- all the bars he hung
13 at, or whatever. I didn't never go look for him at one
14 place.

15 Q And regardless of where your car was or anything like
16 that, I mean, you pulled up to where Christine's bumper
17 was?

18 MR. GRUBBS: Objection, Your Honor. Leading.

19 THE COURT: Sustained.

20 Re-ask the question.

21 MR. SMITH: I'm fine, Judge.

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

23 Counsel, y'all want to approach for a second.

24 (WHEREUPON, a bench conference was held.)

25 THE COURT: All right. It's 12:00, so that's a good

1 time for us to break for lunch. And what we're going to
2 do is go ahead and break. You need to be back in your
3 jury room at 1:30.

4 And I'm going to give you these four rules. Do not
5 discuss the case among yourselves or with anyone. Do not
6 do any type of research about the case, the parties, law,
7 anything like that. Do not pay any attention to the
8 media, if there's any out there. And, finally, if anybody
9 contacts you, other than somebody from the clerk's office,
10 then, please, let the bailiffs know.

11 Other than that, y'all have a good lunch. And we'll
12 see you back at 1:30.

13 (WHEREUPON, the jury was excused from open court at
14 approximately 12:01 p.m.)

15 THE COURT: All right. Anything else from the State
16 before we break?

17 MR. SMITH: No, Your Honor.

18 THE COURT: From the Defense?

19 MR. GRUBBS: No, Your Honor.

20 THE COURT: Be ready to roll at 1:30.

21 (WHEREUPON, a lunch break was taken.)

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

23 MR. SMITH: Yes, sir.

24 THE COURT: Is the Defense ready?

25 MR. GRUBBS: Yes, sir.

1 THE COURT: Are the bailiffs ready?

2 THE BAILIFF: Yes, sir.

3 (WHEREUPON, the jury came into open court at
4 approximately 1:33 p.m.)

5 THE COURT: All right. I hope everybody had a good
6 lunch.

7 As you recall, the State was in their case. And at
8 this time, the State can call your next witness.

9 MR. SMITH: Judge, we'll call Cameron Woody to the
10 witness stand.

11 THE COURT: Mr. Woody, if you'll come forward and be
12 sworn.

13 WHEREUPON,

14 CAMERON WOODY,
15 after first having been duly sworn, testified as follows:

16 THE CLERK: Thank you very much.

17 DIRECT EXAMINATION

18 BY MR. SMITH:

19 Q You're Cameron Woody?

20 A Yes, sir, I am.

21 Q Where are you employed, Mr. Woody?

22 A With the Greenville County Sheriff's Office.

23 Q How long have you been employed with them?

24 A Since 2013. And with the City of Charleston since
25 2009, before that.

1 Q When did you start -- you said you started in 2009?

2 A Yes, sir.

3 Q Okay. What are your responsibilities with the
4 sheriff's office right now?

5 A Now, I'm an investigator in our property crimes
6 division. I'm, also, a Master Deputy.

7 Q How long have you been in the property crimes division?

8 A About two years now.

9 Q Were you -- what were you doing before you became a
10 property crimes investigator?

11 A I was a master deputy on the road. And before that,
12 I was a deputy on the road in uniform patrol.

13 Q So on September 1st, 2017, what was your position?

14 A I was a deputy with Adam platoon in uniform patrol.

15 Q And where were you patrolling?

16 A The south end of the county.

17 Q And what does that encompass?

18 A Basically, where 85 comes across the county from
19 White Horse and 185, that corner that touches Anderson
20 County all the way over to 276, through Mauldin, Laurens
21 Road. That bottom diagonal diamond shape that is
22 Greenville County.

23 Q All right. The evening of September 1st, 2017, did
24 you receive a call from dispatch?

25 A Yes, sir.

1 Q And when I say "a call from dispatch," what happens
2 when someone calls 911? Do you know?

3 A I know our dispatch communication center answers all
4 the 911 calls. The call takers will, typically, field
5 whatever the call is and divert it to the necessary
6 resource, fire, EMS, or law enforcement, or any of the
7 cities if it's in municipality.

8 Depending on that, the call taker, the person who
9 answers the phone, typically, types it into a computer and
10 relays it to the person on the radio. And they will
11 broadcast over the radio to the closest unit, next
12 available unit or by your unit number, specifically, and
13 tell you the nature of the problem and where it is.

14 Q Okay. So if I'm calling and I'm with 911 and I give
15 some long scenario, do you always get that long scenario
16 from dispatch?

17 A No, sir, not at all.

18 Q So let's say that -- we've already heard some 911
19 calls here today. A 911 call comes in and they're --
20 they're giving a description of a shooting and somebody
21 was shooting at us, and we got away, and we're waiting at
22 a certain area or we're doing this, what would you
23 normally get from something like that?

24 A We use 10 codes to help shorten down that radio
25 communication. A shooting call would be a 1049, bravo

1 would be gunfire. And we would get told 1049 bravo area
2 of, insert location here. In this case, the Dugout on
3 Woodmede Way. And we might get told the complainant, or
4 somebody is standing by, or where they're at and if there
5 were injuries or not.

6 Q Okay. And is that what happened in this case?

7 A Yes, sir.

8 Q All right. So you got a call about a 1049 bravo?

9 A Yes, sir, shots fired call.

10 Q All right. So what did you do?

11 A Myself and several other deputies -- in that case,
12 they didn't just call any individual. They broadcasted it
13 to everybody and said, hey, anybody who can go, you're
14 going. Shots fired at the Dugout. So I started out after
15 they did lights and siren and off we went.

16 Q So what time was that call that came into 911, if you
17 know?

18 A About a quarter until midnight.

19 Q Okay. What time did you arrive on scene?

20 A A few minutes after midnight, about two or three
21 minutes afterwards.

22 Q And when you arrived on scene, what did you see -- or
23 what did you find when you arrived?

24 A Several other deputies were already there. There was
25 a -- an SUV kind of parked in the roadway where Woodmede

1 and Bruce meet. There was a couple other deputies with
2 some rank. And I ended up going to them and asking, Where
3 do you need me?

4 If there's an injury, we, typically, go to that
5 first. And after that, it's crime scene security. But
6 the first thing I did was find the other cops and say,
7 Where do you need me?

8 Q You said some other officers were there. Were there
9 some officers that were arriving at the same time that you
10 were there?

11 A Yes, sir.

12 Q Was there already another officer on scene?

13 A Yes, sir, there was.

14 Q Do you remember who that officer was?

15 A I know at the time -- Deputy Mitchell and I got there
16 about the same time. And there was Master Deputy Azzara
17 that was there.

18 Q And what was Master Deputy Azzara doing?

19 A He was standing next to the vehicle in the roadway
20 talking to the occupants of it.

21 Q Do you remember the vehicle being in the roadway or
22 was it somewhere else?

23 A I remember I parked in the roadway and walked up to
24 the vehicle. It was a little bit of chaos at the moment.

25 Q Yeah, yeah. You had your body cam on?

1 A Yes, sir, I did.

2 Q So if there's a question, we can look at your body
3 cam and see exactly where everybody was?

4 A Yes, sir.

5 Q So when you got on scene and you went to somebody and
6 said, Where do you need me, what did you do after you were
7 told?

8 A I got told that the shooting had kind of happened
9 towards the Dugout and go see if anybody else was hurt,
10 anybody else was hit, any other vehicles hit, trying to
11 establish where exactly this had happened and trying to
12 establish a crime scene.

13 Q So did you stay there around the car or did you walk
14 towards the Dugout?

15 A During all of that conversation of where do you need
16 me, I was looking at the car. But once I got told to
17 move, I started walking towards the Dugout, kind of asking
18 just, in general, who's hurt, anybody need help, anybody's
19 vehicle hit, did anybody see what happened? I was looking
20 for a witness or anybody else that might be hurt.

21 Q So let's go back to the area before you start going
22 towards the Dugout.

23 A Sure.

24 Q So you're -- you're where the car is?

25 A Yes, sir.

1 Q Did you talk to any of the individuals that were
2 around that area?

3 A Not really at that time.

4 Q Okay. You said you looked at the car?

5 A Yes, sir.

6 Q Why would you look at the car?

7 A There had been this indication of gunshots. And the
8 other deputies that were there, we were talking about is
9 the car hit, what exactly happened, just trying to piece
10 together what happened from no information that we'd
11 really been given to try and develop this story of what
12 happened.

13 MR. SMITH: Judge, I'm going to ask that these be
14 marked. They're photographs. I'm going to ask that these
15 be marked as -- collectively as State's Exhibit No. 24.

16 THE COURT: Any objection?

17 MR. GRUBBS: No objection.

18 THE COURT: All right. Entered without objection.

19 (WHEREUPON, State's Exhibit No. 24 was marked for
20 identification and admitted into evidence.)

21 MR. SMITH: Judge, for the record, there are seven
22 photographs in State's Exhibit No. 24.

23 BY MR. SMITH:

24 Q I'm going to hand you what has now been marked as
25 State's Exhibit No. 24, and ask if you can identify those

1 photographs for me?

2 A Yes, sir. This is the GMC Yukon that I was talking
3 about earlier.

4 Q And what is that first picture?

5 A The passenger side of that SUV.

6 Q All right. Is that the SUV you were just referring
7 to?

8 A Yes, sir.

9 Q It's up on the projector now?

10 A Yes, sir.

11 Q And whose SUV was this -- or who was in the SUV?

12 A Mr. Daniel Stokes.

13 Q Okay.

14 A Along with several other people.

15 Q All right. What does this second picture appear to
16 be?

17 A That's the back of the SUV showing the license plate
18 and the rest of the backside of that GMC Yukon.

19 Q All right. And the third picture?

20 A That's slightly zoomed in on some of the damage that
21 we could see just underneath where the windshield blade
22 meets the actual body work. There's that dent there.

23 Q All right. Can you point it out for us? I mean, if
24 you want to stand up right there.

25 A (Witness complied.)

1 Q Okay. And this next picture?

2 A Again, a zoomed-up mark of damage. In that case,
3 that's the passenger side front door. And we can see
4 damage here at the B pillar right at the bottom of the
5 window.

6 Q You called it a B pillar, what are you talking about?

7 A The B pillar of a vehicle is the spot where the front
8 passenger compartment where the seat belt, typically, is.
9 The A pillar is where the windshield meets the body of the
10 car. The B pillar, and C pillar, D pillar, and so forth
11 until it goes -- but it's the structural integrity of the
12 car where the door meets the frame.

13 Q What is this next picture?

14 A Still a zoomed-up closer image of that impact to the
15 passenger door.

16 Q And what does this next picture appear to be?

17 A That is back -- on the very back end of the SUV,
18 right underneath that wiper blade with a measurement for
19 scale.

20 Q Do you ever deal with forensics at all?

21 A Occasionally, sir.

22 Q Why do they put these gauges up?

23 A To show how big that mark is.

24 Q And what about this last picture here?

25 A That's it -- back on that front passenger.

1 Q So that's --

2 A That's the side of the vehicle. And the one before
3 was the back end.

4 Q All right. Now, when you were out on scene when you
5 first saw those marks, did you have any doubt or anything
6 as far as whether or not those were actual gunshots?

7 A Yes, sir, I did.

8 Q And -- and why would you have a doubt about that?

9 A I think with most people when you hear about somebody
10 shot at the car, you're going to expect they're hitting
11 the car directly or hitting the broad side of a car. If
12 that was the case, I would have expected to see
13 penetration bullet holes into the actual wall -- side wall
14 of the vehicle. At the time while I'm looking at the car,
15 that was what I was expecting to see. And it did not
16 match my expectations.

17 Q When you finished looking at the car, what did you
18 do? Or did you go anywhere? Did you talk to anybody?

19 A Eventually, yes, sir. I did walk up towards the
20 Dugout and see if there were any other vehicles -- or any
21 witnesses that could try and help put what I was seeing
22 versus the story. I needed some context on what I was
23 seeing. So I was hoping that maybe somebody else had seen
24 it and they could tell me what was going on or what had
25 happened.

1 Q Did you walk there by yourself or did you have
2 somebody with you?

3 A Deputy Mitchell went with me.

4 Q So both of y'all went down there?

5 A Yes, sir.

6 Q And on your way there, you're walking just down
7 Woodmede Road right there?

8 A Yes, sir.

9 Q Do you end up going from Woodmede into the Dugout
10 parking lot?

11 A Yes, sir, we did.

12 Q When you went up to the Dugout parking lot, what did
13 you see?

14 A Just a mass of people kind of standing around. And I
15 just started asking the crowd, is anybody hurt? Did
16 anybody see anything? Are any other vehicles hit? Who
17 can tell me what happened? Did anybody see anything? I
18 was just trying to find somebody willing to help give some
19 context or if there was, God forbid, another victim,
20 somebody who had been hurt. Or if there was other
21 property damage, another car that might have gotten
22 struck. Somebody who could give us a story.

23 Q On the way down to the Dugout parking lot, did you
24 see any people on the way?

25 A Yes, sir. There were several people still in the

1 roadway walking around. There had been this shooting
2 incident, so people were trying to leave, both in cars and
3 on foot.

4 Q And they were coming from the Dugout?

5 A Yes, sir.

6 Q So you're up in the Dugout and you're asking people
7 if anybody saw anything, or heard anything, or knew
8 anything, anybody's cars were struck. Is that what I just
9 heard you testify to?

10 A Yes, sir.

11 Q And people, I'm sure, just came running up to you
12 and --

13 MR. GRUBBS: Objection, Your Honor. Leading.

14 THE COURT: Rephrase.

15 BY MR. SMITH:

16 Q Did anybody come talk to you?

17 A Yes, sir. During the conversation that I was trying
18 to have with people, I ended up speaking with a gentleman
19 that had been kind of directing traffic that works
20 security there. He was saying everything happened over
21 there, over there, either towards the roadway or towards
22 the Camelot Inn, the next hotel down. He kept saying
23 everything happened over there.

24 I was trying to get some more information from him.
25 He, obviously, had seen something or heard something. And

1 I was trying to find out what exactly happened. A random
2 bystander came up and confirmed his story. No, it
3 happened out there in the road.

4 Q And you hadn't asked that guy anything?

5 A No, sir, I hadn't.

6 Q Okay. So did you immediately leave or did you stay
7 in the parking lot?

8 A Well, I stayed in the parking lot for another minute
9 or two trying to get some more information. But once I
10 got told everything happened out in the roadway, I ended
11 up walking out to the roadway trying to find shell
12 casings. That's where everything was leading us. So
13 that's where we went.

14 Q On the way into the Dugout, did you have a flashlight,
15 or anything?

16 A Yes, sir, I did.

17 Q Why did you have a flashlight?

18 A It was dark.

19 Q What were you looking for with your flashlight?

20 A People, evidence, somebody that was hurt, shell
21 casings, bullet holes in other cars, a gun tossed to the
22 side of the road, anything that could draw attention.

23 Q And did you find any of those things in the Dugout
24 parking lot?

25 A No, sir.

1 Q And did you search the entire parking lot of the
2 Dugout?

3 A No, sir, I didn't.

4 Q So nobody really wanted to talk with you?

5 A No, sir.

6 Q When you left the Dugout parking lot, did you find
7 any other evidence?

8 A I found several shell casings in the roadway in front
9 of the Dugout. Where the parking lot kind of exits into
10 the road, across the width of that area were -- was seven
11 shell casings.

12 Q All right. And I'll ask you to mark that on the
13 board here in a few minutes.

14 A Yes, sir.

15 Q I mean, you already said there were people out in the
16 parking lot and in the roadway. It took how long for you
17 to get to the crime scene?

18 A 15, 20 minutes.

19 Q All right. Do you think people left?

20 A Yes, sir.

21 Q And -- and when people leave, I mean, they were
22 probably in their cars?

23 A Yes, sir.

24 MR. GRUBBS: Objection, Your Honor. Calls for
25 speculation.

1 BY MR. SMITH:

2 Q If their cars were in the Dugout parking lot and they
3 left and they drove through -- I mean, how would they get
4 out of the Dugout parking lot?

5 A While I was there, I saw people leaving in their cars
6 and on foot walking.

7 Q Were they walking where the shell casings were?

8 A Yes, sir.

9 Q And you -- all right. So who was with you? Was
10 Deputy Mitchell still with you at that time?

11 A For a bit of it. And then once we got told where the
12 shell casings were -- once we started walking for shell
13 casings and started finding them, we made the
14 determination we should put up some crime scene tape to
15 stop that cross traffic and preserve the crime scene as
16 much as we could.

17 He walked away in order to go get tape while I kind
18 of stood by and diverted people around, stopped vehicles
19 from driving through, and made sure that anybody still
20 walking didn't walk over the shell casings to preserve
21 that as much as I could.

22 Q Could you have done that prior to you arriving on
23 scene?

24 A No, sir, I couldn't. I wasn't there.

25 Q So, I mean, it's possible that somebody could have

1 driven through the -- through the crime scene where the
2 shell casings were?

3 A Absolutely. In fact, somebody did try and drive
4 through the tape as we had already put it up.

5 Q I'm going to flip this board around and show you
6 what's been previously marked as State's Exhibit No. 23.
7 Can you step down and show us where the Dugout is on
8 there?

9 A It would be this building here.

10 Q All right. I'm going to hand you this red marker.

11 A Thank you.

12 Q Can you draw off with lines across Woodmede Road
13 where you kind of cordoned off with police tape where the
14 shell casings were?

15 A I used part of this fence line here. And there's a
16 telephone pole here. And I was able to make those -- and
17 then a vehicle that was kind of parked here, once we were
18 able to block that and, ultimately, we went down the road
19 and kind of stopped traffic with our vehicles. And at one
20 point, we had stopped everything after a moment. But most
21 of the crime scene tape was centered.

22 Q Okay. So draw a line where the crime scene tape was.

23 A Yes, sir, here and here. It's a triangle almost.

24 Q All right. So, for the record, can you kind of
25 describe -- when you said there's a telephone pole, where

1 is the telephone pole located?

2 A It's in between -- in this grassy area between the
3 Dugout and the Camelot Inn towards the roadway.

4 Q All right. So the grassy area between the two
5 parking lots?

6 A Yes, sir.

7 Q And then we see the red lines coming off of there?

8 A Yes, sir.

9 Q And that's where you found the shell casings?

10 A Yes, sir.

11 Q Do you have those shell casings with you today?

12 A I do, sir.

13 MR. SMITH: Judge, these have previously been marked
14 as State's Exhibit No. 19 and had already been entered
15 into evidence, if I'm not mistaken.

16 MR. GRUBBS: Judge, may we approach briefly?

17 THE COURT: Yes.

18 (WHEREUPON, a bench conference was held.)

19 MR. SMITH: So, Judge, I'm now going to show him what's
20 been previously marked as State's Exhibit No. 19 for
21 identification purposes only.

22 BY MR. SMITH:

23 Q Do you -- before you open that envelope up --

24 A Yes, sir.

25 Q -- can you tell us what's inside?

1 A There's a series of shell casings in their original
2 paper bags inside of a larger envelope from where they
3 were placed in after previous examination.

4 Q And you say "placed in," where -- when you collect
5 evidence --

6 A Yes, sir.

7 Q -- such as shell casings, where do they go?

8 A To our property and evidence division at 4 McGee
9 Street.

10 Q And why do they go into property and evidence?

11 A So that we can keep track of the exact shell casings
12 involved in this case, as opposed to any of the other
13 countless shell casings we've ever collected. We don't
14 want to get them mixed up. So we label them, mark them,
15 put bar codes with them for easy identification so that we
16 can keep track of what that evidence is so it doesn't move
17 around that we don't know about.

18 Q When you say "move around," I mean, so we're,
19 basically, talking about a crime scene and its basis is a
20 storage unit?

21 A Yes, sir.

22 Q And it's a secure storage unit?

23 A Very much so.

24 Q Can you just go back there any time you want and get
25 the evidence that you need?

1 A No, sir. I have to sign it out.

2 Q And who do you sign it out from?

3 A Our property and evidence technicians.

4 Q And when you put it in, who do you give it to?

5 A I either put it in through a locker system, which is
6 one time use only, it goes in a locker, press a button,
7 nobody else can touch it except the evidence techs who
8 have to sign and scan for it when they get it. And it
9 gets documented and stored in that secured facility until
10 we come back to get it for court or for evidence exams.

11 Q All right. And did anybody -- when you saw these
12 shell casings out in the roadway --

13 A Yes, sir.

14 Q -- what did -- you've already testified that you
15 cordoned it off. What happened after that?

16 A Once we found them, I ended up taking some of our
17 business cards that we're given, kind of folding them into
18 a little teepee-like deal and putting them over the shell
19 casing. So that it's easier to see this white piece of
20 paper sticking up out of the ground, as opposed to a small
21 brassy shell casing, especially when it's dark. It acts
22 as a bit more of an indicator of what's going on.

23 Ultimately, it was a little bit windy that night.
24 And those little paper cards started blowing away. So we
25 changed the markers over to some fluorescent-weighted

1 washers that one of our K9 units had.

2 Q And so you marked each of the shells with the
3 washers --

4 A Yes, sir.

5 Q -- and reflective tape?

6 A Yes, sir.

7 Q And do you just leave them sitting there?

8 A No, sir. We, eventually, collect them after we
9 photograph where their location is as we're collecting
10 them. But we want to make sure we preserve as much of
11 that crime scene as possible to help answer these
12 questions.

13 So while we leave them there, we do have a standby
14 with them and make sure they don't walk away or disappear.

15 Q All right. And that's -- that's what happened on
16 this night?

17 A Yes, sir.

18 Q Did you, eventually, leave that scene?

19 A Yes, sir, I did.

20 Q Was there an officer that was left at the scene
21 watching those shell casings until forensics came?

22 A Yes, sir, there was.

23 Q And I think you said "yes"?

24 A Yes, sir, there was.

25 Q Okay. All right. When you left the scene -- I mean,

1 you had found seven shell casings?

2 A Yes, sir.

3 Q And when you left the scene, what did you do next?

4 A I went back to the car and tried to help and ended up
5 taking some written statements.

6 Q Did you take a statement from Daniel Stokes?

7 A I did.

8 Q Let me ask you, when you take a statement, somebody
9 is talking to you; right?

10 A Yes, sir.

11 Q I mean, you're asking questions; is that right?

12 A Yes, sir.

13 Q Or do they just tell you everything?

14 A I, typically, will start with, tell me what happened,
15 start from the beginning, walk me through this. And as
16 they start talking, I can never write as fast as somebody
17 tries to talk. So I have to stop them and summarize what
18 they've said. And I will write that and confirm this is
19 what you're telling me.

20 Q All right. So if I -- let's just take somebody
21 telling you I called 911 and I asked for a -- for an
22 ambulance, and a fire truck, and a police officer, I mean,
23 what would you normally write on something like that?

24 A I called 911.

25 Q Why not all of it?

1 A Because, ultimately, from my knowledge, when you call
2 911, it always goes to the same people anyway. And my
3 dispatchers are going to send whoever's needed. No fire
4 truck or no ambulance is going to come in until the scene
5 is safe. That's their first level of training. Law
6 enforcement is always the first ones that show up to make
7 sure there's no other danger to the paramedics or to the
8 firemen. We can mitigate that risk as much as possible.

9 Q Well, let me ask you this, if I call and my house is
10 on fire, I mean, is law enforcement going to show up then?

11 A Probably.

12 Q I mean --

13 A The fire department will show up first because a fire
14 by itself is not necessarily a crime. Somebody shooting
15 at someone is intrinsically a crime.

16 Q When you're taking somebody's statement, are you --
17 and in this case when you took Daniel Stokes' statement,
18 did you write that statement?

19 A Yes, sir, I did.

20 Q And he's telling you things and you're summarizing
21 them?

22 A Yes, sir.

23 Q What's -- in your eyes, what's a statement supposed
24 to be?

25 A It's a summary of what happened, his account. So

1 that when we read it five years later, we could say,
2 right, I remember these facts. It's a bullet point
3 statement so that we can remember the major facts and the
4 key elements of the story.

5 Q And there's things that you remember along with those
6 major facts?

7 A They would not necessarily be in the statement, no,
8 sir.

9 Q All right. But it just jogs your memory?

10 A Yes, sir.

11 Q And is that the same as a supplemental report?

12 A No, sir, it's not.

13 Q What's a supplemental report?

14 A A supplemental report is my version of my events that
15 would supplement the initial incident report documenting
16 the crime. The supplemental report would be other
17 information known or what another deputy who's not the
18 original reporting officer would write. This was my
19 involvement. I showed up. I found shell casings. I took
20 statements. And a summary of each of those things.

21 It's not going to go into the exact details of this
22 is where the shell casing was. This was the entire
23 details of everything. But it is a summary and
24 supplemental information to the original report.

25 Q So when you're out on scene, are you -- you're in

1 uniform; right?

2 A Yes, sir, at the time, I was.

3 Q You're on uniform patrol. You're in uniform?

4 A Yes, sir.

5 Q You get to wear plain clothes when you're an
6 investigator?

7 A Yes, sir.

8 Q All right. So you're in uniform. Do you have
9 anything on your uniform that helps you recall what
10 happened out there on scene?

11 A Body camera.

12 Q And did you have a body camera this night?

13 A Yes, sir, I did.

14 Q Did it -- did you have it on?

15 A Yes, sir, I did.

16 Q And it recorded most of everything that happened out
17 there?

18 A Yes, sir.

19 Q Do you sometimes have it on or off when you're taking
20 a statement?

21 A I try to have it on. But we've switched body camera
22 companies three times now with the county sheriff's
23 office. There are technical issues. This particular
24 evening in September of 2017, we just kind of started
25 using body cameras. They were having some technical

1 difficulties. And you could bump them and they would mute
2 or cut off.

3 It was a one button press to turn on and one button
4 to turn off. As I'm writing a lot of times, it would bump
5 and turn off or bump and turn on. And there would be
6 issues, which is why we, ultimately, moved away from that
7 body camera style.

8 Q When you went into the parking lot at the Dugout. Do
9 you recall seeing an Xterra there?

10 A Yes, sir.

11 Q Do you know or remember which parking spot that
12 Xterra was in?

13 A Not a hundred percent, sir. It was about halfway up
14 the parking lot.

15 Q All right. If we showed you a portion of your body
16 cam, would you --

17 A That would, certainly, help.

18 Q Yeah. Would you rely on --

19 A Yes, sir. I would rely on the video evidence.

20 MR. GRUBBS: Judge, I would object to this video
21 being played. It's not been entered into evidence.

22 MR. SMITH: Well, he'd have to...

23 BY MR. SMITH:

24 Q You've looked at your body cam footage?

25 A Yes, sir.

1 Q In anticipation of this trial; right?

2 A Yes, sir. I did review it.

3 MR. SMITH: Judge, I'm going to ask that this be
4 marked as State's Exhibit No. 25 for identification
5 purposes only.

6 MR. GRUBBS: Judge, same objection. It still hasn't
7 been entered into evidence.

8 THE COURT: Are you going to show it to him?

9 MR. SMITH: He said he had looked at it prior to --
10 in preparation of trial. I mean, he's got to see, at
11 least, what's on the disk. He can't identify a disk.

12 THE COURT: Has he looked at the initials, or
13 anything?

14 BY MR. SMITH:

15 Q Do you remember us looking at the disk in preparation
16 for this trial?

17 A Yes, sir.

18 Q And when we looked at it in preparation for the
19 trial, did you happen to initial this?

20 A No, sir, I did not.

21 Q Okay. You reviewed the disk, though?

22 A Yes, sir.

23 Q Does that appear to be a copy of the disk that you
24 looked at that day?

25 A Yes, sir. In fact, you pulled it out of your CD

1 drive while we were in there. And it is written the same
2 as when we talked about it.

3 Q All right. Can you put your initials on there?

4 A (Witness complied.)

5 MR. SMITH: Judge, I'm going to ask that this be
6 moved into evidence as State's Exhibit No. 25.

7 MR. GRUBBS: No objection.

8 THE COURT: All right. It's in without objection.

9 (WHEREUPON, State's Exhibit No. 25 was marked for
10 identification and admitted into evidence.)

11 (WHEREUPON, a portion of State's Exhibit No. 25 was
12 played in open court.)

13 BY MR. SMITH:

14 Q Officer Woody, do you see the white Xterra in the
15 parking lot there?

16 A Yes, sir, I do.

17 Q What else is in the parking lot right there next to
18 the Xterra -- I'll tell you what, before you answer that,
19 show me where the Dugout is?

20 A This big building right here is the Dugout.

21 Q Okay. And are there parking spaces along the
22 right-hand side going up to the Dugout?

23 A Yes, sir, there is.

24 Q So where is the white Xterra?

25 A You can barely see it.

1 Q Okay. And how many parking spots -- if you can see,
2 how many parking spots coming back from the Dugout to the
3 road is the Xterra?

4 A Towards the road, one, two -- three or four, sir.

5 Q Okay. It's in the third or fourth parking spot?

6 A Yes, sir.

7 Q Now, I believe you were saying that you had taken a
8 statement from Daniel Stokes?

9 A That's correct.

10 Q All right. When you were taking a statement from
11 Daniel Stokes, how did he appear to you?

12 A A little frazzled, but understandably so as he'd just
13 been shot at.

14 Q All right. So how much time had passed in your -- I
15 mean, if you recall?

16 A From the time I arrived on scene, probably 30,
17 40 minutes. And I got there, you know, 15 minutes after
18 the initial call came in, so probably 45 minutes to close
19 to an hour.

20 Q Did you see him on scene when you first arrived?

21 A He was at the GMC Yukon.

22 Q And how did he appear at that time?

23 A He was talking to another deputy. He was able to --
24 kind of relaying some of the story, talking about what was
25 going on. He was upright, ambulatory, able to form

1 sentences. He wasn't --

2 Q Did he seem -- I mean, you said "frazzled" a minute
3 ago?

4 A Yes, sir.

5 Q Did he still seem frazzled then?

6 A Not overly so.

7 Q Okay. Everybody else on scene there, how did they
8 appear?

9 A Everybody was a little emotional because of this
10 situation. It was an understandable and realistic
11 response to being shot at. It's not uncommon for people
12 to be in an amped up emotional state or frazzled state.
13 They're trying to calm themselves down, but this is some
14 emotional high. There is an adrenaline rush. And as
15 people are coming down from that, it can appear as though
16 they're frazzled.

17 Q You had an opportunity to review the statement that
18 Daniel Stokes gave to you; right?

19 A Yes, sir.

20 Q Is everything in there what you wrote?

21 A Yes, sir.

22 Q Is it possible that there are things that he told you
23 that were not in that statement?

24 A Yes, sir, absolutely.

25 Q After the statements -- or the statement was given to

1 you, did you ever try to find Eugene Turner?

2 A He was not on scene at that time.

3 Q Okay. So he was not there?

4 A No, sir.

5 Q Had you --

6 MR. SMITH: Judge, may we approach?

7 THE COURT: You may.

8 (WHEREUPON, a bench conference was held.)

9 BY MR. SMITH:

10 Q How long were you in the southern side patrolling
11 that area?

12 A At the time of this incident, I had been there since
13 2013, so four years.

14 Q Four years. Had you ever been out to the Dugout
15 before?

16 A Yes, sir, I had.

17 Q Were cases ever made out there before?

18 A Yes, sir.

19 Q As uniform patrol, what's your duty?

20 A To respond to calls for service and proactive
21 enforcement.

22 Q Right now, you're in investigations?

23 A Yes, sir.

24 Q Do you respond to calls now?

25 A Not so much.

1 Q Are -- people who have responded to calls, do you get
2 their reports?

3 A Yes, sir, I do.

4 Q And what do you do with those reports?

5 A I, typically, follow-up with everything that couldn't
6 be done in the immediate moments of those reports being
7 taken, everything after the first hour or two on scene.

8 Q So you're on scene there as uniform patrol that
9 night?

10 A Yes, sir.

11 Q What's your job?

12 A Keep everybody safe, preserve the crime scene, and
13 learn as much information as I can as quickly as I can.

14 Q At the Dugout, do you know if there are cameras
15 there?

16 A I know I've seen cameras there, yes, sir.

17 Q Do you know if those cameras work?

18 A I don't.

19 Q Do you know if those cameras record anything?

20 A I do not know, sir.

21 Q In cases which you've been involved in, are you aware
22 of any camera footage that has ever been obtained in any
23 of those cases from the Dugout?

24 A No, sir.

25 Q You when you say "No, sir," do you mean there's no

1 camera footage that has ever been obtained --

2 A To my knowledge, there's never been camera footage
3 able to be obtained from there.

4 Q What's the attitude of the individuals working at the
5 Dugout --

6 MR. GRUBBS: Objection. Speculation.

7 THE COURT: I'm going to sustain that.

8 BY MR. SMITH:

9 Q If you know, when you have been out on the scene at
10 the Dugout before, what's the attitude of the people
11 working at the Dugout in getting information from them?

12 A Adversarial, at best. They don't want us there.

13 Q In fact, this night, you said you were talking to a
14 security officer there?

15 A Yes, sir.

16 Q What was -- what was the general attitude?

17 A He repeatedly stated this didn't happen here. It
18 happened over there. And he stated it happened in the
19 roadway. It happened at the Camelot Inn parking lot. It
20 was anywhere but right there in their parking lot or at
21 their business.

22 Q And to be clear, you didn't -- you didn't ask for
23 camera footage, or anything like that; right?

24 A No, sir, I didn't.

25 Q Is that your job to ask for camera footage?

1 A No, sir.

2 Q When you were on scene and the security guard was
3 doing this, did you have to talk to him?

4 A Yes, sir.

5 Q And -- and did you have to explain certain things to
6 him?

7 A Yes, sir.

8 Q And what kind of things did you have to explain to
9 him?

10 A I was trying to phrase that we were looking for
11 anything for his customers best interest. Maybe their car
12 was hit and they needed to file an insurance claim. It
13 would be easier to do that with this police report as it's
14 already documented. It's showing they're not involved.
15 They're just a helpless bystander if their vehicle was
16 struck. Maybe somebody is hurt and they need aid. This
17 is for the betterment of the business at that moment, not
18 us trying to come in and shut down the bar or cause other
19 problems for them, but, really, to help their customers as
20 well.

21 I remember when he said, you know, everything
22 happened over there, over there, over there. I had to
23 point out, well, bullets fly, bullets travel. And just
24 because somebody was standing in the next parking lot over
25 doesn't mean that a bullet didn't miss its target and hit

1 somebody in this parking lot.

2 Q All right. So, now, you've finished your
3 investigation. The evidence has been preserved in the
4 road?

5 A Yes, sir.

6 Q And you walk back up to where the car is?

7 A Yes, sir.

8 Q You've -- you took Daniel Stokes statement?

9 A Correct.

10 Q The -- the photograph that you pointed out earlier
11 about the car?

12 A Yes, sir.

13 Q The doubt that you had earlier you testified to?

14 A Yes, sir.

15 Q After doing all of this and getting statements, what
16 kind of doubt did you have at that point?

17 A After examination of the evidence, some of the
18 testimony of the witnesses that we had been told their
19 statements, it started to make more sense --

20 MR. GRUBBS: Objection, Your Honor. This witness has
21 not been qualified as an expert to have an opinion on what
22 the evidence may or may not show regarding the alleged
23 bullet damage.

24 MR. SMITH: Judge, I -- well, we may need to
25 approach. Because I don't want to say exactly what -- I

1 don't want to suggest the answer to him.

2 THE COURT: Just re-ask the question.

3 MR. SMITH: All right.

4 BY MR. SMITH:

5 Q Did what you saw on the car, the bullet markings
6 match what the evidence that you gathered showed?

7 A Yes, sir --

8 MR. GRUBBS: Same objection, Your Honor. Judge, he's
9 not an expert to give an opinion on matching of --

10 THE COURT: I'm going to overrule. I find just in
11 general.

12 BY MR. SMITH:

13 Q Have you ever -- you've been an officer for how long
14 now?

15 A 12 plus years now.

16 Q You've seen bullet holes; right?

17 A Yes, sir.

18 Q What's a ricochet?

19 A Where the bullet, instead of striking directly onto
20 the face of the surface and penetrating, will bounce off.
21 Because it's at such an angle that instead of going all
22 the way through, it bounces.

23 Q And you've --

24 A Yes, sir. I've seen --

25 Q And you've heard of a ricochet?

1 A Yes, sir.

2 Q Is a ricochet -- in your opinion, with your
3 experience and knowledge, is a ricochet what occurred in
4 this instance?

5 A Yes, sir. That matches what we were being told and
6 what the evidence shows.

7 Q And I know you're not an expert in firearms or
8 anything else, but, I mean, just based on your experience
9 and knowledge?

10 A Yes, sir.

11 MR. SMITH: Judge, if I can have one moment.

12 (Pause.)

13 BY MR. SMITH:

14 Q After you left the scene that night, what did you do?

15 A From that scene, I ended up going to the hospital and
16 standing by for security.

17 Q What hospital?

18 A St. Francis.

19 Q And who was at St. Francis? When you say
20 "security" --

21 A The -- one of the victims from this case was
22 transported there.

23 Q All right. So you stood by for security?

24 A Yes, sir.

25 Q And how long did you stay there, if you recall?

1 A Maybe an hour or so.

2 Q And then you -- what did you do?

3 A I left and went out to other calls.

4 MR. SMITH: All right. Judge, that's all I have.

5 THE COURT: Cross-examination.

6 CROSS-EXAMINATION

7 BY MR. GRUBBS:

8 Q Deputy Woody, your report says that you assisted on
9 this case?

10 A Yes, sir.

11 Q So you're not the lead investigator?

12 A That's correct.

13 Q You're not the case agent, I think is another term
14 that could be used, perhaps, as the person who is the
15 primary officer --

16 A That's correct.

17 Q -- on a case?

18 But you did write a report on this case?

19 A I wrote a supplemental, yes, sir.

20 Q And it's important to write those reports; right?

21 A Yes, sir.

22 Q You're trained to write those reports?

23 A Yes, sir.

24 Q You're trained to put information in those reports
25 that's going to be relevant to the case?

1 A Yes, sir.

2 Q You're trained to be as thorough in those reports --
3 as thorough as possible?

4 A Okay, sir.

5 Q Is that true?

6 A Yes, sir. We're trained to write the reports.

7 Q As thorough as possible. You're never going to get
8 all the details. But you want to get --

9 A As factual as possible, yes.

10 Q Exactly, as much in there as you can. This was five
11 years ago. I'm sure that you've had lots of cases since
12 then?

13 A Yes, sir.

14 Q And you've written a lot of reports since then?

15 A That's correct.

16 Q So it's fair to say that this report is your best
17 source of knowledge on this case?

18 A Aside from the body cam, yes, sir.

19 Q Okay. We'll talk about the body cam in just a
20 minute. But let's talk about a couple other things that
21 you are trained to do. You talked about when you got
22 there, you were there sort of for scene security, to sort
23 of check and making sure everything is okay?

24 A Yes, sir.

25 Q Making sure there's no injured people; right?

1 A Yes, sir.

2 Q Making sure that the -- the potential area where
3 you're going to find evidence is clear of people?

4 A Yes, sir, if possible.

5 Q You don't want a crime scene getting corrupted?

6 A Trying to contain the contamination as much as
7 possible.

8 Q Sure. You want to speak to witnesses, if you can?

9 A Yes, sir.

10 Q You want to try to discover evidence if it's out
11 there?

12 A Yes, sir.

13 Q You want to document that evidence?

14 A Yes, sir.

15 Q You want to collect that evidence, perhaps --

16 A Yes, sir.

17 Q -- if you need to?

18 You want to gather evidence that supports potential
19 charges that might be filed?

20 A Yes, sir.

21 Q And it's, also, important for you to gather evidence
22 that might be inconsistent; right?

23 A Yes, sir.

24 Q And you had a body-worn camera on. We just talked
25 about some of that; right?

1 A Yes, sir.

2 Q And you had it on this day?

3 A That's correct.

4 Q And it was recording on this day?

5 A Correct.

6 Q You testified a little bit about some of the
7 technical difficulties --

8 A Yes, sir.

9 Q -- that you were having with the body cam that day.
10 The video that has now been admitted into evidence shows a
11 lot of that day's investigation. Would you agree with
12 that?

13 A About 25 minutes worth, yes, sir.

14 Q It doesn't show all of that day's investigation;
15 right?

16 A No, sir.

17 Q It doesn't show the video of you taking Daniel Stokes
18 statement, does it?

19 A No, it does not.

20 Q As part of being a Greenville County sheriff's
21 deputy, you have standing orders; right?

22 A Yes, sir.

23 Q And they're called general orders?

24 A That's correct.

25 Q And you're familiar with these general orders?

1 A Yes, sir.

2 Q I know you don't know them word-for-word, but you're
3 familiar that they exist?

4 A Yes, sir.

5 Q And they're out there; is that right?

6 A That's correct.

7 Q Are you familiar with the one on body-worn cameras?

8 A Yes, sir.

9 Q That's general order number 249?

10 A Yes, sir.

11 Q So then you're aware that it says that if equipped,
12 the deputy will utilize a body-worn camera and/or in-car
13 camera upon arrival at a call for service upon initiation
14 of any other law enforcement investigative encounter
15 between a deputy and a member of the public; right?

16 A That's correct.

17 Q And it, also, says that it should be activated at the
18 scene of all violent crimes?

19 A Also, correct.

20 Q And you were encountering a member of the public when
21 you took Mr. Stokes statement?

22 A Yes, sir.

23 Q In fact, you testified just a few minutes ago that he
24 probably said more than what you put in the report?

25 A Yes, sir.

1 Q But we're never going to see that because that's not
2 on your body-worn camera; right?

3 A Yes, sir.

4 Q Okay. Let's talk a little bit about your report.
5 Did you have a chance to review that before you came into
6 court today?

7 A Yes, sir, I did.

8 Q And I'm going to ask you a particular detail here
9 that I may need to hand up for you to reference. But do
10 you recall there being a box where you reference a victim
11 number one?

12 A Yes, sir.

13 Q And on that box, there's a little yes or no check box
14 for visible injury?

15 A That's, typically, in the original report, but yes,
16 sir.

17 Q And you have victim number one listed down here as
18 Christine Wolfe-Young; is that correct?

19 A Yes, sir.

20 Q And you have checked on there that, yes, there's
21 visible injury?

22 A That would have been in the original report, so I did
23 not do that.

24 Q But that's on your report?

25 A Yes, sir.

1 Q So because you reviewed it, I'm asking you about it.

2 A Okay, sir.

3 Q And it says, Abrasion to head --

4 A Yes, sir.

5 Q -- and bruising; right?

6 A Yes, sir.

7 Q And then right next to that, it says, Complaint of
8 any non-visible injuries, you checked no; right?

9 A Okay, sir.

10 Q Is that true?

11 A I did not check anything.

12 Q Okay. But that's on your report?

13 A It's a carryover from the original, yes, sir.

14 Q And it's checked no?

15 A Okay, sir.

16 Q In your report; is that correct?

17 A The supplement is a narrative only. So any of the
18 box checking is from the original report.

19 Q Okay. But I'm asking you on this piece of paper that
20 has your name, Cameron Woody, down at the bottom?

21 A Yes, sir.

22 Q Where it has these boxes that we've already started
23 talking about?

24 A Yes, sir.

25 Q All I'm asking you, does it say yes or no? And is

1 the box checked no for that particular box?

2 A You might have a different sheet of paper than I
3 have, sir.

4 Q Let me show you what I'm looking at. Okay. Are we
5 on the same page now?

6 A Yes, sir.

7 Q So that box is checked no?

8 A That's correct.

9 Q And then right next to that, it says, Victim using
10 alcohol?

11 A It says, No.

12 Q And that says, No. Okay. So you arrive on the scene
13 September 1st, 2016 [sic]. You said the time was about a
14 quarter till midnight?

15 A When I got the call, yes, sir.

16 Q Okay. I think the original report says something
17 like 23:41, which would be 11:41. Does that sound --

18 A Yes, sir.

19 Q -- about accurate?

20 A That would be when the call came in from our dispatch
21 center, yes.

22 Q Right. And then you arrived a little after midnight?

23 A Yes, sir.

24 Q About two to three minutes after?

25 A Yes, sir.

1 Q And we hinted around it a little bit. You were
2 skeptical of the damage that you saw on --

3 A Yes, sir. It didn't match my initial expectations of
4 what a gunshot would look like to a car.

5 Q In fact, you commented that unless somebody was using
6 a BB gun, that's not what you would expect the damage to
7 look like?

8 A That's correct.

9 Q And then it went a little further where someone even
10 suggested, well, maybe a 380 caliber. And you said even
11 that would be -- even that would cause penetration?

12 A You would think, yes, sir.

13 Q And a nine millimeter is a larger caliber than a 380;
14 is that fair?

15 A That is true.

16 Q Okay. And you observed that there was no penetration
17 into the vehicle?

18 A Correct.

19 Q In any area of the vehicle?

20 A Yes, sir.

21 Q No traditional bullet hole as we would imagine --

22 A Correct.

23 Q -- that we would see?

24 And you had never seen this Yukon before that night?

25 A No, sir, I hadn't.

1 Q So you would have no way to know if there was damage
2 on that Yukon before this happened?

3 A No, sir.

4 Q You would have no way to know if something else
5 caused that damage?

6 A No, sir.

7 Q You'd have no way to know if the victims were lying
8 to you about that that was, actually, a ricochet, do you?

9 A No, sir.

10 Q But you did help find some shell casings. We talked
11 about that; right?

12 A Yes, sir.

13 Q And they were nine millimeter shell casings?

14 A That's correct.

15 Q And did you call forensics out there?

16 A Forensics was called.

17 Q Right.

18 A I don't remember if I'm the one that called for them,
19 but forensics was called.

20 Q Typically -- would you agree that, typically, that's
21 the lead investigator that sort of calls for forensics, or
22 can it be anybody?

23 A It can be anybody, sir.

24 Q Okay. But you were right by that GMC Yukon?

25 A Yes, sir.

1 Q And you looked at the alleged damage on the passenger
2 side?

3 A Correct.

4 Q You looked at the alleged damage on the backside?

5 A Correct.

6 Q You never looked inside the Yukon for anything?

7 A I did not search the vehicle, no.

8 Q In fact, you characterized some of the alleged damage
9 as a scrape. Do you remember that?

10 A Yes, sir.

11 Q And you never searched any of the alleged victims in
12 the case?

13 A No, sir. I had no reason to.

14 Q You never patted them down?

15 A No, sir.

16 Q You never had a reason to pat any of them down;
17 right?

18 A No, sir.

19 Q But you were aware or, at least, you have been made
20 aware since preparing for this that there was a 911 call
21 that came in that said that a person was shooting out of a
22 silver SUV?

23 A Yes, sir. I'm aware of that now.

24 Q Okay. And you went -- you said you walked over to
25 the front of the Dugout; right?

1 A Yes, sir.

2 Q Over to where that Xterra was?

3 A Yes, sir.

4 Q And just for clarity, as we're looking on this board
5 here, I was a little confused with what Mr. Smith was
6 saying. But you said three or four spaces. Were you
7 talking from the road or three or four back from the
8 Dugout?

9 A From the road in.

10 Q From the road in. So we're talking one, two, three,
11 four, which is about the second or third. Would you
12 agree --

13 A Yes, sir.

14 Q -- parking space from the Dugout?

15 A Yes, sir.

16 Q And that's on the right side?

17 A Correct.

18 Q And so if it's in the third spot on -- in the parking
19 lot here from the Dugout, there's approximately one, two
20 three -- approximately four spaces between where the
21 Xterra was parked and where the road was?

22 A Yes, sir.

23 Q You observed the shell casings in the road. It looks
24 like some had already been run over?

25 A Yes, sir.

1 Q And you didn't get there for 20 minutes?

2 A Correct.

3 Q And you have no idea how many people may have driven
4 over those?

5 A No, sir.

6 Q You have no idea how many people might have kicked
7 those?

8 A Correct.

9 Q You have no idea who might have picked any of them up
10 and put them somewhere else?

11 A It would be impossible to know that.

12 Q Right. And you even made a statement that there's no
13 forensic value to where shell casings land. Do you recall
14 saying that?

15 A No, sir. I said there was no forensic value to a
16 spent shell casing.

17 Q Okay. And -- well, I would represent to you that in
18 six minutes and 32 seconds to the six minutes and 40
19 seconds of your body cam, you made the statement, No
20 forensic value where the shell casings are landing. Would
21 that surprise you if you did say that?

22 A No, sir. It wouldn't surprise me.

23 Q And that forensic value is even less when you put 20
24 extra minutes in between the alleged time of the incident
25 and when they're located; right?

1 A Correct.

2 Q Because, like we said, they've been kicked around
3 potentially?

4 A Correct.

5 Q They've been driven over potentially?

6 A Yes, sir.

7 Q Okay. And they have been moved involuntarily since
8 then?

9 A Sure.

10 Q Or potentially voluntary. We don't know.

11 A I don't think the shell casings voluntarily moved.

12 Q Well, I mean, somebody voluntarily moving the shell
13 casings?

14 A Yes, sir. An outside force could have acted on them.

15 Q That's right. And you have no way to know any of
16 that?

17 A I was not there.

18 Q You're relying solely on what other people have told
19 you?

20 A Yes, sir.

21 Q And based on some of the information that you were
22 getting at the time, what you were told was that
23 Mr. Turner was allegedly standing in the road firing at
24 the car as it was driving north on Woodmede Way?

25 A Yes, sir, as it was backing up north on Woodmede Way.

1 Q Okay. So if that was the case, then projectiles
2 would have been going towards the V-GO?

3 A Towards the V-GO, towards the corner, towards
4 Interstate 85 effectively, yes, sir.

5 Q Towards, perhaps, the Camelot Inn that's right next
6 door?

7 A Yes, sir.

8 Q Towards, perhaps, the Mike and Jack's that's right up
9 north of the V-GO?

10 A Yes, sir.

11 Q And in all of your investigation, you never found any
12 evidence of any damage in that direction at all?

13 A None was ever reported, no, sir.

14 Q You knew there had been prior issues between
15 Mr. Stokes and Mr. Turner?

16 A I did not at the time.

17 Q But you learned then?

18 A Yes, sir.

19 Q You took another statement of a woman named Shauna
20 Cumbee; right?

21 A That's correct.

22 Q We talked a little bit about cameras?

23 A Yes, sir.

24 Q Now, you said that in prior experience, you've
25 gotten -- what's the word I wrote down, adversarial --

1 A Yes, sir.

2 Q -- reaction from -- from the people who work at the
3 Dugout or manage the Dugout?

4 A That's correct, sir.

5 Q In your fairly long career, since 2009, as a law
6 enforcement officer, you're probably used to dealing with
7 adversarial people?

8 A Yes, sir.

9 Q And just because they don't give it to you when you
10 ask, you have other means of getting evidence, don't you?

11 A Yes, sir. Law enforcement does have other means of
12 getting evidence.

13 Q You have a search warrant you could get?

14 A Yes, sir.

15 Q You never got a search warrant for the cameras?

16 A I did not, no, sir.

17 Q I guess in all these other times, no other officer
18 had ever gotten a search warrant either?

19 A I don't know, sir.

20 Q But you could have gotten a search warrant to get
21 this camera footage from this night?

22 A We could have gotten a search warrant for camera
23 footage, yes, sir.

24 Q But you didn't?

25 A No, sir, I did not.

1 Q And then you say that some of this happened up here
2 by the Camelot Inn. You didn't go over there and talk to
3 anyone at the Camelot Inn, did you?

4 A No, sir. I was not -- I did not.

5 Q You didn't ask them if they had any cameras you could
6 get?

7 A From my experience, the cameras at the Camelot are --
8 they're inside of the lobby or towards the rooms,
9 specifically. They do not have any cameras that capture
10 that initial driveway to the front or towards the other
11 parking lot going south towards the Dugout.

12 Q But you didn't try, did you?

13 A No. From my experience, it would have been fruitless
14 to do so.

15 Q What about the V-GO. You didn't go and try there
16 either, did you?

17 A It was closed.

18 Q But you never went back the next day, did you?

19 A No, sir, I didn't.

20 Q Or any time in the last five years did you ever try
21 to go and follow-up with anyone?

22 A Not about this case, no, sir.

23 Q You were shown some pictures here that's been
24 admitted as State's Exhibit No. 24?

25 A Yes, sir.

1 Q Would you agree that the back of that Yukon is very
2 tinted?

3 A Yes, sir.

4 Q You testified that you expected to see penetration
5 when you got there --

6 A Yes, sir.

7 Q -- on the scene, based on the nature of the call?

8 A Yes, sir.

9 Q Your investigation showed that no other vehicles were
10 hit?

11 A Correct.

12 Q There was no other damage that you found?

13 A Correct.

14 Q No broken windows?

15 A Correct.

16 Q No bullet holes in any other vehicles?

17 A Correct.

18 Q And what you learned in your investigation was that
19 the shooting started in the parking lot of the Dugout?

20 A No, sir.

21 Q That's not what you learned?

22 A I don't believe I've ever testified to that.

23 Q I didn't ask what you testified to. I asked what
24 your investigation showed. Because we know the white
25 Xterra is right around that third spot; right?

1 A Yes, sir.

2 Q And we know that the white Xterra is where Eugene
3 Turner allegedly was; right?

4 A Before the shooting occurred, yes, sir.

5 Q And we know from your taking of Daniel Stokes
6 statement that he says that he immediately popped up and
7 started shooting?

8 A While advancing on him, he pulled the trigger. He
9 could see that the gun didn't work. Mr. Turner had to
10 cock the weapon. And while advancing on the door, he
11 began firing, yes, sir.

12 Q And all that happened beginning in the parking lot?

13 A Between the parking lot and the road.

14 Q And you have no idea of knowing, particularly, where
15 it started because you weren't there?

16 A Correct.

17 Q So you're having to rely on Mr. Stokes for any of
18 that information?

19 A Mr. Stokes and the evidence that we collected, yes,
20 sir.

21 Q There were never any injuries in this case?

22 A Correct.

23 Q As far as --

24 A Other than the visual abrasions that we've talked
25 about.

1 Q Right. You said you spoke to a gentleman working
2 security. He did tell you some information?

3 A Yes, sir.

4 Q I think you doubted some of that information. I
5 think that's fair to say from your testimony?

6 A Yes, sir.

7 Q You never got his name, though?

8 A No, sir.

9 Q You never took down any contact information?

10 A Correct.

11 Q But he was willing to talk to you and tell you
12 something?

13 A He was willing to tell me that everything had
14 occurred somewhere else.

15 Q And then you said a random bystander came up and made
16 another statement to you?

17 A Yes, sir.

18 Q You never got his information?

19 A No, sir, I didn't.

20 Q You never collected his number --

21 A No, sir, I didn't.

22 Q -- or name?

23 A I was pulled away to go look for shell casing. In
24 fact, I had to cut that conversation with him short.

25 Q So let's talk about statements. You made a couple --

1 made a couple comments on direct examination that I'd like
2 to ask you about. You said that a written statement
3 should be a summary?

4 A Yes, sir.

5 Q Sort of bullet points?

6 A Yes, sir.

7 Q But you definitely want that statement to contain
8 important information?

9 A Yes, sir.

10 Q Necessary information?

11 A Correct.

12 Q Thorough information?

13 A Okay, sir.

14 Q Would you agree?

15 A Sure.

16 Q You talked a little bit about some general orders
17 that you have?

18 A Yes, sir.

19 Q Specifically, the one about body cameras?

20 A Yes, sir.

21 Q Is there another one about the collection,
22 preservation, and disposal of evidence?

23 A Yes, sir.

24 Q And that's general order 203?

25 A Sounds right, sir.

1 Q Okay. Again, not that I expect you to remember
2 everything. But it does say that anyone who is a deputy
3 trainee receives training which would include the
4 collecting, preserving, and transmitting of physical
5 evidence, including biological materials for DNA testing?

6 A Yes, sir.

7 Q Does that sound right?

8 A Yes, sir.

9 Q And, also, it has a provision here for serious crime
10 scenes where it says, Whenever photographs are not taken
11 or physical evidence is not recovered from the scene of a
12 serious crime, the investigating deputy prepares a report
13 explaining why?

14 A Yes, sir.

15 Q And there was never any report that you wrote, at
16 least, explaining why you didn't go and collect any
17 cameras from the Dugout?

18 A No, sir.

19 Q Or the V-GO?

20 A Correct.

21 Q Or the Camelot?

22 A Correct.

23 Q Were you aware that there was a security guard at the
24 Camelot --

25 A No, sir.

1 Q -- that night?

2 You were asked several things on direct examination
3 about ricochets, and things of that nature. Were you the
4 one holding that measurement --

5 A No, sir.

6 Q -- thing up in those pictures?

7 A No, sir.

8 Q That was a forensic tech?

9 A Correct.

10 Q So you didn't, actually, take any of the measurements
11 yourself?

12 A No, sir.

13 Q And I don't know. I'm just going to ask. Are you
14 trained in any sort of specialization of forensics?

15 A I'm trained for latent print examination and
16 recovery. And since this day, I have received additional
17 training in forensics, yes, sir.

18 Q Okay.

19 A But at the time, no.

20 Q So at this time, you didn't. So you never measured
21 any angles?

22 A No, sir, I did not.

23 Q You never measured any -- I don't know. Between
24 where the field was where these casings were found, you
25 didn't measure any of that?

1 A No, sir.

2 Q You didn't take any paint scrapings of where this was
3 to compare and see if it's a different metal; right?

4 A No, sir, I didn't.

5 Q So what you're going off of is what they've told you?

6 A Yes, sir.

7 Q "They," being the victims?

8 A Yes, sir.

9 Q And, also, what, after hearing from them, made you
10 think that maybe it was an actual ricochet?

11 A Yes, sir.

12 Q Okay. Do ricochets have to come straight on and hit
13 an item or an object?

14 A I don't think I understand your question.

15 Q You're right. It was probably a bad question. Let
16 me try to clean it up a little bit. If someone is
17 shooting at an object directly --

18 A Yes, sir.

19 Q -- it could ricochet off; right?

20 A Yes, sir.

21 Q You could, also, have a ricochet if it hits something
22 else and then bounces into an object; right?

23 A Yes, sir.

24 Q So, for example, if a round hits the ground, it could
25 ricochet up and hit an object?

1 A Yes, sir.

2 Q And in that particular case, a person wouldn't be
3 pointing directly at the initial object, but somewhere
4 else?

5 A By your example, it would be pointing towards the
6 ground.

7 Q Sure. Exactly.

8 A At such an angle, the back end is the other half of
9 that angle.

10 Q Okay. So what we have here is these two dents, these
11 two scrapes, as you called them, on a Yukon?

12 A Yes, sir.

13 Q And according to what you learned in your
14 investigation, Mr. Stokes backed up Woodmede Way?

15 A Yes, sir.

16 Q And the damage is on the passenger side?

17 A Correct.

18 Q And on the backside?

19 A Correct.

20 Q Is it your testimony that he's driving backwards up
21 Woodmede Way?

22 A Yes, sir. What we were told is he backed out
23 Woodmede Way, turned into the -- backed into the Camelot
24 and ended up turning and going farther away and standing
25 by for law enforcement at the Motel 6.

1 Q Okay. But there's no direct penetrating bullet holes
2 in that car?

3 A Correct.

4 Q So you never went to look for the cameras at the
5 Dugout; right?

6 A No, sir.

7 Q You never talked to a manager at the Dugout?

8 A I did not.

9 Q You never talked to a bartender at the Dugout?

10 A Correct.

11 Q You never talked to a waitress at the Dugout?

12 A No, sir.

13 Q You never went inside the Dugout?

14 A Not that night.

15 Q You talked to the security guard, but you didn't get
16 any information from the security guard that night; right?

17 A Correct.

18 Q You never went to collect the V-GO camera footage?

19 A Correct.

20 Q You never went to get the Camelot camera footage, if
21 there was any?

22 A Correct.

23 Q And you never did a supplemental report explaining
24 why you didn't do all those things?

25 A No, sir. I was not the investigating officer.

1 MR. GRUBBS: Nothing further, Judge.

2 THE COURT: Redirect?

3 MR. SMITH: Yes, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. SMITH:

6 Q Woodmede is a two-way street, is it not?

7 A Yes, sir, it is.

8 Q And, you know, for us knuckleheads, what's a two-way
9 street?

10 A Traffic goes both directions.

11 Q So if the rounds are in the middle of the road, is it
12 possible that cars are coming and going?

13 A Yes, sir.

14 Q All right. So if there are cars that are leaving,
15 it's possible that some of the rounds may have been
16 carried further into the road?

17 A Yes, sir.

18 Q And if cars are coming, it's, actually, possible that
19 some of the rounds could have been delivered closer to the
20 Dugout and the parking lot?

21 A Yes, sir. That's correct.

22 Q And even while you were out there, there were cars
23 that were coming to the Dugout; right?

24 A Yes, sir.

25 Q I think you testified earlier that somebody even

1 tried to drive through the crime scene tape?

2 A Yes, sir.

3 Q A lot has been suggested about all these things that
4 you didn't do. That night, was it your responsibility to
5 do that?

6 A No, sir. I was tasked with trying to secure the
7 crime scene, locate the shell casings, and then take a
8 statement.

9 Q I mean, is it -- when you're out on scene, is it your
10 responsibility to just go off and do whatever it is that
11 you want to do?

12 A No, sir, it's not.

13 Q Is there some organization to what y'all do out on a
14 crime scene?

15 A Yes, sir.

16 Q So there's kind of somebody saying, hey, you do this,
17 you do that, and then you go do these things?

18 A Yes, sir. There's a delegation of responsibility.

19 Q All right. Great way of saying it. So there's a
20 delegation of responsibility. And you did what you were
21 supposed to do?

22 A Yes, sir.

23 MR. SMITH: Judge, that's all I have.

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

25 THE WITNESS: Thank you, Your Honor.

1 THE COURT: We've been at it about an hour and a
2 half. Y'all ready for a break? We'll take a short break.
3 Do not discuss the case. And we'll bring you back out in
4 just a few minutes.

5 (WHEREUPON, the jury was excused from open court at
6 approximately 2:50 p.m.)

7 THE COURT: All right. 10 minutes.

8 (WHEREUPON, a break was taken.)

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

10 MR. SMITH: Yes, Your Honor.

11 THE COURT: Is the Defense ready?

12 MR. GRUBBS: Yes, Your Honor.

13 THE COURT: Bring the jury in.

14 (WHEREUPON, the jury came into open court at
15 approximately 3:05 p.m.)

16 THE COURT: All right. The State, you may call your
17 next witness.

18 MR. SMITH: Yes, Your Honor. We would call Nachrisha
19 Rosemond to the witness stand.

20 THE CLERK: If you will, please, place your left hand
21 on the Bible and raise your right hand.

22 WHEREUPON,

23 NACHRISHA ROSEMOND,

24 after first having been duly sworn, testified as follows:

25 THE CLERK: Thank you.

1 Please be seated.

2 If you could, please, state your name for the record.

3 THE WITNESS: Nachrisha Rosemond.

4 THE CLERK: Thank you.

5 DIRECT EXAMINATION

6 BY MR. SMITH:

7 Q Ms. Rosemond, I've been warned before about asking a
8 lady their age, but how old are you?

9 A I'm 42.

10 Q And what do you do for a living?

11 A I'm a manager.

12 Q What do you manage?

13 A I manage at M&M Tax Services that I've been at since
14 2002.

15 Q Are you from Greenville?

16 A Not originally, but I've been here long enough to say
17 that I'm from here.

18 Q And how do you know the people involved in this case?

19 A Well, Daniel Stokes is my cousin. Christine is my
20 cousin. Kim Pickens is my fiance. And Angela, she's my
21 cousin/friend. I know Eugene through Latoya Fletcher,
22 which is Monique Fletcher.

23 Q And how long have you known -- well, obviously, the
24 family members, you've probably known them all your life;
25 right?

1 A Most definitely.

2 Q And how long -- let's say Angela, how long have you
3 known her?

4 A I've known her for -- since --

5 How many years since --

6 Q You can't ask her. You just have to know from
7 your --

8 A 2014, something like that. I'm sorry. Since her and
9 Daniel started dating, yes.

10 Q All right. And when Mr. Turner came in the picture,
11 you met him?

12 A I did.

13 Q Are you familiar with things that have gone around --
14 or down between the families?

15 A Yes.

16 Q All right. So did you attend functions that all the
17 parties were involved in?

18 A I did.

19 Q You were at birthday parties, and holiday reunions,
20 and things like that?

21 A Yes.

22 Q Were you aware or involved in the family incident?

23 A I was aware of it, but not involved in it.

24 Q All right. You were -- were you -- were you aware
25 or -- did you ever go around Mr. Turner after this

1 incident from early -- late 2016, early 2017? After that,
2 did you ever go around him or go to any functions where he
3 was involved?

4 A No, I did not.

5 Q Did you ever send any -- were you Facebook friends
6 with him?

7 A At a point in time, yes.

8 Q Did you ever send any kind of messages out to him or
9 anything like has been testified with others?

10 A No.

11 Q Did you -- you may have commented on other people's
12 postings, or something like that?

13 A I did make a comment.

14 Q Okay. But did you -- you never threatened anybody or
15 did anything?

16 A Not at all.

17 Q The night of this incident that we're talking about,
18 where were you?

19 A I --

20 Q When it all started -- not when it all started, but
21 let's take it earlier in the evening. I mean, you had
22 been at work maybe that day?

23 A Uh-huh.

24 Q When you -- when you -- after work, what did you do?

25 A Went home. And once I went home, we ended up going

1 over -- me and Kim Pickens ended up going over to Daniel
2 and Angela's house. I apologize.

3 Q So you went over to their home. What did y'all do?

4 A Nothing. We just sat there for a few. And then we
5 ended up going to Applebee's.

6 Q Okay. And why Applebee's?

7 A That was, basically, our favorite spot. It was my
8 actual favorite spot because they have Mucho Long Island
9 ice teas for \$5. So that's the reason why I liked to go.
10 They liked the after hours specials as far as the
11 appetizers. But I liked the Long Islands myself.

12 Q And so you were on your way to Applebee's?

13 A Uh-huh.

14 Q What happened on the way to Applebee's?

15 A Well, we were, actually, en route to Applebee's. The
16 phone rung. Daniel Stokes was on the phone. I'm not for
17 sure the exact conversation that was taking place at that
18 time. He pulled in the parking lot -- well, in the
19 parking space. And the next thing you know, he pulled out
20 of the parking space. We went en route down White Horse
21 Road --

22 Q Okay. Hold on. Let me ask you -- stop you for a
23 second. You go into Applebee's. Was he on the phone
24 prior to going into Applebee's or did the phone ring when
25 you were in Applebee's?

1 A The phone rung as we were pulling up to Applebee's.

2 Q All right. And did you -- were you a part of the
3 conversation that was happening while he was on the phone?

4 A No.

5 Q So you don't know much that was said at all, do you?

6 A Not specifically, no.

7 Q All right. Did Daniel say something to you as to why
8 y'all were leaving Applebee's?

9 A Well, it was quiet at first. And then he said he had
10 to go down to the Dugout to get Christine. Because she
11 was afraid because something was taking place with GA,
12 which is Georgia -- Eugene Turner. I'm sorry.

13 Q And by the way, is Mr. Turner here in the courtroom?

14 A He is.

15 Q And can you point him out for us, please?

16 A He's right there in the blue shirt.

17 Q All right. So you're on your way now to the Dugout?

18 A Yes.

19 Q You left Applebee's. All right. Daniel is driving.
20 Who's in the front passenger seat?

21 A Angela.

22 Q That's his fiance?

23 A Yes.

24 Q Where are you seated?

25 A I'm directly behind Angela.

1 Q And where is Kim seated?

2 A She was behind Daniel. And he was on the driver's
3 side driving.

4 Q So you're on your way to the Dugout. How do you get
5 to the Dugout?

6 A We went down White Horse Road.

7 Q You went all the way down White Horse Road. And
8 where did you go after you got off of White Horse Road?

9 A Once we got off of White Horse Road, we turned on
10 Frontage Road, went down Frontage. And that's the way we
11 proceeded to the Dugout.

12 Q So when you -- you turned on Woodmede?

13 A Yes, sir.

14 Q All right. What are you doing in the car at that
15 point?

16 A I think I was just sitting back in the backseat. I
17 may have been on my phone. I'm not really for sure, to be
18 honest with you. But I was in the backseat just riding.

19 Q Do you remember pulling into the Dugout parking lot?

20 A I do.

21 Q What happened when you pulled into the parking lot?

22 A We pulled into the parking lot. The next thing you
23 know -- I want to say that I had to be fumbling with my
24 phone because I remember Kim saying, He got a gun. And
25 once she said that he got a gun, I looked up. And then I

1 seen Eugene.

2 Q All right.

3 A And so there it went.

4 Q Did you hear Kim say that or did you hear somebody
5 else say that?

6 A I heard her say he had a gun.

7 Q All right. I mean, that's the way you remember it
8 now?

9 A Yes.

10 Q You said you looked up and you saw Mr. Turner?

11 A Yes.

12 Q And what did you see?

13 A I seen him standing there and he was proceeding
14 towards the vehicle.

15 Q I mean, what did he have in his hand?

16 A At first, it was -- I seen something that was lit up,
17 which had to be a cell phone. Like, he was on his cell
18 phone. And then once he dropped his phone, he proceeded
19 into his pocket.

20 And once he went into his pocket, he pulled,
21 obviously, the gun out. He pulled out the gun. And he
22 was looking directly towards the vehicle as he was
23 proceeding towards it, looking at Daniel Stokes. And he
24 tried to shoot the gun. But, unfortunately, it didn't go
25 off.

1 At that time, when he tried to shoot the gun and it
2 didn't go off, he reached down to re-cock it. And Daniel
3 was kind of shocked, looking at him like I can't believe
4 he's really doing this. And Kim, she told him, Put it in
5 reverse. And that's exactly what he did. As soon as he
6 put it in reverse and we started going in reverse, that's
7 when the bullets started going off.

8 Q How far did you go into the Dugout parking lot?

9 A We really didn't even get far up in the parking lot.
10 Basically, the way that they said it, that we pulled right
11 into the entrance. We didn't park in a parking space, or
12 anything.

13 Q When he started firing the -- I mean, what was Daniel
14 doing at that point?

15 A Well, when he started firing the gun, he was putting
16 it in reverse. He was driving. He was whipping it.

17 Q About how many shots did you hear fired?

18 A Give or take, I heard anywhere from, I want to say,
19 five to six. And I could be wrong, but about five to six
20 shots, at least.

21 Q What was Mr. Turner doing as y'all were driving down
22 the road -- well, first off, were you still in reverse
23 going down Woodmede?

24 A We reversed it into the Camelot parking lot. And
25 then he hurried up and put it in drive and then took off

1 on down the road, Daniel did. And as he was going down
2 the road, Eugene was still walking in the road shooting
3 the gun.

4 Q I mean, you saw him out in the middle of the road
5 shooting the gun?

6 A I did.

7 Q And was he firing when y'all went into the parking
8 lot?

9 A Which parking lot?

10 Q The Camelot, when you backed around.

11 A Yes. He was shooting. That's how the bullet ended
12 up hitting the passenger side of the car when we were
13 reversing it.

14 Q When you were reversing it?

15 A Yes.

16 Q And then you moved on to the Motel 6?

17 A Yes.

18 Q What did you do when you got to the Motel 6?

19 A I told Daniel to hurry up and pull around to the
20 back. He got out of the car. And immediately, I dialed
21 911.

22 Q All right. And did you get 911?

23 A I did.

24 Q Was that you that we heard on one of the 911 tapes
25 earlier?

1 A It is.

2 Q Do you go by any other name than Nachrisha?

3 A Nicole and Nikki.

4 Q Okay. The man that you pointed out earlier today,
5 Eugene Turner, is that the Eugene Turner that was firing
6 the gun at you and the car?

7 A Yes, it was.

8 Q While y'all were on your way to the Dugout, were
9 there any more phone calls made between Daniel and
10 Christine that you're aware of?

11 A Not that I can recall. I can't remember, to be
12 honest with you.

13 Q When you were at the back of the motel at Motel 6 --
14 did you stay at the back of Motel 6?

15 A We stayed at the back of Motel 6 for a while until,
16 eventually, Daniel said, forget it. And he was worried
17 about Cecil -- well, Christine. And we went around there
18 to get her.

19 Because that time that he had spoke back with her,
20 she was hollering. He was thinking something had took
21 place with her, as if something really was going on, like
22 she was hurt. So he was risking whatever.

23 Q So what did y'all do when -- you left Motel 6?

24 A We did.

25 Q And what happened?

1 A We proceeded back around towards the Dugout. We,
2 basically, told him we didn't want him to pull over there
3 because we wasn't for sure if Eugene Turner was still out
4 there. And we most definitely knew that he definitely was
5 the target. So instead of Daniel going over to get
6 Christine, Kim Pickens, she walked over to get Christine
7 to escort her back --

8 Q Well, let me ask you, why was Kim chosen to go help
9 Christine?

10 A She volunteered.

11 Q Okay. While y'all were running -- I mean, going to
12 the Dugout, or on any of the phone calls, or anything like
13 that, did -- did you ever hear Daniel ask Christine to say
14 anything to Mr. Turner while he was at the -- at the
15 Dugout?

16 A Definitely not.

17 Q Okay. And you've been around them for years. How
18 long had Angela had that car, if you recall? If you don't
19 know, you don't know.

20 A I'm not sure. But she had had it for maybe a few
21 years, maybe.

22 Q Long enough for -- to -- to -- for Daniel -- I keep
23 wanting to say DJ because I know that's what his nickname
24 is. But long enough for Daniel to have taken the car to
25 pick up the kids or to be around where Mr. Turner was?

1 A Oh, yes --

2 MR. GRUBBS: Objection. Calls for speculation.

3 THE COURT: If she knows.

4 THE WITNESS: Most definitely, yes.

5 BY MR. SMITH:

6 Q Have you seen the car at some of these functions that
7 y'all were around and Mr. Turner was present?

8 A I can't recall.

9 Q Okay. Let -- you're in the Dugout parking lot, what
10 did y'all do?

11 A In the Dugout parking lot?

12 Q Yeah.

13 A We didn't do anything. The only thing that we did
14 was simply pull up. That was it. We didn't get out of
15 the car, didn't approach anyone, didn't try to harm
16 anyone, didn't try to hit anyone, didn't try to do
17 anything. The only thing we did was just pull up.

18 Q Let's think about this for a second. There's a man
19 standing in front of y'all with a gun; right?

20 A Yes.

21 Q And what was -- what was said is -- I think you just
22 testified -- put it in reverse?

23 A Put it in reverse, yes.

24 Q Why -- I mean, how about -- nobody said put it in
25 drive, hit him?

1 A We was not thinking about drive or killing anybody.
2 We were thinking about getting out of there. Because, at
3 that time, the gun was being pointed in the direction of
4 us. We didn't have a weapon.

5 Q Y'all didn't have any weapons?

6 A Not at all. So the first thing that came to our mind
7 was to get out of there. So Daniel put the car in
8 reverse. And thank God for his skills. Because the way
9 that he reversed that vehicle and got us to safety, I
10 don't think anybody else would have been able to do it
11 successfully the way that he did it.

12 Q And none of y'all got hurt?

13 A No.

14 Q With him -- with Mr. Turner standing up in front
15 pointing that gun, did you think he was trying to kill
16 y'all?

17 A I felt as if he was trying to kill whoever was in the
18 vehicle.

19 Q So did you see -- and I can't remember what you
20 exactly testified to earlier. Did you see him -- I think
21 you said he pointed the gun at y'all?

22 A Yes.

23 Q And did he pull the trigger?

24 A He did.

25 Q And did the gun go off at first?

1 A No. It did not.

2 Q And what did he have to do?

3 A He put the gun down and re-cocked it.

4 Q When you say "re-cocked it," what do you mean?

5 A Like, he re-done something. Whatever he did, it was
6 like he did like that.

7 Q Are you familiar with weapons?

8 A Somewhat, not a lot.

9 Q Do you know what a revolver is?

10 A No.

11 Q All right. Just checking. When you went and got --
12 or when Kim brought Christine back, what was her demeanor?
13 What was she like?

14 A She was just in a frantic. She was crying. She was
15 hysterical. The main thing, she was just crying and
16 hysterical.

17 Q All right. What did y'all do with her when you got
18 her?

19 A Quickly put her in the vehicle and tried to comfort
20 her. And it went from there.

21 Q The police showed up after that?

22 A They did.

23 Q And the ambulance came after that?

24 A Yes.

25 Q Did y'all talk to any of the officers or the people

1 in the ambulance?

2 A Yes.

3 Q And were y'all -- when the police got there, did they
4 separate y'all?

5 A They did.

6 Q And that's when y'all gave statements?

7 A Yes.

8 Q And what happened to Christine?

9 A They took her to the hospital.

10 Q Did -- when you saw Christine, were there -- did you
11 see any injuries to her?

12 A Yeah. She had as if it was like a bruise, if I'm not
13 mistaken, on her face and maybe something on her throat.
14 But maybe I'm wrong. I can't recall for sure. It's been
15 five years ago. So I apologize.

16 Q Did you see any abrasions, or anything like that?

17 A I can't remember.

18 Q I want to show you a copy of your statement.

19 A Okay.

20 Q Your statement, just take a look at that for a
21 second.

22 A (Witness complied.)

23 Q When you -- I think you stated earlier that you
24 saw -- or that Kim yelled something in the car. Is it
25 possible that somebody else yelled something in the car?

1 A I want to say if -- it was Daniel. I recall him
2 saying, if I'm not mistaken, excuse my french, This N got
3 a gun.

4 Q All right. So it was Daniel that stated something
5 and did -- I mean, rather than Kim, or do you remember
6 both of them saying something?

7 A For some reason, I want to say both of them said he
8 had a gun. But I know, most definitely, Kim told Daniel
9 to put the car in reverse. Because he was sitting there
10 shocked. Like, he was just stuck for a second.

11 MR. SMITH: Judge, that's all I have.

12 THE COURT: Cross-examination.

13 CROSS-EXAMINATION

14 BY MR. GRUBBS:

15 Q Good afternoon, Ms. Rosemond.

16 How are you?

17 A I'm great.

18 How about yourself?

19 Q I'm doing all right.

20 A That's good.

21 Q Okay. So you were just shown a copy of your
22 statement?

23 A Yes.

24 Q And when you wrote that statement, that was in the
25 presence of a law enforcement officer?

1 A Yes.

2 Q A female law enforcement officer, do you recall that?

3 A Possibly.

4 Q And when you were with that law enforcement officer,
5 you were safe?

6 A Yes.

7 Q You didn't have anyone around that was threatening
8 you, or anything of that nature?

9 A Not at all.

10 Q Okay. You didn't make any changes to that statement
11 after you, initially, wrote it back on September 1st, or
12 maybe at this point, September the 2nd, 2017?

13 A No. I've only written one statement.

14 Q Okay. But it's been five years. So if you had more
15 to add, you've had the time to do that; right?

16 A If they would have asked me to add any information in
17 that I may have forgotten about, or something like that.

18 Q But you, also, didn't come forward and add any
19 information yourself voluntarily; right?

20 A No. There was no need to.

21 Q Okay. So we talked -- you were just asked a little
22 bit about some history between Mr. Stokes --

23 A Yes.

24 Q -- and the family; right?

25 A Yes.

1 Q So you knew that there were prior problems?

2 A Yes.

3 Q And you said that after this serious family incident
4 that began in late 2016 and early 2017 that there was some
5 Facebook posts?

6 A Yes.

7 Q And you knew about those Facebook posts?

8 A Yes.

9 Q Because Mr. Stokes is your cousin; right?

10 A Yes.

11 Q And so is Ms. Wolfe-Young?

12 A Yes.

13 Q So you're aware of the threats that he posted on
14 Facebook?

15 A Yes. They were been -- made known to me.

16 Q And then you posted some comments as well?

17 A I did make a comment on there, yes.

18 Q And that comment was that, We ride in packs and we
19 ride for ours?

20 A If that's what you're reading, yeah.

21 Q And then, also, Turn all tasks into action?

22 A If that's what it says. It's been so long ago, I
23 don't even recall.

24 Q So you couldn't hear exactly what was said between
25 Christine and Daniel on the phone?

1 A Yes.

2 Q But you got the impression something had happened?

3 A Uh-huh.

4 Q That's what you put in your statement; right?

5 A That's correct.

6 Q That said that GA, Eugene Turner, had done something
7 to her?

8 A Exactly.

9 Q But you didn't talk to Christine?

10 A I did not.

11 Q You had no way of knowing what that was?

12 A No.

13 Q Anything that you would have gotten from that
14 conversation, kind of, you're just speculating at; right?

15 A Except for when Daniel said he had to go pick his
16 sister up. And that's the reason why we went down to the
17 Dugout.

18 Q Okay. And your statement then goes on and said that
19 you pulled into the Dugout parking lot?

20 A Yes.

21 Q And that you were looking for a parking spot?

22 A Yes.

23 Q Now, you were in here for Mr. Stokes testimony
24 earlier; right?

25 A Uh-huh.

1 Q And you heard him say he was not looking for a
2 parking spot?

3 MR. SMITH: Judge, I object. I mean, that's pitting
4 witnesses against each other.

5 THE WITNESS: I mean --

6 THE COURT: Sustained.

7 MR. GRUBBS: I'll move on.

8 BY MR. GRUBBS:

9 Q But you said that you were looking for a parking
10 spot?

11 A We pulled in the Dugout. Regardless, if he was
12 looking for a parking spot or not, I'm not sure. But we
13 did not park. We pulled in and stopped.

14 Q Well, your statement says --

15 A We didn't proceed to a parking space at all.

16 Q But your statement says you were looking for a
17 parking spot?

18 A If that's what my statement says.

19 Q Well, Mr. Smith just had you review it. You looked
20 at it. That is what it says; right?

21 A Well, I didn't get to read the statement thoroughly.
22 But if that's what the statement says, that's what was put
23 in the statement. But I'm just letting you know that when
24 we pulled into the Dugout that we did not proceed to a
25 parking space. We, actually, stopped.

1 Q Okay. Well, I just want to give you the opportunity.

2 You can read this if you want to, if you need a more --

3 A No. You're fine.

4 Q -- thorough examination?

5 A No, sir.

6 Thank you, anyway.

7 Q And then you said in your statement that you saw a
8 person come out from behind the white Xterra?

9 A Yes.

10 Q That person ended up being Eugene Turner?

11 A Yes.

12 Q And you could tell what he was wearing?

13 A A black T-shirt.

14 Q And you described that in your statement?

15 A Yes.

16 Q And had you been to the Dugout before that night?

17 A I have been before, yes.

18 Q Okay. It's not a very well lit parking lot, is it?

19 A Not very well lit, lit enough.

20 Q But you were able to see some kind of -- you were
21 able to see him pull some kind of a gun out?

22 A Definitely.

23 Q And your statement doesn't say that he was on the
24 phone?

25 A He was on the phone.

1 Q But your statement doesn't say that he was on the
2 phone; right?

3 A I -- if it doesn't say it in there, then I didn't
4 include it in there. I didn't feel it was important at
5 the time that he was on the phone.

6 Q Okay. You, also, said that the reason why Kim
7 volunteered is because you all thought that Daniel was the
8 target is what your testimony was?

9 A Definitely. He was the main target.

10 Q And you, also, said in your statement that you heard
11 five to six shots. That you heard two hit the car?

12 A Yes.

13 Q You didn't say in your statement where you heard them
14 hit on the car; right?

15 A They didn't ask me. I wasn't asked, but, no.

16 Q Okay. And around 20 minutes had passed between when
17 these incidents happened and when law enforcement got
18 there. Does that sound about right?

19 A Maybe. I'm not for sure. Like I said, it's been
20 five years. So I would say, yes.

21 Q And before law enforcement got there, you were all
22 there together?

23 A We were.

24 MR. GRUBBS: Nothing further.

25 THE COURT: Any redirect?

1 MR. SMITH: Yes, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. SMITH:

4 Q Ms. Rosemond, I'm going to show you your statement
5 one more time.

6 A Okay.

7 Q I think Defense Counsel just asked you if you put in
8 that statement that you heard five or six shots hit the
9 car. Is that what he asked you?

10 A Yes.

11 Q What does it say in your statement about five or six
12 shots? I can point you towards the bottom down here.

13 A It began -- he tried to pull the trigger, but it
14 didn't -- something.

15 Q Right here.

16 A Okay. Eugene then started firing approximately five
17 to six. I heard two hit the car.

18 Q All right. That's fine. You heard two hit the car?

19 A Yes.

20 Q So he fired five or six shot. And you heard two hit
21 the car?

22 A Yes.

23 MR. SMITH: Thank you.

24 I have no further questions, Your Honor.

25 THE COURT: Thank you.

1 You may step down.

2 THE WITNESS: Thank you.

3 THE COURT: The State, call your next witness.

4 MR. SMITH: Your Honor, the State calls Kim Pickens
5 to the witness stand.

6 THE COURT: Ms. Pickens, come around to the witness
7 stand.

8 THE CLERK: Ms. Pickens, place your left hand on the
9 Bible and raise your right hand.

10 WHEREUPON,

11 KIM PICKENS,
12 after first having been duly sworn, testified as follows:

13 THE CLERK: Please be seated.

14 And if you could, please, state your name for the
15 record.

16 THE WITNESS: My name is Kim Pickens.

17 THE CLERK: Thank you.

18 DIRECT EXAMINATION

19 BY MR. SMITH:

20 Q You're Kim Pickens?

21 A Yes.

22 Q Ms. Pickens, I think you told me earlier you have a
23 little anxiety?

24 A Yeah, I do.

25 Q Is that just because of this or is that something

1 that you normally have?

2 A I normally have it.

3 Q All right. If you need a break, just let us know.

4 How old are you?

5 A I'm 44.

6 Q And do you work here in Greenville?

7 A Yes, I do.

8 Q What do you do?

9 A I work for -- I'm sorry, Ultra [phonetic]
10 Plastics [phonetic].

11 Q How long have you been there?

12 A I've been there for, like, a year and a half. I'm a
13 machine operator.

14 Q And had you worked anywhere before going there?

15 A Yeah, I did. I worked for Pratt Industries.

16 Q How long -- I mean, are you from Greenville?

17 A Yes, I am.

18 Q So you've lived here your whole life?

19 A My whole life.

20 Q Did -- are you friends with Angela, and Daniel, and
21 Nachrisha, and Christine, and them?

22 A Yes, I am.

23 Q How long have you been knowing them?

24 A Well, I've been knowing Nachrisha since 2012. And I
25 met her through them.

1 Q When you say "her through them," you met who?

2 A Nachrisha.

3 Q You met Nachrisha through --

4 A I met Nachrisha -- I met the rest of them through
5 Nachrisha. I'm sorry, y'all. I'm nervous.

6 Q You mean Angela, and Christine, and Daniel?

7 A I met DJ first. Then I met Angela through DJ.

8 Q All right. And when did you meet Mr. Turner?

9 A I met Eugene through Nachrisha.

10 Q And do you know about when that was?

11 A I want to say, like, maybe 2012, 2013, somewhere like
12 that.

13 Q All right. You've been knowing him for a while?

14 A Yes. It's been a while.

15 Q You've had an opportunity to be around everybody when
16 they were together at gatherings, and stuff?

17 A Yes, I have.

18 Q I mean, are you related to any of these people?

19 A No, I'm not.

20 Q You just -- you just have been a part of that group
21 for that long?

22 A Yes.

23 Q So you were invited to do the holidays, the picnics,
24 the functions?

25 A Yes.

1 Q And you were aware of the incident that happened in
2 2016 and January of 2017; is that right?

3 A Yes. I know about it.

4 Q All right. And were you involved in that in any way?
5 And what I mean by involved, I mean, like, did you make
6 any threat towards anybody during that time?

7 A No, I did not.

8 Q Did you deal with law enforcement in any way, shape,
9 or form?

10 A No, I did not.

11 Q Let's fast-forward then to the night of this
12 incident. What were you doing -- did you go to work that
13 day, if you recall?

14 A If it was a Friday, I'm sure I did.

15 Q And -- and you were going to -- did you go to
16 Daniel's and Angela's?

17 A Yeah. That's what we did on Friday nights.

18 Q So y'all went over there. What did y'all do while
19 you were over there?

20 A I mean, we play cards, listen to music, watch videos,
21 just hang out.

22 Q All right. And what were you kind of waiting on?

23 A We was waiting to go to Applebee's for the -- the
24 wonton tacos.

25 Q So you like the wonton tacos?

1 A We all did.

2 Q So that was one of the appetizers?

3 A Yeah.

4 Q Is that one of the specials that was going on there?

5 A Yeah. They half price.

6 Q Is there anything else there that's half price or on
7 special?

8 A I'm not sure. I know I get the wonton tacos.

9 Q Did they have special drink prices then at the time?

10 A Yeah, they did. They was running some type of
11 special.

12 Q And are all the appetizers on half price -- I mean,
13 I'm not trying to make this an Applebee's commercial. But
14 is this -- I mean, do they have other appetizers on
15 special?

16 A Yeah, they did. But we just went for the wonton
17 tacos.

18 Q All right. So -- so you -- y'all were on your way?

19 A Yes.

20 Q And did anything happen along the way?

21 A We was on our way there. And when we pulled in the
22 parking lot, DJ got a phone call. And when he got off the
23 phone, he said he had to go down to the Dugout to get his
24 sister because she was scared.

25 Q All right. And is that all he said?

1 A That's pretty much all he said. He was like he got
2 to go get his sister.

3 Q Y'all didn't question him as to why she's scared, or
4 anything like that?

5 A I didn't.

6 Q Okay.

7 A I don't recall that.

8 Q So everybody just -- everybody just sat back and
9 y'all went to the Dugout?

10 A Yeah.

11 Q So how did you get to the Dugout? What route did you
12 take?

13 A We pulled out of Applebee's on White Horse Road, went
14 straight down White Horse across 85 onto Frontage Road.

15 Q And you went down Frontage Road?

16 A Yes.

17 Q And how did you get onto Woodmede?

18 A Just, you know, the road bears off.

19 Q All right. And you passed the Camelot and went on to
20 the Dugout?

21 A Yeah.

22 Q Where did you -- how did you get into the Dugout?

23 A Just pulled in -- right into the Dugout once we came
24 off the road and pulled in right -- if you want me to, I
25 can show you.

1 Q Yeah. That's fine. Why don't you step down and show
2 us how you got in, if you remember how far y'all went up
3 into the parking lot?

4 A We came from here and pulled in, like, right about
5 here.

6 Q Okay. I see a red box on that already. Are you
7 saying you went in a little bit farther than where that
8 red box is?

9 A Just a little bit.

10 Q All right. So you went in a little further than that
11 red box?

12 A Yes.

13 Q All right. Do you know what kind of car Christine
14 was driving that night?

15 A She was in a white Xterra.

16 Q Okay. So did y'all pull up kind of close to where
17 that Xterra was parked?

18 A We was -- we was near the Xterra.

19 Q All right. So your bumper was kind of up near where
20 her bumper was in a way?

21 A Yes, it was.

22 Q At least, even. I mean, y'all weren't like right
23 next to the car, or anything like that?

24 A We wasn't right next to it, like, a little bit down
25 from it. But right there in the area.

1 Q All right.

2 A If that makes any sense.

3 Q Yeah. So when you came in, what were you doing, I
4 mean, you personally?

5 A Well, when we pulled in, I seen Eugene come from the
6 driver's side of the Xterra, the backside. And he looked
7 like he was on the phone. And I seen him reach into his
8 pocket. And I was like, He got a gun. Put the car in
9 reverse, DJ. And DJ was like -- I don't know if he was
10 shocked to see him coming around like that. But I said,
11 Put the car in reverse, put the car in reverse.

12 Q All right. And you're saying it pretty calm right
13 now. But were you that calm that night?

14 A Nah. No, sir. I was like, Put it in reverse, put it
15 in reverse.

16 Q Did you -- did DJ -- I'm sorry. Did Daniel put the
17 car in reverse?

18 A Yes, he did.

19 Q What happened? Did y'all start backing out?

20 A We backed all the way out. Once he put the car in
21 reverse, we backed all the way up the road, you know,
22 going back up towards the way we came. He turned into the
23 Camelot, put the car in drive. And we sped on back around
24 to the Motel 6.

25 Q So let's go back to where you were screaming, Put it

1 in reverse. Where was Mr. Turner when you said, Put it in
2 reverse?

3 A I seen him standing in the middle of the road.

4 Q When you say "the middle of the road" --

5 A No, no. Well, when I told him to put it in reverse,
6 he was coming out, you know, from beside the Xterra, like,
7 standing in front of the car, like, walking up. And I
8 said, He got a gun. Put it in reverse. Put it in
9 reverse.

10 Q So what did he do -- what did Mr. Turner do while
11 DJ -- excuse me, Daniel was putting the car in reverse?

12 A He pulled the trigger. But the gun didn't go off.

13 Q So what did he do then?

14 A He re-cocked the gun, put it back up. And, you know,
15 by then, we was in reverse backing up. But I was looking
16 at him out the window standing in the middle of the road
17 just pow, pow. He was just shooting the gun.

18 Q As you were --

19 A As we was backing up, I could see him standing in the
20 middle of the road shooting the gun.

21 Q Did you ever hear anything hit the car?

22 A I heard something hit the car, but I can't recall,
23 like, how many hits it was.

24 Q But when you heard something hit, what did you think?

25 A I thought Nachrisha was hit because she fell over in

1 the seat.

2 Q What did you do when she fell over in the seat?

3 A I mean, I panicked. I really panicked. Because I
4 thought she was hit the way she fell over. But I think
5 she was falling over to try to stay out the way. But I
6 thought she had been hit by a bullet.

7 Q As you were driving away, where did y'all go?

8 A We went to the very back of the Motel 6.

9 Q What happened when y'all got to the back of the Motel
10 6?

11 A I mean, I got out of the car. I was trying to calm
12 myself down. And I can't remember who called 911 first,
13 if it was Nachrisha or DJ. But I know they did make 911
14 calls.

15 Q What happened after you made 911 calls?

16 A DJ called Christine back and she was, like,
17 screaming, or whatever. And DJ was like, I got to go back
18 and get my sister. And at first, I was like, No, no. And
19 he was like, I don't care. I got to go get my sister.

20 Q And where did y'all go?

21 A We went back around. And while we was going around,
22 I told him, I said, You stay out -- you know, you stay in
23 the car. I'll go get her. We pulled -- he pulled into
24 the Camelot parking lot, that first entrance up there.

25 Q Yeah.

1 A And I got out of the car and I walked up. She was
2 walking towards the -- DJ was saying, Come on, Chris, come
3 on, Chris, I'm here. I was walking up towards her. She
4 didn't realize it was me. So she was, like, swinging at
5 me because she couldn't see, I guess. And I was telling
6 her, This is Kim. This is Kim. I come to get you. I
7 come to get you and take you to safety.

8 And I got her back to the car, put her in the car.
9 And I -- you know, I stood on the outside so she could sit
10 in. And by then, the police and everybody pulled up.

11 Q Why did you volunteer to go?

12 A I mean, because I felt like he was already trying to
13 shoot at DJ, you know, directly. So I was just like, You
14 just stay here because I didn't know -- I mean, I just
15 decided to go get her.

16 Q I mean, were you a big part of that beef that
17 happened, that incident that happened, or anything?

18 A No. I never had a problem with Eugene. I never had
19 any issues with him.

20 Q I mean, if -- I mean, did you think there was a less
21 chance that if he saw you that he might do something to
22 you?

23 A I didn't think he would have.

24 Q But, I mean, you took the chance and you went down
25 there and you got her?

1 A Yeah.

2 Q And you got her back?

3 A Yeah.

4 Q She didn't recognize you when you got down there?

5 A No, she didn't. I mean, it was like she couldn't
6 see --

7 Q How long has she been knowing you?

8 A It was like she couldn't see, like, something was --
9 I don't know if dirt was in her eyes, or what. But it was
10 like she couldn't see.

11 Q So you went for her and she started fighting you?

12 A Yeah. She was like -- I had to tell her it was me,
13 that I was coming to get her to take her to the car.

14 Q All right. So is that where y'all stayed until law
15 enforcement and the ambulance came?

16 A Yes, we did.

17 Q So you went -- you stayed there. Did anybody come
18 and ask you questions?

19 A Once the police got there?

20 Q Yes.

21 A Yeah.

22 Q Did you talk with them?

23 A I talked to a police officer and gave my statement.

24 Q And when -- when you were in the Dugout parking lot
25 and backing up and having -- when you were in the parking

1 lot and there was backing and he was firing, did you think
2 Mr. Turner was trying to kill you?

3 A I mean, at that point, yeah, I did. I mean, he was
4 backing out and he was still shooting at the car. He was
5 shooting a gun. It's a possibility he could kill
6 somebody.

7 Q And you said he was in the middle of the road firing
8 that weapon?

9 A Yes.

10 MR. SMITH: Judge, if I can have one moment.

11 (Pause.)

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

13 THE COURT: Cross-examination.

14 CROSS-EXAMINATION

15 BY MR. GRUBBS:

16 Q Good afternoon, Ms. Pickens.

17 A Hey.

18 Q Is it already evening? It's been a long day.

19 So you were in the car when Mr. Stokes went to go get
20 his sister?

21 A Yes, I was.

22 Q We've established that; right?

23 A Yes.

24 Q And remind me -- someone else testified earlier. But
25 remind me where you were sitting in the car?

1 A I think I was behind DJ and Nachrisha was behind...

2 Q Okay. Then you pulled into the parking lot; right?

3 A Yes.

4 Q And it's not a very well lit parking lot?

5 A I mean, you could say that, but it's lit enough.

6 Q It was dark. It was near midnight at this point;
7 right?

8 A Yes.

9 Q And you say that you see Eugene by the driver's side
10 rear of the white Xterra; correct?

11 A Yes.

12 Q And that was after you pulled into the parking lot?

13 A Yes.

14 Q And you identified him by some clothing he was
15 wearing at the time?

16 A Yes.

17 Q But it was dark outside; right?

18 A Yes, it was.

19 Q So then were you able to identify him because the
20 headlights were pointing at him?

21 A I'm sure that's probably it.

22 Q You said he was on the phone?

23 A Yes, he was.

24 Q Your statement never said that you saw him get off
25 the phone; right?

1 A If it didn't say that, it didn't say that. I said
2 what was first and clear in my mind that night.

3 Q Sure. Would you like a chance to review your
4 statement?

5 A I can look at it.

6 Q Sure.

7 A Okay.

8 Q So after reviewing the statement, you never said he
9 got off of the phone at any point?

10 A No, it doesn't.

11 Q Your statement doesn't say he dropped the phone at
12 any point?

13 A No, it doesn't.

14 Q In fact, your statement says that he appeared to be
15 on the phone. And then he reached into his pocket and he
16 pulled out a gun. That's what your statement says?

17 A Yes, it does.

18 Q And in the statement that you wrote and in the
19 interview that you gave with law enforcement, you never
20 said that Daniel Stokes was on the phone with Christine
21 when he was pulling into the parking lot; right?

22 A Pulling into what parking lot?

23 Q Into the Dugout parking lot.

24 A No. I never said that.

25 Q You never opened the door to the car during this

1 whole encounter; right?

2 A No, I did not.

3 Q And as you pulled into that parking lot with the
4 Xterra, that's on the right-hand side; right?

5 A Yes, it would be.

6 Q Okay. And just to refer back to State's Exhibit
7 No. 23. That's -- if you're pulling in to make a
8 right-hand turn into the Dugout, we're looking at the
9 right-hand side the of parking spaces; correct?

10 A That's correct.

11 Q And that's where Eugene was, according to your
12 statement?

13 A Yes.

14 Q You testified on direct that you got pretty close to
15 that white Xterra when you pulled in?

16 A Yes, we did.

17 Q During all this, do you know or do you have any
18 knowledge if anyone in the car ever tried to contact
19 Latoya inside the Dugout?

20 A Inside the car that I was in?

21 Q Right.

22 A No.

23 Q Or anyone else that may have been with Christine at
24 the party?

25 A No.

1 Q You testified that you thought that at the time
2 Eugene was trying to kill you in the car; right?

3 A I mean, he was shooting bullets at the car. So I
4 thought he was trying to kill all of us.

5 Q But then when you got out, you just testified that
6 you didn't think that Eugene was going to hurt you?

7 A I mean, Eugene -- I mean, I just walked up to get
8 her. Because, I mean, if I would have put my life on the
9 line, I just would have put it on the line. I just wanted
10 to help her out.

11 Q And so all this happened around 11:40 at night;
12 right?

13 A Yes.

14 Q And after it happened, you guys went to the Motel 6?

15 A Yes.

16 Q And that's the one that's around Bruce Road; correct?

17 A Yes, it is.

18 Q 224 Bruce Road, or something like that?

19 A Yes, it is.

20 Q And you stayed there together while you were awaiting
21 for law enforcement?

22 A I mean, we stayed there for a few minutes until DJ
23 called his sister -- Daniel called his sister. And she
24 was screaming. And he was like, I got to go back and get
25 my sister.

1 Q So you went back to the scene after that?

2 A Yeah. We pulled in up there at the top -- at the
3 Camelot parking.

4 Q And that's when you told your story to law enforcement?

5 A Yes.

6 MR. GRUBBS: Nothing further.

7 THE COURT: Redirect?

8 MR. SMITH: Yes, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. SMITH:

11 Q Ms. Pickens, I'm going to hand you something. Do you
12 recognize that?

13 A Yeah. This is my statement.

14 Q All right. Let me point something out to you here
15 and see if you can -- I think Mr. Grubbs asked you about
16 whether he was on the phone or not and whether that was in
17 your statement. Can you -- can you read from that point
18 right there?

19 A He appeared to be on the phone.

20 Q That's right. What does the next sentence say?

21 A He then reached into his pocket and pulled out a gun
22 black in color.

23 Q All right. That's fine.

24 So you did put in your statement that he appeared to
25 be on the phone and then he pulled out a gun?

1 A Yes, I did.

2 MR. SMITH: Judge, that's all I have.

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

4 MR. SMITH: Judge, may we approach?

5 (WHEREUPON, a bench conference was held.)

6 THE COURT: All right. We're -- evidently, he has
7 got to make some arrangements for the next witness. So
8 we're going to have a short break. We'll probably be here
9 until 5:00.

10 So don't discuss the case. And we'll bring you back
11 out in just a few minutes.

12 (WHEREUPON, the jury was excused from open court at
13 approximately 3:59 p.m.)

14 MR. SMITH: Judge, I do want to put something on the
15 record, if I can.

16 THE COURT: You can.

17 MR. SMITH: It came to my attention that one of the
18 jurors may have been asleep. And I would ask the deputy
19 who is in the courtroom to maybe tell me -- or tell the
20 Court what she saw and maybe what she told the person.

21 THE COURT: I think she just tapped her to wake her
22 up.

23 THE COURTROOM DEPUTY: That would be correct.

24 MR. SMITH: Well, can I ask how long she may have
25 observed her sleeping. Because, I mean, if she's sleeping

1 and she's missing testimony, I mean, we've got two other
2 jurors over there that are alternates that were awake.

3 MS. LIPINSKI: Your Honor, I think the foreperson, at
4 times, would do that. It's hard to tell with his glasses
5 on.

6 THE COURT: Well, I mean, it's, also, people can
7 close their eyes and still listen. We'll watch it from
8 here on out.

9 MR. SMITH: All right. Judge, I just wanted to put
10 it on the record.

11 Thank you.

12 And we're broke for about five minutes?

13 THE COURT: Yeah. Y'all just need to zip up your
14 presentations.

15 (WHEREUPON, a break was taken.)

16 (WHEREUPON, State's Exhibit No. 26 was marked for
17 identification only.)

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

19 MR. SMITH: Yes, Your Honor.

20 THE COURT: Is the Defense ready?

21 MR. GRUBBS: Yes, Your Honor.

22 THE COURT: Is the jury awake and ready?

23 THE BAILIFF: Yes, Judge.

24 THE COURT: Are we good at starting at 9:30 in the
25 morning? Do you think everything is moving along pretty

1 well?

2 MR. SMITH: Judge, I mean, if this is short, I -- I
3 still have another victim who's here that we can call as
4 well.

5 THE COURT: And if we have to break and --

6 MR. SMITH: No. We won't have to break.

7 THE COURT: I mean, if we have to break after your
8 testimony, that's fine. We want to get as much done as we
9 can up to the stroke of 5:00.

10 (WHEREUPON, the jury came into open court at
11 approximately 4:12 p.m.)

12 THE COURT: The State may call your next witness.

13 MR. SMITH: Yes, Your Honor. The State calls Shannon
14 McHale to the witness stand.

15 THE COURT: All right. Please come forward.

16 THE CLERK: If you would, please, put your left hand
17 on the Bible and raise your right hand.

18 WHEREUPON,

19 SHANNON MCHALE,
20 after first having been duly sworn, testified as follows:

21 THE CLERK: And, please, be seated.

22 And if you could, please, state your name for the
23 record.

24 THE WITNESS: Shannon McHale.

25 THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SMITH:

Q Who are you employed with, Ms. McHale?

A With the Greenville County Sheriff's Office.

Q All right. Do I call you deputy or investigator now?

A Investigator.

Q Investigator. All right. Where -- how are you employed with the Greenville County Sheriff's Office then?

A I am currently assigned to the Greenville County homicide unit as an investigator there.

Q And how long have you been with the homicide unit?

A Since fall of 2020.

Q All right. And back in 2017, what were your duties?

A I was a deputy on uniform patrol assigned to work calls for service.

Q And where was your patrol area at that time?

A Specifically, our area, it is beat area six, which is any area south of Greenville city between Mauldin Road to the county line south of Greenville and west of Augusta Road.

Q How long have you been with the Greenville County Sheriff's Office?

A I was employed in 2015.

Q As a uniform patrol deputy at the time, what were your duties?

1 A So our number one priority was responding to calls
2 for service. So that could be emergency calls, routine
3 calls, interact with the public, if any 911 -- so any 911
4 calls. And then, also, anything we would see that would
5 maybe stand out to us as we're responding or patrolling
6 our area.

7 Q If I were to call 911 and need help -- let's say that
8 I said, hey, somebody is shooting at me or somebody stole
9 my car and they're driving down the street, what would
10 happen? How would you get notice of that call?

11 A So the 911 call would go to our call takers, who's
12 the Greenville County dispatch. They would air that
13 information over the radio, specifically, usually assign
14 it to one specific deputy with additional deputies saying
15 that they would, also, respond as backup or if it needed a
16 larger response.

17 Q A larger response. Would it just go out to everybody
18 at that point?

19 A Yes. That would be called a BOLO, it would be across
20 all channels.

21 Q And when you receive that information, do you get
22 what is said into -- or is there some kind of code that
23 you get?

24 A So the Greenville County Sheriff's Office radio
25 traffic, it utilizes what's called 10 codes, which is

1 shortened information. And then, generally, they're going
2 to use these 10 codes and then just small amounts of
3 information to not tie up the radio traffic.

4 Q So in a case like this, if you recall, do you
5 remember what was responded to or given to you that night?

6 A I'm unable to recall. I know, generally, they would
7 say for 10 code purposes, something along the effects of
8 like a 1049 bravo, which is a gunshot call at a location.

9 Q All right. You weren't one of the original
10 responding officers right off the bat, were you?

11 A No.

12 Q Why did you show up at the scene?

13 A I believe I responded to the scene to provide
14 additional investigative assistance.

15 Q Okay. And when you say "investigative assistance,"
16 is that -- I mean, what would your duties be when you show
17 up at the scene?

18 A Generally, to aid and conduct -- finishing paperwork,
19 such as a victim's right form or taking statements from
20 potential witnesses or victims.

21 Q And did you do that in this case?

22 A Yes.

23 Q So when you arrived on scene, do you know -- what was
24 the first thing that you did, if you recall?

25 A I can't recall, specifically, what was the first

1 thing I did.

2 Q All right. Did you -- do you know where you -- when
3 you arrived, where you parked your car?

4 A I believe it would -- I would have either parked on
5 Woodmede or at Woodmede and Bruce Road.

6 Q Okay. That's where the intersection -- Woodmede is
7 the road leading into where the Dugout is?

8 A Yes.

9 Q And Bruce is the Frontage Road?

10 A Yes.

11 Q And would you have gone to the scene?

12 A Yeah. I would have approached, walked up to the
13 scene. More than likely, I would have either spoken to
14 who was either the on-scene commanding officer or if
15 someone, specifically, was delegating roles, I would
16 contact them and figure out what needed to be done.

17 Q All right. And when you arrived on scene, did they
18 give you some information to do?

19 A It was requested that I interview two of the victims.

20 Q And did you do that?

21 A Yes.

22 Q Do you recall which two victims that you interviewed?

23 A Ms. Kimberly Pickens and Ms. -- I apologize,
24 Ms. Rosemond, Nachrisha. I'm going to mispronounce that
25 first name. I apologize.

1 Q So Ms. Rosemond and Ms. Pickens?

2 A Yes.

3 Q And you took their statements?

4 A Yes.

5 Q And were you wearing a body cam at that time?

6 A Yes.

7 Q And so tell me about the body cam. It was 2017?

8 A Yes.

9 Q What -- how many times had you been wearing a body
10 cam or -- or -- before 2017?

11 A Around 2016, 2017 is when we started introducing body
12 cameras. They were, actually, initially, issued out at
13 a -- in a limited availability. So just a few people at a
14 time were getting them at first, primarily, uniform
15 patrol.

16 Q And how did you set those things up when you --
17 strike that.

18 Did you have batteries in those things?

19 A They had to be charged.

20 Q How did you charge them?

21 A I can't recall the specific one. But, generally, it
22 requires a cable that would hook up to it. Some of the
23 models were magnetic, some of them weren't. Or we would
24 take it off and have to put it in a specific docking
25 system.

1 Q Okay. You had yours on, though; right?

2 A Yes.

3 Q And you cut it on when you got to the scene?

4 A I did not cut it on when I responded to the scene --
5 or when I arrived on scene. I cut it on when I began
6 conducting the interviews.

7 Q And did you have it on for all or, at least, part of
8 Ms. Pickens statement?

9 A If I didn't have it on for the full length of it, I
10 put it on very quickly after realizing I needed to have it
11 on.

12 Q So you took her statement?

13 A Yes.

14 Q And then you took Ms. Rosemond's statement?

15 A Yes.

16 Q Did you ever go down to the scene where the shell
17 casings were?

18 A Yes.

19 Q Did you ever walk up to, like, where the Dugout was
20 at any point in time, if you recall?

21 A I can't recall, specifically, if I walked all the way
22 up to the Dugout. But I did walk into that area.

23 Q All right. And what did you do when you went down to
24 the scene where the shell casings were?

25 A I conducted a quick walk-through of the area, just

1 looked through. And, actually, I did end up noticing a
2 shell casing opposite the roadway in a gravel dirt parking
3 area across from the Dugout and notified on scene deputies
4 to mark that as evidence.

5 Q And so was it marked?

6 A Yes.

7 Q And did you kind of hang out there for a little bit?

8 A At that specific area or at the Dugout, in general?

9 Q Well, down at that area where the shell casings were
10 found?

11 A I believe I was there for a little bit of time.

12 Q Was there a discussion about whether forensics was,
13 actually, going to come out or not?

14 A Quite possibly, yes.

15 Q All right. But, I mean, forensics did show up, if
16 you're aware?

17 A Yes.

18 Q All right. What, if anything, did you do after you
19 left where the shell casings were?

20 A I can't recall. I know I located that shell casing.
21 And I conducted the two interviews. I just don't know
22 recall which one might have happened first.

23 Q All right. I'm going to show you what's been marked
24 as State's Exhibit No. 26. I know we had reviewed this in
25 anticipation of your testimony. What is that?

1 A It's a DVD marked McHale -- or BWC, which is short
2 for body-worn camera.

3 Q And does that disk contain your interview with
4 Ms. Pickens and Ms. Rosemond?

5 A I believe so.

6 Q And, I mean, have you -- I mean, you've got your
7 initials on that?

8 A Yes.

9 MR. SMITH: Judge, I ask that that be moved into
10 evidence as State's Exhibit No. 26.

11 THE COURT: Any objection?

12 MR. GRUBBS: Without objection.

13 THE COURT: All right.

14 (WHEREUPON, State's Exhibit No. 26 was admitted into
15 evidence.)

16 BY MR. SMITH:

17 Q When you're taking a statement from people, do you
18 write every single thing down?

19 A No.

20 Q What do you write down when you take a statement?

21 A Generally, when we take a statement, people are
22 talking. We're going to try and get enough to establish
23 the probable cause, get all of the -- essentially, what
24 happened without getting too detailed.

25 People talk. It could be a 20-minute -- or 20-page

1 statement when it's only necessary to have five pages in
2 there. But we document who's involved, where it occurred,
3 what, specifically, happened. But we won't have every
4 word-for-word written down.

5 Q I mean, just like your supplemental report. What's
6 your supplemental report?

7 A A supplemental report is a report done to the
8 original report. It just shows -- it documents what we
9 did and what our involvement is. But it's like a big
10 outline -- not big, but it's an outline of what occurred.

11 Q And is everything that you did in that report?

12 A Not always.

13 Q Okay. I mean, is it used to jog your memory?

14 A Yes. It's used to document what occurred and help us
15 rely on that later when we go to testify.

16 Q So if -- if -- same with the statement. I mean, is
17 it just used to jog somebody's memory for the most part?

18 A As well as document -- yes, as well as document what
19 happened out there, which is kind of used to, also, jog
20 the memory, yeah.

21 Q Well, we're fortunate now that we do have some body
22 cams. So if someone says they left something out, it
23 might be on the body cams themselves; right?

24 A Yes.

25 Q I mean, if it was working and working properly?

1 A Yes.

2 Q Let me ask you, you've been a deputy for how long?

3 A Seven years.

4 Q Seven years. I don't think I've asked this yet, but
5 where is the Dugout?

6 A It's at 24 Woodmede Road or Drive.

7 Q All right. Is that in Greenville County?

8 A Yes.

9 Q So where this incident took place is, actually, in
10 Greenville County?

11 A Yes, sir.

12 Q I mean, you wouldn't have responded had it not been;
13 right?

14 A Correct.

15 Q Unless it was on the line or something and there was
16 just a dispute?

17 A Yeah.

18 Q Okay. You were at the scene; right?

19 A Yes.

20 Q I'm going to hand you what's been previously marked
21 as State's Exhibit Nos. 1 through 11, and ask if you can
22 identify those pictures for me?

23 MS. LIPINSKI: If we could see what he's handing the
24 witness, Your Honor.

25 MR. SMITH: I'll do that.

1 Well, for the record, we did show it to Mr. Grubbs
2 yesterday.

3 MS. LIPINSKI: He did, Your Honor. We've seen most
4 of these. I just wanted to know what photographs he was
5 showing.

6 Thank you, Your Honor.

7 (Pause.)

8 MS. LIPINSKI: Thank you, Your Honor.

9 BY MR. SMITH:

10 Q All right. I'm going to hand those back to you. Can
11 you tell me what those appear to be?

12 A Okay. These photographs appear to be of -- they're
13 crime scene photos taken from the Dugout.

14 Q Okay. Do those photos appear to be the scene as it
15 existed that night?

16 A To my recollection, yes.

17 Q All right. And do they accurately reflect how the
18 scene existed that night?

19 A To my recollection, yes.

20 Q Now, I know that there's some that have little yellow
21 cones and things like that in those photos. Do you --
22 were you there when those little yellow cones were placed
23 out?

24 A I was on scene. I wasn't, specifically, standing
25 right there -- or, to my recollection, I don't believe I

1 was standing right there as the cones were being placed.

2 But I was there, yes.

3 Q Okay. Well, I'm going to put these up on --

4 THE COURT: Hold on. Have you -- are there exhibit
5 numbers?

6 MR. SMITH: Yes, Your Honor. I've got -- right now,
7 I think -- they're for identification purposes only right
8 now.

9 THE COURT: Any objection?

10 MS. LIPINSKI: If they're only for ID, then I object
11 to him putting them in front of the jury. I think he's
12 got to move them in if he's going to publish them.

13 MR. SMITH: Well, I mean --

14 THE COURT: Is there any objection to the --

15 MR. SMITH: I can move them in. But, I mean, I've
16 got -- I've got the forensics officer coming that took the
17 pictures.

18 MS. LIPINSKI: Then he can show them to the jury then
19 when he puts them in. It's not a demonstrative aid. It
20 is a piece of evidence that has to be authenticated and
21 moved into evidence prior to publishing them to the jury.

22 MR. SMITH: She's already said that she can identify
23 what --

24 THE COURT: Well, are you going to move them into
25 evidence or not?

1 MR. SMITH: Well, I'll move them into evidence as
2 State's Exhibits.

3 THE COURT: Any objection?

4 MS. LIPINSKI: No.

5 THE COURT: We have to go through the process,
6 Mr. Smith.

7 MR. SMITH: I'll move them in as State's Exhibit
8 Nos. 1 through 11.

9 (WHEREUPON, State's Exhibit Nos. 1, 2, 3, 4, 5, 6, 7,
10 8, 9, 10 and 11 were admitted into evidence.)

11 BY MR. SMITH:

12 Q Investigator McHale, what does that appear to be?
13 We're looking at State's Exhibit No. 1.

14 A It's a photograph of the parking lot and the Dugout.

15 Q All right. And now, State's Exhibit No. 2?

16 A Again, of the parking lot and the Dugout.

17 Q And State's Exhibit --

18 THE BAILIFF: These are not on.

19 THE COURT: Hold on. Let's see.

20 We may have to turn them on up there then.

21 UNIDENTIFIED JUROR: They're on now.

22 THE COURT: They're on now?

23 UNIDENTIFIED JUROR: They're coming on now.

24 THE COURT: I think somebody willed that because
25 nobody did anything. But they are on?

1 UNIDENTIFIED JUROR: They're coming on now.

2 THE BAILIFF: They're coming up now.

3 BY MR. SMITH:

4 Q So, once again, Investigator McHale, what we're
5 looking at is State's Exhibit No. 1. What does that
6 appear to be?

7 A It's a photograph of the parking lot and Dugout.

8 Q And that's the -- the Dugout is -- that's the front
9 of the Dugout?

10 A Yes, standing on the left side facing.

11 Q So what does that appear to be?

12 A It's, again, a photograph of the parking lot and
13 Dugout, just a little farther back into the parking lot.

14 Q All right. And State's Exhibit No. 3? Let me turn
15 it like that.

16 A It's a photograph of Woodmede Way, specifically,
17 these little -- a green washer and pieces of tape. Those
18 are used to note where spent shell casings are in the
19 roadway.

20 Q Some people use those and some people use other
21 things to mark?

22 A Yeah. These are all brought in by deputies just to
23 indicate where they are before forensics shows up. So it
24 helps us remember where they were and, more specifically,
25 so we don't accidentally trot on them, move them, or

1 something like that. It's just to make sure we notice
2 where they are.

3 Q And -- all right. So looking at this, I see some
4 yellow tape. What is that?

5 A Crime scene tape.

6 Q So somebody had to put crime scene tape up -- there's
7 a -- if you're looking at number three, there's crime
8 scene tape on the left-hand side; is that right, of the
9 photo?

10 A Yes.

11 Q Do you see any crime scene tape on the right-hand
12 side?

13 A Yes.

14 Q Where is that?

15 A Uh --

16 Q If you need to step down and point up there, that's
17 fine.

18 A This photo specifically or --

19 Q No. That photo.

20 A Okay. So we have crime scene tape here. You can see
21 a little bit -- I don't want to fall -- right here by a
22 telephone pole and some guard wire. And then,
23 additionally, going across farther back across Woodmede.

24 Q All right. And on the -- on the photograph, you've
25 said there was some reflective tape with washers?

1 A So these items here and, actually, if you see this
2 white square or rectangle here and here, those are -- I
3 believe they would probably be our sheriff's office
4 business cards that are all used. But these are items
5 used by deputies to mark where shell casings would be.

6 Q So there were shell casings where these things are?

7 A Yes.

8 Q All right. This is number four. What does that
9 appear to be?

10 A Again, this is the gravel lot parking area across
11 from Woodmede Way -- or across from the Dugout on the
12 other side of Woodmede Way. There's a vehicle parked
13 there. And, again, another sheriff's office business card
14 and washer is where a shell casing would be.

15 Q I think that's the one you, actually, found; right?

16 A Yes.

17 Q This is State's Exhibit No. 5. And what does this
18 picture show?

19 A So this is after the forensics would have shown up
20 and placed those placards down. This would be -- for the
21 person taking the photograph, they would be standing
22 almost near closer towards where that telephone pole was.

23 So they would have been on the right side of Woodmede
24 Way facing down away from 85. And it's encompassing the
25 different shell casings in that, again, gravel area.

1 Q All right. So the gravel area where that car or the
2 SUV is in the background, if we look back at the other
3 picture, State's Exhibit No. 4, that's the picture of the
4 SUV with the one in the gravel?

5 A Yes.

6 Q All right. And so we see that there. So if you're
7 looking at this picture, where would the Dugout be?

8 A On this specific photo, it would be towards our
9 right.

10 Q Towards the right?

11 A Yes.

12 Q Across the road?

13 A Yes.

14 Q All right. State's Exhibit No. 6, what does that
15 appear to be?

16 A Spent shell casing.

17 Q All right. State's Exhibit No. 7?

18 A Two spent shell casings.

19 Q State's Exhibit No. 8?

20 A Another spent shell casing.

21 Q State's Exhibit No. 9?

22 A Another spent shell casing.

23 Q State's Exhibit No. 10?

24 A A spent shell casing.

25 Q And State's Exhibit 11?

1 A A spent shell casing.

2 MR. SMITH: Judge, if I may have one second.

3 (Pause.)

4 MR. SMITH: Judge, that's all I have.

5 THE COURT: All right. Cross-examination.

6 CROSS-EXAMINATION

7 BY MS. LIPINSKI:

8 Q Investigator McHale; right?

9 A Yes.

10 Q And, obviously, since some distance has passed prior
11 to you coming here to testify today, you would have met
12 with Mr. Smith?

13 A Yes.

14 Q And you would have had the opportunity to review your
15 report?

16 A Yes.

17 Q And review your body cam footage?

18 A Yes.

19 Q And that helps you because you go out on a lot of
20 calls every night. And that helps you kind of jog your
21 memory, as you said; right?

22 A Yes.

23 Q But, nonetheless, you understand that because you go
24 out to these multiple calls, it is important that you get
25 sufficient details in these reports so that it can jog

1 your memory; right? You don't want just a general idea of
2 what's going on. You want specifics that you were able to
3 determine; correct?

4 A Yes.

5 Q All right. And not only for yourself and your own
6 recollection, but you stated, as an investigator,
7 obviously, you're not always called out to the scene
8 sometimes; correct?

9 A Correct.

10 Q And, sometimes, there's multiple crime scenes; right?

11 A Yes.

12 Q So some of you might go to crime scene A and some of
13 you might go to crime scene B. But now in your new role
14 as an investigator, something that you do is you go over
15 these reports; right? And it helps you learn things you
16 might not have observed on your own?

17 A Yes.

18 Q All right. And that's why it is important to get the
19 requisite detail in these reports; correct?

20 A Yes.

21 Q All right. And so on incident -- one second. I
22 might have it. I have it.

23 You did approximately a three-page report in this
24 case; correct?

25 A Yes.

1 Q All right. And can I show that to you?

2 A Yeah.

3 Q And do you put anywhere in your supplemental report
4 that you're the one that locates shell casing number
5 seven?

6 A No.

7 Q No?

8 A No, ma'am.

9 Q Do you say I located a shell casing, but I don't know
10 what number it is?

11 A No, ma'am.

12 Q You do understand the importance of the chain of
13 custody; correct?

14 A Yes, ma'am.

15 Q And who finds evidence is very important to that;
16 right?

17 A Yes, ma'am.

18 Q And so you did not put in your report that you found
19 a shell casing?

20 A No, ma'am.

21 Q Is it fair to say that the first kind of two pages of
22 your report is, basically, this automatic information that
23 the guy who has to write the big report puts in?

24 A Yes.

25 Q Right. Because someone goes in and gets all the

1 information from the witness, but they don't make all of
2 you type that; correct?

3 A Correct.

4 Q Because, thank God, y'all would be typing all night.
5 You wouldn't be able to write reports; right?

6 A Correct.

7 Q So you do write, basically, this Page 3 as the main
8 portion of your report?

9 A Yes, ma'am.

10 Q And it, basically, summarizes what you've already
11 testified to, that you took a statement from Ms. Pickens
12 and you took a statement from Ms. Rosemond; correct?

13 A Yes.

14 Q And then let's look at these pictures Mr. Smith
15 showed you. I just have a few quick questions for you.
16 I'm going to skip ahead, but we'll drive back. If you
17 would look at State's Exhibit No. 2; right?

18 A Uh-huh.

19 Q This is, basically, taken from this far side of the
20 Dugout looking back towards the front door; correct?

21 A Correct.

22 Q But every -- so this is kind of a horseshoe parking
23 lot; is that fair to say?

24 A Yes.

25 Q All right. So we're over here on the non-activity

1 side taking that picture; correct?

2 A Yes.

3 Q You don't talk to anybody that says anything happens
4 over here?

5 A No.

6 Q Right. Everything happens on the side closest to --
7 is this -- what is this, the Camelot I think they call it?

8 A Yes.

9 Q But for some reason, we're taking a picture over
10 here; correct? I know you didn't take the pictures.

11 A Okay.

12 Q But you understand that that's why officers talk to
13 forensics and tell them what kind of pictures to take;
14 right?

15 A Correct.

16 Q We don't just guess, you know, have at it, go take as
17 many pictures as you can. I hope you get what you need.
18 You tell them -- you know, you kind of all jumble together
19 and tell them what happened; right?

20 A Yes.

21 Q So then we have a picture of State's Exhibit No. 1,
22 also, from this side of the parking lot again; right?

23 A Yes.

24 Q Is this -- but there appears to be some light on the
25 ground; right?

1 A Yes.

2 Q That's not a street light. That's probably some
3 forensic officer's car parked in that direction or maybe
4 some other car?

5 A I wouldn't know the source of that light.

6 Q All right. But that's not the parking lot light.
7 The Dugout has got a fairly dark parking lot; correct?

8 A From what I can recall, yes.

9 Q All right. You don't see any lights in these
10 pictures?

11 A Correct.

12 Q All right. And then let me show you just so we're
13 clear, State's Exhibit Nos. 4 and 5. This isn't that
14 Yukon. It's a white Ford something; right?

15 A Yukon? Or -- bear with me.

16 Q Okay. When you talked to Kim Pickens and Nachrisha,
17 they're, more or less, standing around this Yukon that was
18 involved in this incident; correct?

19 A Yes. Correct.

20 Q That's not this car?

21 A That is not the victim vehicle.

22 Q Okay. There we go. And then State's Exhibit Nos.
23 6, 7, 8, and 9 are a bunch of shell casings, and that kind
24 of thing; correct?

25 A Correct.

1 Q And then you say there's this crime scene that kind
2 of shows this kind of triangle; right?

3 A Correct.

4 Q And I believe that when you're talking to them,
5 you're over here by the Camelot; correct?

6 A I don't know -- I can't recall, specifically, where.
7 I know I was in front of the Camelot.

8 Q All right. But you had the opportunity to review
9 your body cam?

10 A Yes.

11 Q And if on the body cam you can see -- there's a big
12 round circle thing; right?

13 A Yes.

14 Q Where you can see this vestibule where you pull in
15 and park, check into the parking lot; right?

16 A Yes.

17 Q And for that to be visible, you've kind of got to be
18 over here; right?

19 A On Woodmede in front of that area, yes.

20 Q Right. Not, specifically, where you are, but in that
21 general location?

22 A Yes.

23 Q Right. And, as a matter of fact, at some point on
24 your body worn camera, Camelot has some kind of -- I call
25 them running cops, but a security guy; right?

1 A Yes.

2 Q And he, actually, comes up and says, Could I pull out
3 this way as long as I don't go this way? And you two kind
4 of have that conversation?

5 A Yes.

6 Q So they have a security guy there; right?

7 A They do have a security guard. And he was there at
8 that time, yes.

9 Q As a matter of fact, you even make some kind of
10 comment like, I'm glad they changed the contract because
11 the last company they had was not really something -- i
12 don't know, something to that effect; right?

13 A (There was no verbal response.)

14 Q Do you ever stop him and ask him what he saw or
15 heard?

16 A No.

17 Q No?

18 A No.

19 Q All right. But you took statements from the people.
20 And they say they kind of backed into this general area,
21 passed it or drove past it; right?

22 A Both victims stated they drove down Woodmede towards
23 Bruce Road, 224 Bruce Road, so they did drive past it,
24 yes.

25 Q And we don't talk to this guy?

1 A No.

2 Q Even though he comes up to you and you, at least,
3 have a conversation about where to go?

4 A About where he can drive off, yes, ma'am.

5 Q Do you ask him about cameras?

6 A No.

7 Q No?

8 A No, ma'am.

9 Q But you're familiar enough with this to know that
10 they do have a contract service and who their contacts
11 are; right?

12 A Yes.

13 Q So you have a relationship with them; right?

14 A Yes.

15 Q So you could have asked him for camera footage?

16 A It -- yes.

17 Q And you didn't?

18 A No.

19 Q All right. Then you walk around for a little while.
20 You stated that you walked down into the Dugout parking
21 lot. You don't remember how far; right?

22 A Correct.

23 Q You don't go into the Dugout?

24 A No, ma'am.

25 Q Are you one of the people down there that are like

1 some people on body cam with flashlights and you're trying
2 to find shell casings, and stuff like that?

3 A Possibly, yes, ma'am.

4 Q Okay. And that's one of those things. Because at
5 some point, based on the witnesses statements you took,
6 there's kind of an initial encounter and then the vehicle
7 travels somewhere and then there may be other encounters;
8 right?

9 A Sorry. Can you just --

10 Q It doesn't happen all at one static location; right?

11 A Correct.

12 Q The car is moving during the altercation?

13 A Yes, ma'am.

14 Q Correct?

15 A Yes.

16 Q As a matter of fact, were you aware that there was an
17 original 911 caller saying that there was someone shooting
18 from the Yukon?

19 A No, ma'am.

20 Q But that would be information that dispatch would
21 give you; correct?

22 A I can't recall. I don't know. It's possible, yes,
23 but...

24 Q All right. But that's something dispatch does put
25 out over the radio. I mean, you, as an investigator, like

1 to pull up on a scene and not -- know that a car has been
2 alleged to have been -- someone shooting out of that car;
3 right?

4 A Usually, dispatch would air that over the radio. But
5 I don't know in this scenario.

6 Q I understand you don't know. But that is
7 something -- you said at one point, I believe, when
8 Mr. Smith was asking you just kind of general protocol
9 questions, we can't put everything out over 911, because,
10 you know, then nobody would ever -- you guys wouldn't
11 talk, it would just be the 911 operators talking the whole
12 time; right?

13 A Yes.

14 Q But they are committed to alerting you if someone has
15 a gun in a car because that impacts officer safety?

16 A Yes.

17 Q So that is -- if we're not going to put out a whole
18 lot of detail, we're going to, at least, get that detail
19 out there; right?

20 A Yes.

21 Q And nobody ever told you that; correct?

22 A Correct.

23 Q You never patted anyone down for weapons?

24 A No.

25 Q You never asked anybody if they had weapons on them?

1 A No.

2 Q You never went inside the vehicle, even though you
3 stood next to it for a lot of your time there; correct?

4 A Correct.

5 Q You never shown your light in the car; correct?

6 A Correct.

7 Q Even though you know this vehicle had been shot at;
8 correct?

9 A Correct.

10 Q Do you ever go around the car like a whole 360-degree
11 view of the car; right?

12 A Not to my recollection, no.

13 Q You, basically, have the victim saying there's some
14 damage here at the front passenger, some damage here at
15 the rear and that's it, we're done; right?

16 A Yes.

17 Q But you have been involved in investigations where
18 sometimes they don't even find all the damage; right?

19 A Correct.

20 Q And that's why you need to do your own investigation.
21 We just don't take what the victim is saying and go at it;
22 correct?

23 A Correct.

24 Q Especially in a case like this where we're not
25 recovering projectiles from the car; correct?

1 A Correct.

2 Q All right. And then when they describe to you that
3 the victim -- the vehicle had been the target of this
4 shooting -- I'll hand you back your -- and you talked to,
5 I believe, kind of the two people; right?

6 A Yes.

7 Q Where in your report does it say who was sitting
8 where?

9 A It doesn't.

10 Q Where does it say the two people you talked to were
11 sitting?

12 A It doesn't. They were sitting inside the vehicle.

13 Q But you didn't think it was important where?

14 A No, ma'am. I --

15 Q What if they were laying down in the back?

16 A It was not documented.

17 Q What was not documented?

18 A Where they were sitting.

19 Q You didn't even document the two people you talked
20 to?

21 A I documented that I spoke with Ms. Kimberly and
22 Ms. Rosemond in my report.

23 Q Right. But isn't it important when we're talking to
24 a witness to find out what their vantage point is;
25 correct?

1 A Correct.

2 Q Because sometimes some witnesses can see things
3 others don't. As a matter of fact, that's more often the
4 case; right?

5 A (There was no verbal response.)

6 Q So where they were in the vehicle might be a
7 significant detail you ought to have included in the
8 report; fair to say?

9 A Yes, ma'am.

10 Q All right. You had a chance to look at those two
11 statements you took from them?

12 A Yes, ma'am.

13 Q All right. And I'm not going to go into the details
14 of what they said. I just want to ask you just generally
15 about them. All right. Ms. Pickens gives a one-page
16 statement; correct?

17 A Correct.

18 Q There's not a limit. We don't tell witnesses, tell
19 me everything you know in one page; right?

20 A Correct.

21 Q If they keep going, you keep writing; right?

22 A Yes.

23 Q And you tell them at the end before they sign it, if
24 you've left anything out, if you think there's anything
25 important, anything you want to scratch out, anything you

1 want to add, you give them that opportunity; correct?

2 A Correct.

3 Q As a matter of fact -- and I could be wrong because I
4 ain't no handwriting expert. But this where it says, This
5 is my statement, is that Ms. Pickens? Because that
6 handwriting kind of changes.

7 A Yes.

8 Q Okay. And then you, also, take a statement from
9 Ms. Rosemond; right? Neither one of us will insult her by
10 getting her first name right, but we'll go with that. And
11 she, actually, does give kind of a two-page statement;
12 right?

13 A Correct. Yes.

14 Q Well, a page and a quarter, but we use two pages?

15 A Yes.

16 Q And it's indicated, like, Page 1 of 2 and that kind
17 of thing on it?

18 A Uh-huh.

19 Q And, again, I think this is -- is this still your
20 handwriting, This is my statement, or is that in hers,
21 too?

22 A Hers.

23 Q Hers. But, again, you would have given her that same
24 opportunity to say if there's anything I've left out,
25 anything you think is important, I can write it, we can

1 add it; right? It's important that we get these details
2 down; correct?

3 A Correct.

4 Q All right. And when you reviewed the body-cam
5 footage, did you watch it all the way to the end?

6 A I believe so.

7 Q All right. Do you remember at about the 28-minute
8 mark, you tell another officer to make sure to include
9 that they were in fear for their life just like you do in
10 DV cases?

11 A Yes.

12 MS. LIPINSKI: That is all we have of this witness.

13 THE COURT: Redirect.

14 REDIRECT EXAMINATION

15 BY MR. SMITH:

16 Q Did you ask them if they were in fear of their lives?

17 A I did.

18 Q And what did they tell you?

19 A Yes. They were in fear for their life.

20 Q Did you ask them what they saw?

21 A Yes.

22 Q Did they tell you what they saw?

23 A Yes.

24 Q And did -- so by them telling you what they saw, did
25 you believe that they were -- they had a vantage point to

1 see out of the vehicle?

2 A Yes.

3 Q As far as the shell casing is concerned, there were
4 plenty of officers out there that had body cams on as
5 well, didn't they?

6 A Yes.

7 Q All right. So if your body cam may not have been
8 working or you didn't put it in your report, a body cam
9 would probably show where you were at that time?

10 A I believe so.

11 Q All right. I mean, y'all were all standing around
12 that area; right?

13 A Yes.

14 Q Okay. So when you arrived on scene, once again, do
15 you just go off on your own and do whatever it is you want
16 to do investigating-wise?

17 A No. Upon arriving on scene, I would check in and see
18 what tasks needed to be delegated and taken care of.

19 Q So somebody delegated to you what to do?

20 A Yes.

21 Q And you did what they asked you to do?

22 A Yes.

23 Q And if you don't, you don't get to be a homicide
24 investigator; right?

25 A Correct.

1 Q As far as the camera footage at the Camelot, do you
2 know what angles those cameras show at the Camelot?

3 A Generally, the Camelot would focus towards their own
4 property. I know, specifically, they have cameras inside
5 their lobby and, possibly, on their own property. I don't
6 recall it going into the roadway at all.

7 Q As far as the -- the camera footage -- or excuse me,
8 the photographs, were you out there taking those
9 cameras -- or those pictures?

10 A No, sir.

11 Q Forensics shows up and does that; right?

12 A Yes, sir.

13 Q Okay. And were you out there at the time those
14 pictures were taken?

15 A I wasn't with him. I'm sure it was occurring at the
16 same time or I might have already left. I was not part of
17 that process.

18 Q You weren't one of the first officers on scene;
19 right?

20 A Correct.

21 Q So when you showed up, there were a bunch of people
22 already doing some other things?

23 A Yes.

24 Q And -- and you just kind of fell in?

25 A Yes.

1 Q So if there's a question about what you did, or what
2 was said, or anything else, I believe your body cam was
3 just put into evidence; right?

4 A Yes.

5 Q So the jury would have an opportunity to watch that
6 if that's what they want to do?

7 A Yes.

8 Q And any other officers that has been put into
9 evidence, they could watch that, too, if they want to?

10 A Yes.

11 MR. SMITH: Judge, that's all I have.

12 THE COURT: All right.

13 MS. LIPINSKI: Your Honor, could I ask one recross?
14 I promise I'll be brief. I've got seven minutes. I won't
15 even use all of it.

16 THE COURT: Six.

17 MS. LIPINSKI: Thank you.

18 RECROSS-EXAMINATION

19 BY MS. LIPINSKI:

20 Q Now, Mr. Smith asked you these questions about you
21 kind of know the general area of where the Camelot might
22 target. The front of this is still their property; right?
23 The front lobby area is still part of that hotel property;
24 correct?

25 A Yes.

1 Q And you know as an investigative officer that, at
2 times, even if it's trained on one area, a lot of times,
3 you can catch some pretty significant detail of things
4 kind of in the background, even if that's not the targeted
5 area of the camera; fair to say?

6 A So, specifically, as far as the lobby, that's, like,
7 the inside lobby. I can't recall where the cameras are
8 outside.

9 Q They could have had cameras outside, but nobody went
10 to look; right?

11 A Correct.

12 MS. LIPINSKI: That's all I have.

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

14 All right. Ladies and gentlemen, that's our final
15 schedule [sic]. We will break for the day. And we'll
16 start back at 9:30.

17 Is 9:30 good with everyone?

18 (WHEREUPON, the jurors indicated in the affirmative.)

19 THE COURT: Do not discuss the case among yourselves
20 or with anyone else. Do not do any type of research about
21 anything related to this case. Do not pay any attention
22 to any media coverage, if there's any out there. And if
23 anyone contacts you, other than someone from the clerk's
24 office, please, let the bailiffs know.

25 Otherwise, we'll see you in the morning. Y'all have

1 a good evening.

2 (WHEREUPON, the jury was excused from open court at
3 approximately 4:54 p.m.)

4 THE COURT: All right. Anything else from the State?

5 MR. SMITH: No, Your Honor.

6 THE COURT: Anything else from the Defense?

7 MR. GRUBBS: No, Your Honor.

8 THE COURT: All right. We'll see you in the morning.

9 *****END OF TRANSCRIPT OF RECORD*****
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 6th and 7th days of September, 2022.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

March 13, 2023

Hollie M. Jenkins, Court Reporter